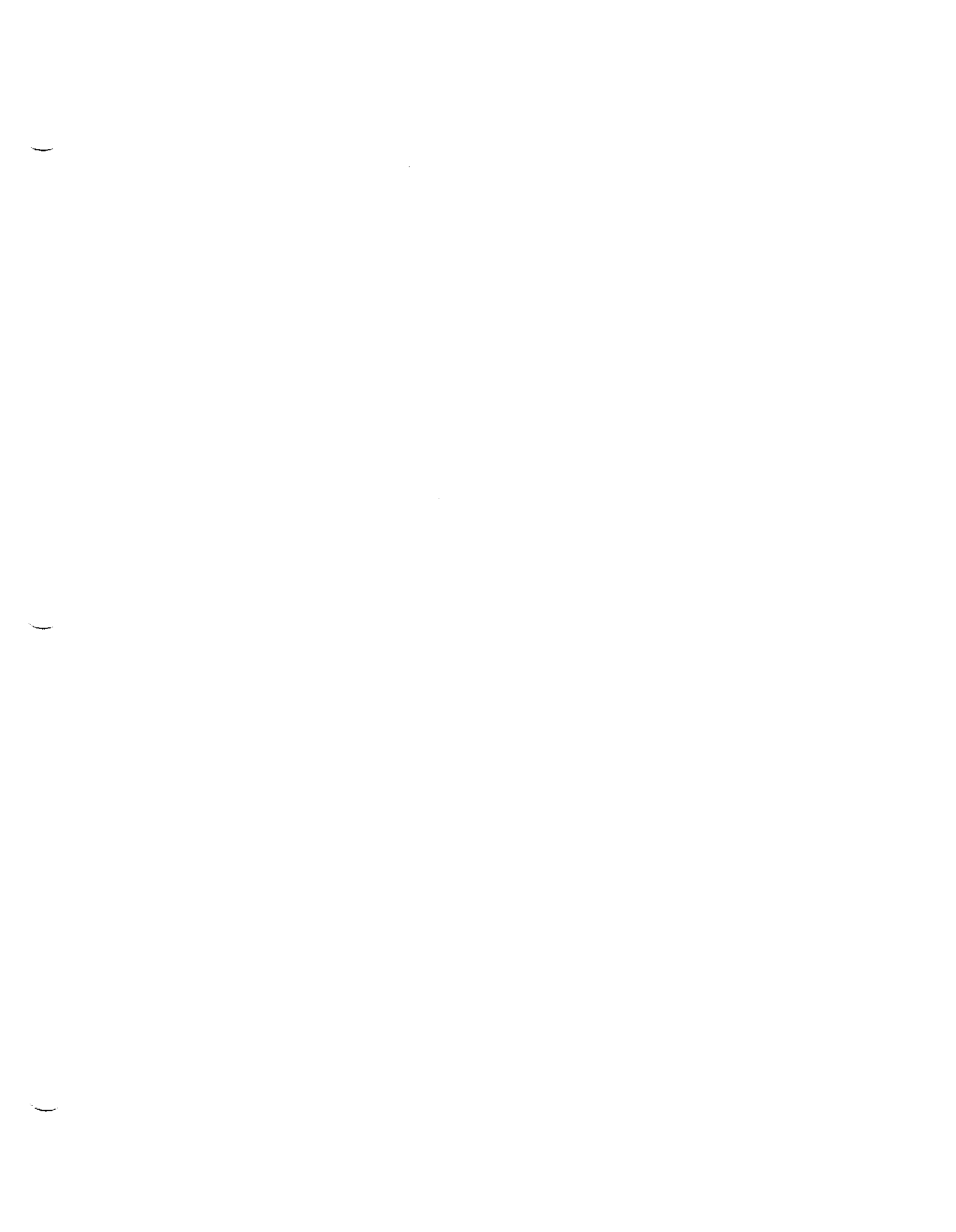


TITLE 1
ADMINISTRATION

Subject	Chapter
Official Village Code	1
Saving Clause	2
Definitions	3
General Penalty	4
Village President And Board Of Trustees	5
Prevailing Wage	6
State Officials And Employees Ethics Act	7



CHAPTER 1
OFFICIAL VILLAGE CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of Annawan. This Village Code of ordinances shall be known and cited as the *ANNAWAN VILLAGE CODE* and is hereby published by authority of the Board of Trustees and shall be supplemented to incorporate the most recent legislation of the Village as provided in Section 1-1-3 of this Chapter. 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 title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Village Code by title in any legal documents. (1998 Code)

1-1-2: **ACCEPTANCE:** The Village Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title. (1998 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending the Village Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers,

and the said ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code. (1998 Code)

1-1-4: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Village 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 Board of Trustees. The Village Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk. Any person having custody of a copy of the Village Code shall make every effort to maintain said Code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the Village Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the Village and shall be returned to the office of the Village Clerk when directed so to do by order of the Board of Trustees. (1998 Code)

CHAPTER 2
SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Ways And Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the Village passed prior to the adoption of this Village Code are hereby repealed, except such as are included in this Village Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the Village; zoning and subdivision ordinances; and all special ordinances. (1998 Code)

1-2-2: **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to 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 Village Code or by virtue of the preceding Section, excepting as the Village Code may contain provisions for such matters, in which case, this Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1998 Code)

1-2-3: COURT PROCEEDINGS:

- A. **Prior Acts:** 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 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 may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. **Extend To All Repeals:** 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.
- C. **Currently Pending Actions:** Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village 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 provisions; 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 Village under any ordinance or provision thereof in force at the time of the adoption of this Village Code. (1998 Code)

1-2-4: SEVERABILITY CLAUSE: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Village Code or any part thereof or any portion adopted by reference therein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof or any portion adopted by reference therein. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1998 Code)

CHAPTER 3
DEFINITIONS

SECTION:

- 1-3-1: Construction Of Words
- 1-3-2: Definitions, General
- 1-3-3: Catchlines

1-3-1: CONSTRUCTION OF WORDS:

- A. Whenever any word in any section of this Village 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 Village Code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this Village Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.
- B. The word "ordinance" contained in the ordinances of the Village has been changed in the content of this Village Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the Village's ordinances is not meant to amend passage and effective dates of such original ordinances. (1998 Code)

1-3-2: DEFINITIONS, GENERAL: Whenever the following words or terms are used in this Code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

- AGENT:** A person acting on behalf of another with authority conferred, either expressly or by implication.
- CODE:** The Village Code of the Village of Annawan.
- COUNCIL:** Unless otherwise indicated, the Village Council of the Village of Annawan.
- COUNTY:** The County of Henry, State of Illinois.
- EMPLOYEES:** Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words "of the Village of Annawan".
- GENDER:** A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.
- LICENSE:** The permission granted for the carrying on of a business, profession or occupation.
- NUISANCE:** Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the Village, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within 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:** Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
- OFFICERS:** Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Annawan".

OPERATOR:	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:	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
STATE:	The State of Illinois.
STREET:	Shall include alleys, lanes, courts, boulevards, public ways, 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.
VILLAGE:	The Village of Annawan, County of Henry, State of Illinois.

WHOLESALER: The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, 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, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark. (1998 Code)

1-3-3: CATCHLINES: The catchlines of the several sections of the Village 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 be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1998 Code)

CHAPTER 4
GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application Of Provisions
- 1-4-3: Liability Of Officers

1-4-1: GENERAL PENALTY¹:

- A. General Penalty Imposed: Unless specifically provided elsewhere in this Code or State statute, any person found to have been in violation of any of the terms and provisions of this Code shall be fined in an amount not to exceed seven hundred fifty dollars (\$750.00). No imprisonment for failure to pay such fine, penalty or cost shall exceed six (6) months for each offense. Each day that a violation continues shall be deemed to be a separate offense. A penalty for each offense may include a requirement that the offending party perform some reasonable public service work such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities. A violation hereof may be established by a preponderance of the evidence.

- B. Incarceration For Misdemeanor: If, by the terms of any ordinance, an act that would be consistent with the criminal laws of the State, is declared to be a misdemeanor, the penalty therefor shall be for a period of incarceration in a penal institution other than the penitentiary not to exceed six (6) months. The matter shall be prosecuted under the Rules of Criminal Procedure of the State, and the Village shall be required to establish guilt beyond a reasonable doubt. (1998 Code)

1. 65 ILCS 5/1-2-1 and 5/1-2-1.1.

1-4-2: APPLICATION OF PROVISIONS:

- A. **Application Of Penalty:** The penalty provided in this Chapter shall be applicable to every section of this Village Code the same as though it were a part of each and every separate section.
- B. **One Judgment Only:** In all cases where the same offense is made punishable or is created by different clauses or sections of this Village Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. **Breach Of Provisions:** Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply. (1998 Code)

1-4-3: LIABILITY OF OFFICERS: No provision of this Village 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 for a failure to perform such duty, unless the intention of the Village Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1998 Code)

CHAPTER 5

VILLAGE PRESIDENT AND BOARD OF TRUSTEES¹

SECTION:

- 1-5-1: Election; Functions
- 1-5-2: Oath; Salary
- 1-5-3: Village President
- 1-5-4: Meetings
- 1-5-5: Rules Of Order

1-5-1: **ELECTION; FUNCTIONS:** The Board of Trustees, consisting of six (6) Trustees and the Village President, shall be elected to the office for four (4) year terms, according to the method provided by statute². This Board shall be the legislative department of the Village government and shall perform such duties and have such powers as may be delegated by statute to it. (1998 Code)

1-5-2: **OATH; SALARY:** The members of the Board of Trustee shall take the oath of office prescribed by statute³ and shall receive such compensation as may be provided by ordinance. (1998 Code)

1-5-3: **VILLAGE PRESIDENT:**

- A. **Presiding Officer:** The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees and at all times when the Board meets as a Committee of the Whole.
- B. **Authority:** Except as otherwise provided by this Code or by statute, the Village President shall be and is hereby authorized to hire, supervise and discharge, as he or she deems appropriate, all

1. 65 ILCS 5/3-5-1, 5/3-5-2, 5/3-11-1 et seq., 5/3-12-1 et seq., and 5/3-14-1 et seq.

2. 65 ILCS.

3. 65 ILCS 5/3-14-3.

employees of the Village and all such persons shall perform their duties subject to his or her direction. (1998 Code)

1-5-4: MEETINGS:

- A. **Regular Meetings:** The Village Board shall hold its regular monthly meeting in the Village Hall on the second Tuesday of each month at seven thirty o'clock (7:30) P.M. (Ord. 129, 4-2-1973)
- B. **Rescheduled Monthly Meetings:** The President and Board of Trustees at any meeting may reschedule one or more regular monthly meetings by motion or resolution duly made, seconded and passed by a majority of the corporate authorities when holding office.
- C. **Special Meetings:**
1. **Call Of Special Meeting:** The Village President or any three (3) Village Trustees may call special meetings of the Board of Trustees by a written call filed with the Village Clerk at least seventy two (72) hours prior to the time specified for such meeting.
 2. **Written Notice; Service:** At least forty eight (48) hours' written notice of such special meeting shall be given to the Trustees by the Village Clerk, which notice shall specify the time and purpose of such meeting and shall be delivered to each member of the Board of Trustees personally if such Trustee can be found and, if such Trustee cannot be found, then by leaving a copy of such notice at the home of such Boardmember in the presence of an adult member of the family of the Boardmember.
 3. **Posting Of Notice:** Notice of special meetings, with the agenda, shall be posted at the Village Hall within the Village forty eight (48) hours before the scheduled meeting.
 4. **Affidavit Of Service:** The Village Clerk shall cause an affidavit showing service of such notice as herein provided, to be filed in the Clerk's office prior to the time fixed for such special meeting.
 5. **Meeting Without Notice:** Special meetings may be held without notice when all members of the Board are present in person or with consent in writing to the holding of such meeting. Such written consent shall be filed with the Village Clerk prior to the beginning of the meeting.

6. Full Attendance, Regular Meeting: Any special meeting attended by all of the members of the Board of Trustees shall be a regular meeting for the transaction of any business that may come before such meeting.

- D. Place For Meetings: All meetings of the Board of Trustees shall be held at the Hodgett Hall including special and adjourned meetings, of such other places as shall be designed by the Board.
- E. Meetings Open To Public: All official meetings of the Board of Trustees, whether regular, adjourned or special, shall be open to the public except where authorized by the Illinois Open Meeting Act¹. (1998 Code)

1-5-5: **RULES OF ORDER:**

- A. Rescinded Action: No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board of Trustees unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by statute.
- B. Resolutions: Any resolutions submitted to the Board of Trustees shall be reduced to writing before being voted upon on request of any two (2) members of the Board.
- C. Addressing Meetings: No person other than the President or a member of the Board shall address that body at any regular or special meeting except upon consent of a majority of the members.
- D. Suspension Of Rules: The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting.
- E. Robert's Rules Of Order: The latest edition of Robert's Rules of Order shall govern the deliberations of the Board of Trustees, except when in conflict with any of the foregoing rules.
- F. Quorum: A majority of the Trustees or three (3) Trustees and the Village President shall constitute a quorum to do business.

1. 5 ILCS 120/1 et seq.

G. Committees:

1. Standing Committees: The following shall be the standing committees of the Board of Trustees:

- Police
- Finance
- Water/Sewer
- Parks and Buildings
- Streets and Alleys
- Storm Tile and Drainage
- Garbage

2. Special Committees: Special committees shall be created, from time to time, as directed by the Village President.

3. Appointment: All committees shall be appointed by the Village President.

H. Disturbing Meetings: It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof. Any person violating the provisions of this subsection shall be punished as provided in this Code. (1998 Code)

CHAPTER 6
PREVAILING WAGE

SECTION:

- 1-6-1: Determination Of Rate
- 1-6-2: Definitions
- 1-6-3: Applicability
- 1-6-4: Posting Of Rate
- 1-6-5: Mailing Copies
- 1-6-6: Filing With Secretary Of State, Department Of Labor

1-6-1: **DETERMINATION OF RATE:** To the extent and as required by an Act regulating wages of laborers, mechanics and other workmen employed in any public works by the State, county, city or any public body or any political subdivision or by anyone under contract for public works, approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workmen engaged in the construction of public works coming under the jurisdiction of this Village is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Henry County area as determined by the Department of Labor of the State as of May 1978, a copy of that determination being attached to the Ordinance codified in this Chapter on file in the office of the Village Clerk, and incorporated herein by reference. (Ord. 154, 6-12-1979)

1-6-2: **DEFINITIONS:** The definition of any terms appearing in this Chapter which are also used in the aforesaid Act shall be the same as in said Act. (Ord. 154, 6-12-1979)

1-6-3: **APPLICABILITY:** Nothing herein contained shall be construed to apply such general prevailing rate of wages as herein ascertained to any work or employment except public works construction of this Village to the extent required by the aforesaid Act. (Ord. 154, 6-12-1979)

1-6-4: **POSTING OF RATE:** The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of this Village this determination of such prevailing rate of wage. (Ord. 154, 6-12-1979)

1-6-5: **MAILING COPIES:** The Village Clerk shall mail a copy of this determination to any employer, to any association of employers, and to any person or association of employees who have filed, or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workmen whose wages will be affected by such rate. (Ord. 154, 6-12-1979)

1-6-6: **FILING WITH SECRETARY OF STATE, DEPARTMENT OF LABOR:** The Village Clerk shall promptly file a certified copy of the Ordinance codified in this Chapter with both the Secretary of State and the Department of Labor of the State. (Ord. 154, 6-12-1979)

CHAPTER 7

STATE OFFICIALS AND EMPLOYEES ETHICS ACT

SECTION:

1-7-1: Adoption Of Act

1-7-1: **ADOPTION OF ACT:**

- A. The regulations of sections 5-15¹ and article 10² of the state officials and employees ethics act, 5 Illinois Compiled Statutes 430/1-1 et seq. (hereinafter referred to as the "act" in this chapter), are hereby adopted by reference and made applicable to the officers and employees of the village to the extent required by 5 Illinois Compiled Statutes 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 village, is hereby prohibited.
- C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the village under the act, is hereby prohibited.
- D. The participation in political activities prohibited under the act, by any officer or employee of the village, is hereby prohibited.
- E. For purposes of this chapter, the terms "officer" and "employee" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c).
- F. The penalties for violations of this chapter shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the act.

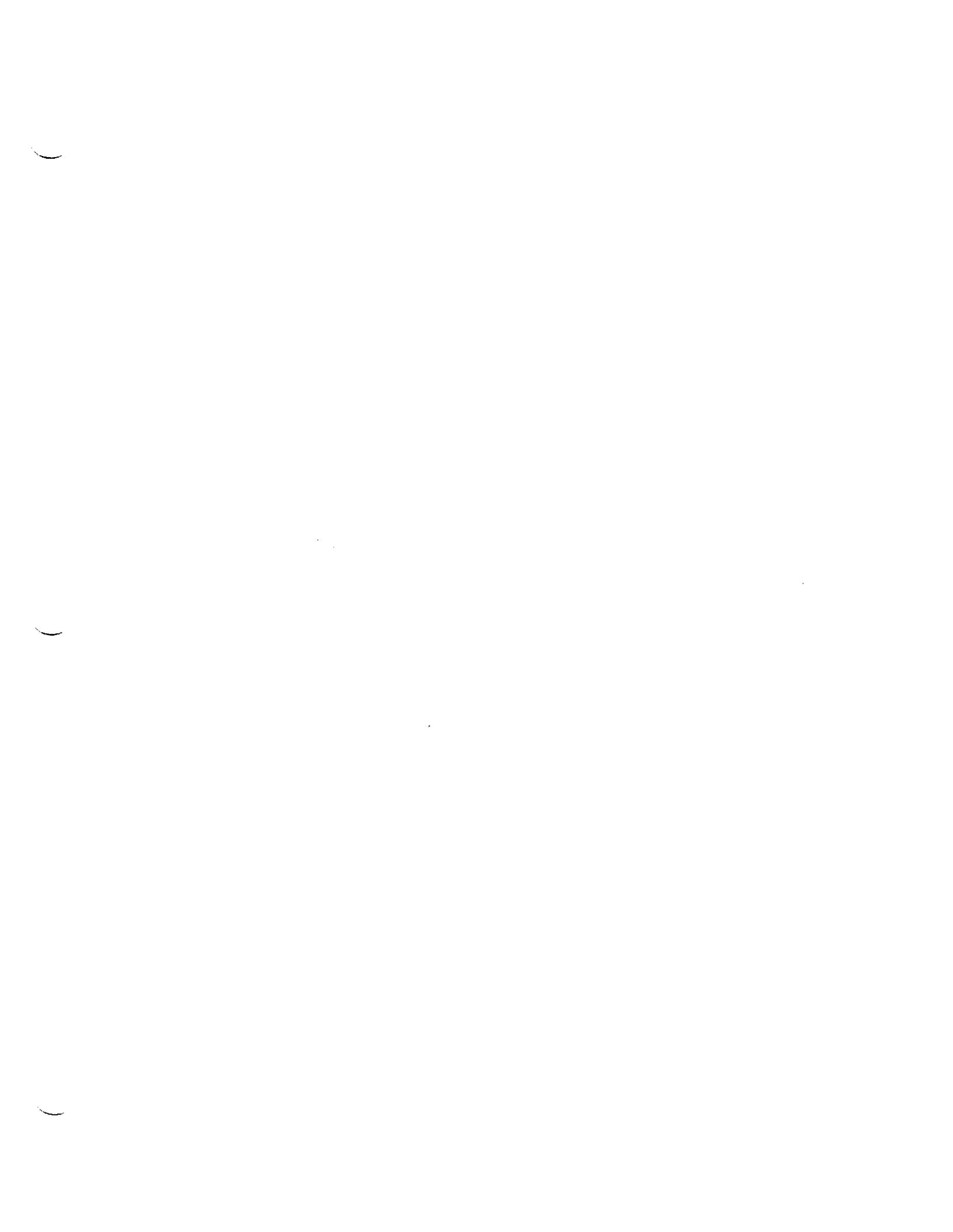
1. 5 ILCS 430/5-15.

2. 5 ILCS 430/10-10 – 10-40.

- G. This chapter does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this chapter, however, the provisions of this chapter shall prevail in accordance with the provisions of 5 Illinois Compiled Statutes 430/70-5(a).
- H. Any amendment to the act that becomes effective after the effective date of this chapter shall be incorporated into this chapter 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 chapter by reference without formal action by the corporate authorities of the village.
- I. If the Illinois supreme court declares the act unconstitutional in its entirety, then this chapter 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 chapter shall be deemed repealed without further action by the corporate authorities of the village 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 chapter shall remain in full force and effect; however, that part of this chapter relating to the part of the act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village. (Ord. 250, 5-11-2004)

TITLE 2
BOARDS AND COMMISSIONS

Subject	Chapter
Emergency Services	1



CHAPTER 1
EMERGENCY SERVICES

SECTION:

- 2-1- 1: Establishment
- 2-1- 2: Coordinator
- 2-1- 3: Membership
- 2-1- 4: Functions
- 2-1- 5: Mobile Support Team
- 2-1- 6: Agreements With Other Political Subdivisions
- 2-1- 7: Emergency Action
- 2-1- 8: Compensation
- 2-1- 9: Reimbursement By State
- 2-1-10: Purchases And Expenditures
- 2-1-11: Oath
- 2-1-12: Office
- 2-1-13: Appropriation; Levy Of Taxes

2-1-1: **ESTABLISHMENT:** There is hereby created the Annawan Emergency Management Agency to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or manmade disaster, in accordance with the Illinois Emergency Management Act. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-2: **COORDINATOR:**

- A. Appointment: The Coordinator of the Emergency Management Agency shall be appointed by the Village President and shall serve until removed by the Village President.
- B. Vacancy: In the event of the absence, resignation, death or inability of the person appointed to serve as the Coordinator, the Village President, or any person designated by him, shall be and act as

Coordinator until a new appointment is made as provided in this Chapter.

- C. **Duties:** The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the Emergency Management Agency, subject to the direction and control of the Village President as provided by statute. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-3: **MEMBERSHIP:** The Emergency Management Agency shall consist of the Coordinator and such additional members as may be selected by the Coordinator. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-4: **FUNCTIONS:** The Emergency Management Agency shall perform such Emergency Management Agency functions within the Village as shall be prescribed in and by the State Emergency Management plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and, in addition, shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided the Illinois Emergency Management Act. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-5: **MOBILE SUPPORT TEAM:**

- A. **Membership:** All or any members of the Emergency Management Agency organization may be designated as members of a mobile support team created by the Director of the State Emergency Management Agency as provided by law.
- B. **Team Leader:** The leader of such mobile support team shall be designated by the Coordinator of the Village Emergency Management Agency.
- C. **Compensation:** Any member of the mobile support team who is a Village employee or officer while serving on call to duty by the Governor or the State Director shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or

employee of the Village, while so serving, shall receive from the State reasonable compensation as provided by law. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-6: AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS:

The Coordinator of Emergency Management Agency may negotiate mutual aid agreements with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Village President and by the State Director of the Emergency Management Agency. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-7: EMERGENCY ACTION: If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of a major disaster resulting from enemy sabotage or other hostile action, or from manmade or natural disaster, it shall be the duty of the Village Emergency Management Agency to cooperate fully with the State Emergency Management Agency and with the Governor in the exercise of emergency powers as provided by law. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-8: COMPENSATION: Members of the Emergency Management Agency who are paid employees or officers of the Village, if called for training by the State Director of the Emergency Management Agency, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such Village employees or officers shall receive for such training time such compensation as may be established by the Village President. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-9: REIMBURSEMENT BY STATE: The Village Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the Village for expenses incident to training members of the Emergency Management Agency as prescribed by the State Director of the Emergency Management Agency, compensation for services and expenses of members of a mobile support team while serving outside the Village in response to a call by the Governor or State Director of the Emergency Management Agency, as provided by law, and any other reimbursement made by the State incident to emergency services and disaster activities as provided by law. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-10: PURCHASES AND EXPENDITURES:

- A. **Authorized By Village President:** The Village President may, on recommendation of the Village Coordinator of the Emergency Management Agency, authorize any purchase of contracts necessary to place the Village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from manmade or natural disaster.
- B. **Authorized By Coordinator:** In the event of enemy caused or other disaster, the Village Coordinator of the Emergency Management Agency is authorized, on behalf of the Village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations, as authorized by the Illinois Emergency Management Act; provided, that if the Coordinator meets with the Village President at such time, he shall act subject to the directions and restrictions imposed by the Village President. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-11: OATH: Every person appointed to serve in any capacity in the Village Emergency Management Agency organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator:

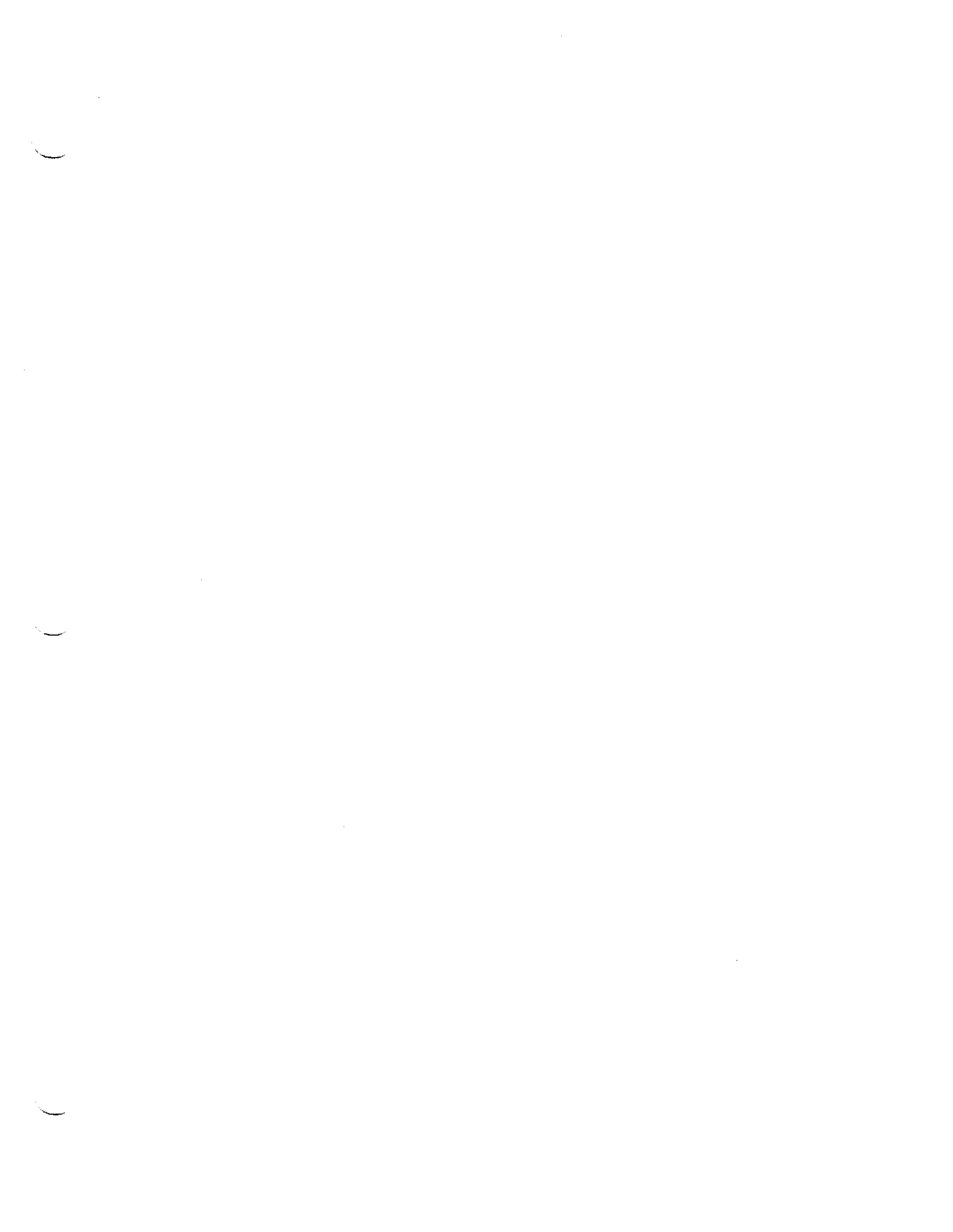
I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign 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 as I am affiliated with the Annawan Emergency Management Agency organization, 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.

(Ord. 140A, 12-9-1975; amd. 1998 Code)

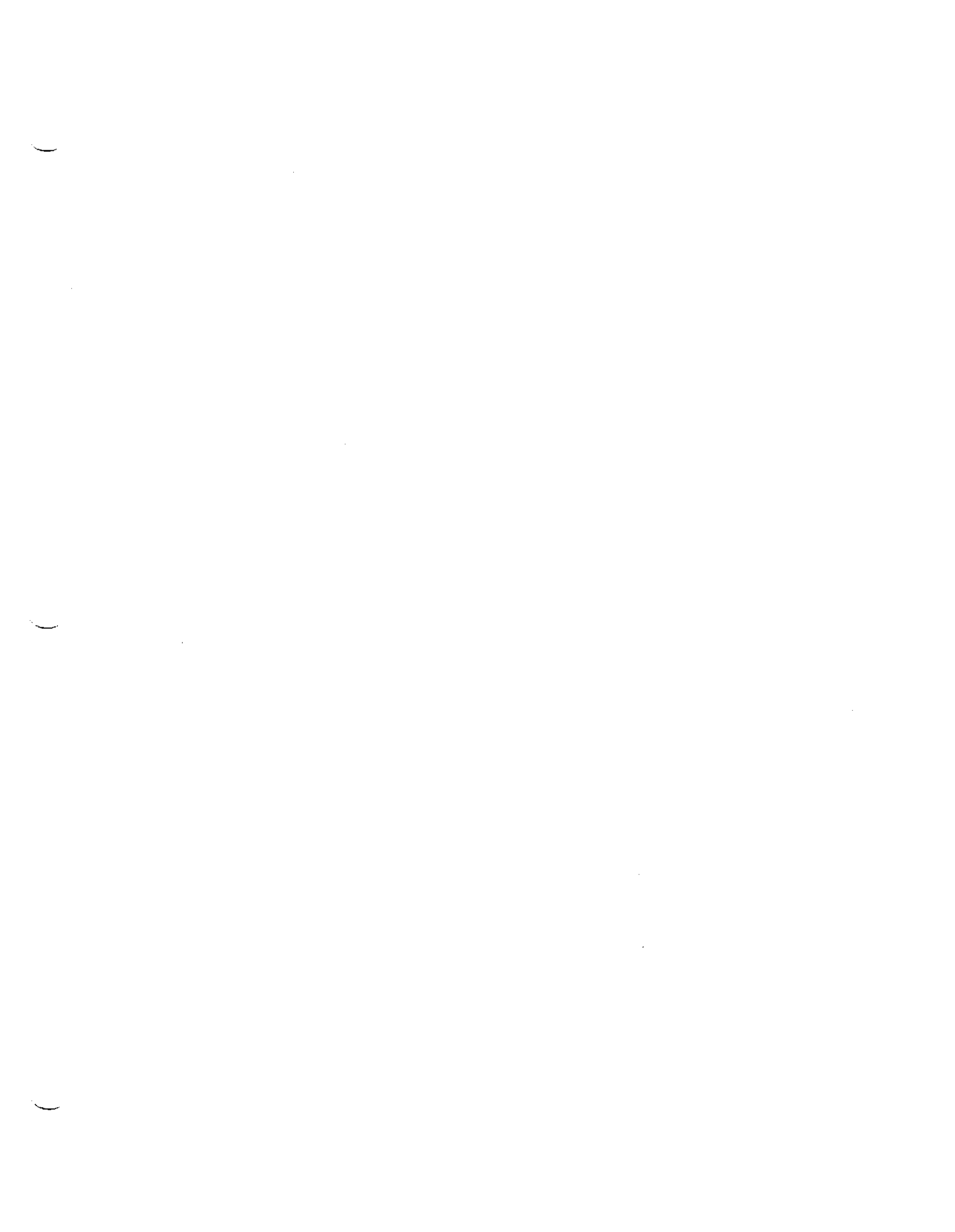
2-1-12: **OFFICE:** The Village President is authorized to designate space in a Village building, or elsewhere, as may be provided for by the Village President for the Village Emergency Management Agency as its office. (Ord. 140A, 12-9-1975; amd. 1998 Code)

2-1-13: **APPROPRIATION; LEVY OF TAXES:** The Village President may make an appropriation for Emergency Management Agency purposes in the manner provided by law, and may levy in addition for Emergency Management Agency purposes only, a tax not to exceed five cents (\$0.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by the Illinois Emergency Management Act; however, that amount collectable under such levy shall in no event exceed twenty five cents (\$0.25) per capita. (Ord. 140A, 12-9-1975; amd. 1998 Code)



TITLE 3
BUSINESS AND LICENSE REGULATIONS

Subject	Chapter
General Business And Permit Provisions	1
Liquor Control	2
Tobacco	3
Amusement Devices	4
Trailer Coach Camps	5
Itinerant Merchants, Transient Vendors, Peddlers And Hawkers	6
Taxes	7



CHAPTER 1

GENERAL BUSINESS AND PERMIT PROVISIONS

SECTION:

- 3-1-1: License Required
- 3-1-2: Application
- 3-1-3: Record Of Licenses
- 3-1-4: Fees
- 3-1-5: Term Of License
- 3-1-6: Minors, Intoxicated Persons Excluded
- 3-1-7: Revocation Of License
- 3-1-8: Permit Fees

3-1-1: LICENSE REQUIRED:

- A. Required: It shall be unlawful for any person to exercise the trade or calling of an auctioneer, hawker, peddler, pawnbroker, huckster or street vendor or to conduct any circus, menagerie, or show, or to keep or run or maintain any billiard, bagatelle, pigeon hole or other table, or implement of like character, or that is kept or used for a similar purpose, or any ball alley, or pin alley, in any place or public resort, or to advertise any goods or wares, merchandise or other thing, or any sale thereof, by the ringing of a bell or bells or by public outcry upon the streets, or in any place to the annoyance of the public or of any private family; or to store any gunpowder, nitroglycerine, pitch, resin, tar, coal oil, benzine, turpentine, hemp, cotton, petroleum, or any product of petroleum, without first obtaining a license therefor; provided, that nothing herein contained shall apply to executors, administrators, constables or trustees or other persons selling by virtue of their office; and, provided further, that nothing herein contained shall be construed to prohibit the sale of goods by sample for future delivery.
- B. Penalty: Any persons violating any of the provisions of this Section, shall, upon conviction thereof, be subject to penalty as provided in Section 1-4-1 of this Code. (Ch. 4 § 1; amd. 1998 Code)

3-1-2: APPLICATION: The Village Clerk may receive applications for licenses and grant the same except where this Chapter provides that the President and Board of Trustees shall grant the same, upon the party applying for the same presenting to him a receipt from the Village Treasurer for the amount fixed by ordinance for the object for which the license is desired, and each license so issued by the Clerk shall contain a condition that the same shall be forfeited if the holder thereof shall violate any of the provisions of any ordinance of this Village or law of this State, and that the same may be revoked at any time by the President and Board of Trustees. (Ch. 4 § 3)

3-1-3: RECORD OF LICENSES: It shall be the duty of the Village Clerk to provide, at the expense of the Village, a suitable book in which to record, and to record therein all licenses issued, the time when issued and when the same expires, and any other facts necessary for a full understanding of the object of the license issued. (Ch. 4 § 3)

3-1-4: FEES¹: There shall be charged and collected from each person desiring a license and/or permit for any purpose a license and/or permit fee as shall be determined from time to time by resolution of the Board of Trustees. (1998 Code; amd. per letter dated 3-13-2000)

3-1-5: TERM OF LICENSE:

- A. Pro Rata Term: Any yearly license provided for in this Chapter may be issued for any part of a year upon the payment of a corresponding part of the annual fee of such license, unless otherwise provided by ordinance. (Ch. 4 § 8)
- B. Fiscal Year: The fiscal year shall end on April 30 of each and every year from and after the passage hereof. All billiard, pool and bagatelle license and druggist permits shall terminate on said day. (Ch. 4 § 9)

1. See also Section 3-1-8 of this Chapter.

3-1-6: MINORS, INTOXICATED PERSONS EXCLUDED:

A. Minors:

1. **Playing Amusements Prohibited; Consent Required:** It shall be unlawful for any person to whom a license or permit has been issued to keep or run a billiard room, bagatelle or other similar table, ten (10) pin alley, or shooting gallery, to suffer or permit, either by himself or his agent, any minor to play upon any such table or alley, or at any game played thereon, or to handle or use any gun or other implement kept for the purpose aforesaid, without a written consent of the parent or guardian of such minor.

2. **Misrepresentation Of Age:** It shall be unlawful for any minor to falsely represent himself to be of lawful age for the purpose of obtaining any intoxicating liquors, playing at any game, or for the doing of any act or thing prohibited by this Chapter.

3. **Penalty:** Any person violating any of the provisions of this subsection A, shall, upon conviction thereof, be subject to penalty as provided in Section 1-4-1 of this Code.

B. Loitering:

1. **Prohibited:** It shall be unlawful for any minor or person intoxicated to frequent, loiter, loaf or be in and about any place where any billiard, bagatelle, pigeon hole or other table, or ball or pin alley, air gun or other gun for like purposes, or shooting gallery may be kept or used under the provision of this Chapter, or to play at any game, or use or handle any gun or other implement or thing used in playing at any such game without first having obtained written consent of his parent or guardian so to do.

2. **Penalty:** Any person who shall violate any of the provisions of this subsection B shall, upon conviction thereof, be subject to penalty as provided in Section 1-4-1 of this Code. (Ch. 4 § 7; amd. 1998 Code)

3-1-7: REVOCATION OF LICENSE: The President and Board of Trustees shall have the power, at any time in their discretion, to revoke or annul any license or permit that may have been issued by virtue of any ordinance of this Village by refunding such fractional part of the whole sum paid for the license as the unexpired time the license has to run is to the whole time for which it was given and has been paid for. (Ch. 4 § 5)

3-1-8: **PERMIT FEES:** Permit fees in this Section are required for home building, outer home improvements, subdivisions and any type of commercial building or commercial building improvements.

A. Residential Properties:

	<u>Fee</u>
\$ 0.00 to \$ 5,000.00	\$ 25.00
5,001.00 to 15,000.00	75.00
15,001.00 to 30,000.00	175.00
30,001.00 to 100,000.00	250.00
100,001.00 to 125,000.00	300.00
125,001.00 to 200,000.00	350.00
Above 200,000.00	$\frac{1}{2}$ percent of project total

B. Commercial Properties: One-half percent ($\frac{1}{2}\%$) of project total. (Per letter dated 3-13-2000)

CHAPTER 2
LIQUOR CONTROL

SECTION:

- 3-2- 1: Definitions
- 3-2- 2: License Required
- 3-2- 3: Application For License
- 3-2- 4: Restrictions On License
- 3-2- 5: Classification; Fees
- 3-2- 6: Term; Prorating Fee
- 3-2- 7: Disposition Of Fees
- 3-2- 8: List
- 3-2- 9: Transfer Of License
- 3-2-10: Renewal Of License
- 3-2-11: Change Of Location
- 3-2-12: Location Restrictions
- 3-2-13: View From Street
- 3-2-14: Sanitary Conditions
- 3-2-15: Employees
- 3-2-16: Closing Hours
- 3-2-17: Minors
- 3-2-18: Peddling
- 3-2-19: Suspension Or Revocation Of License; Fines
- 3-2-20: Penalty
- 3-2-21: Duties Of Police Department

3-2-1: **DEFINITIONS:** Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

ALCOHOLIC LIQUOR: Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by 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.

CLUB:

A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used 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 such club files with the local liquor control commissioner at the time of its application for a license under this chapter two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member his name and address; 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 club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

HOTEL: Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty five (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

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

RETAIL SALE: "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form. (Ord. 152, 4-12-1979)

3-2-2: LICENSE REQUIRED: It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer's license or in violation of the terms of such license. (Ord. 152, 4-12-1979)

3-2-3: APPLICATION FOR LICENSE: Applications for such licenses shall be made to the Village President in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

- A. The name, age, and address of the applicant in the case of an individual; in the case of a copartnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person;
- B. The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization;
- C. The character of business of the applicant; and in case of a corporation, the objects for which it was formed;
- D. The length of time that said applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;
- E. The amount of goods, wares and merchandise on hand at the time application is made;
- F. The location and description of the premises or place of business which is to be operated under such license;
- G. A statement whether applicant has made similar application for another similar license on premises other than described in this application, and the disposition of such application;
- H. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State, or the ordinances of this Village; if the applicant has been convicted of a felony under any Federal or State law, he shall give full details as to place, date, nature of the offense and sentence.
- I. A statement that applicant has never been convicted of being the keeper or is keeping a house of ill fame and a statement that the applicant has not been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- J. Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked, and the reasons therefor.

- K. A statement that the applicant will not violate any of the laws of the State, or of the United States, or any ordinance of the Village in the conduct of his place of business. (Ord. 152, 4-12-1979)

3-2-4: **RESTRICTIONS ON LICENSE:** No such license shall be issued to:

- A. A person who is not a resident of the Village, except in case of railroad or boat licenses;
- B. A person who is not of good character and reputation in the community in which he resides;
- C. A person who is not a citizen of the United States;
- D. A person who has been convicted of a felony under any Federal or state law, if the Illinois Liquor Control Commission determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
- E. A person who has been convicted of being the keeper or is keeping a house of ill fame;
- F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- G. A person whose license issued under the Liquor Control Act of 1934¹ has been revoked for cause;
- H. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- I. A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license;
- J. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village;

1. 235 ILCS 5.

- K. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act¹ to transact business in Illinois;
- L. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;
- M. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of the Liquor Control Act of 1934 or has forfeited his bond to appear in court to answer charges for any such violation;
- N. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- O. Any law enforcing public official, including members of the Local Liquor Control Commission, the President of the Village Board of Trustees, any member of a Village Board of Trustees, or any president or member of the County board; 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 such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;
- P. Any person who is not a beneficial owner of the business to be operated by the licensee;
- Q. A person who has been convicted of a gambling offense as prescribed by any of subsection (a)(3) through (a)(10) of section 28-1 of, or as proscribed by section 28-3 of, the Criminal Code of 1961², approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
- R. A person or entity to whom a Federal wagering stamp has been issued by the Federal Government, unless the person or entity is

1. 805 ILCS 5/1.01 et seq.

2. 720 ILCS 5/28-1, 5/28-1.1, or 5/28-3.

eligible to be issued a license under the Raffles Act¹ or the Illinois Pull Tabs and Jar Games Act². (Ord. 1522, 4-12-1979; amd. 1998 Code)

3-2-5: **CLASSIFICATION; FEES:** The number and classification of such license shall be:

A. Class A License:

1. Sales Authorized: Class A license shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other sales of such retail liquor.

2. Fee: The annual fee for such license shall be eight hundred dollars (\$800.00).

3. Number Of Licenses: The number of such licenses to be issued, and to be in effect at any one time shall not exceed seven (7).

B. Class B License:

1. Sales Authorized: Class B licenses shall authorize the retail sale in clubs on the premises specified of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor.

2. Fee: The annual fee for such license shall be eight hundred dollars (\$800.00). (Ord. 152, 4-12-1979; amd. 1998 Code)

3-2-6: **TERM; PRORATING FEE:** Each license shall terminate on April 30 next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. (Ord. 152, 4-12-1979)

3-2-7: **DISPOSITION OF FEES:** All such fees shall be paid to the Village President at the time application is made, and shall be forthwith turned over to the Village Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the General Corporate

1. 230 ILCS 15/0.01 et seq.
2. 230 ILCS 20/1 et seq.

Fund or in such other fund as shall have been designated by the Board of Trustees, by proper action. (Ord. 152, 4-12-1979)

3-2-8: **LIST:** The Village President shall keep or cause to be kept a complete record of all such licenses issued by him; and shall furnish the Village Clerk, Village Treasurer, and Chief of Police each with a copy thereof; upon the issuance of any new license, or the revocation of any old license, the Village President shall give written notice of such action to each of these officers within forty eight (48) hours of such action. (Ord. 152, 4-12-1979)

3-2-9: **TRANSFER OF LICENSE:** A license shall be purely a personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this Chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Section. (Ord. 152, 4-12-1979)

3-2-10: **RENEWAL OF LICENSE:** Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and, provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Village President and Board of Trustees from decreasing the number of licenses to be issued within his jurisdiction. (Ord. 152, 4-12-1979; amd. 1998 Code)

3-2-11: CHANGE OF LOCATION: A retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Village President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the ordinances of the Village. (Ord. 152, 4-12-1979)

3-2-12: LOCATION RESTRICTIONS: No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for aged or indigent persons or for veterans, their surviving spouses or children, or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license. No alcoholic liquor, other than beer shall be sold for consumption on the premises within one thousand five hundred feet (1,500') from any building used for regular classroom or laboratory instruction on the main campus of any State university owned or maintained, in whole or in part, by the State of Illinois; provided, this prohibition shall not apply: a) to a place of business which sells beer but does not sell any other alcoholic liquor and was established and operated prior to August 7, 1963; or b) to premises owned or controlled by any State university and used as a faculty center or an airport. (Ord. 152, 4-12-1979)

3-2-13: VIEW FROM STREET:

- A. **Clear View Required:** In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel or club), no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall

prevent a full view of the entire interior of such premises from the street, road or sidewalk, and said premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk.

- B. **Lighting:** All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible.
- C. **Violation:** In case the view into any such licensed premises required by the foregoing provisions, shall be wilfully obscured by the licensee or by him wilfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided.
- D. **Plans; Drawings; Photographs:** In order to enforce the provisions of this Section, the Village President shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required. (Ord. 152, 4-12-1979)

3-2-14: SANITARY CONDITIONS: All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption. (Ord. 152, 4-12-1979)

3-2-15: EMPLOYEES:

- A. **Diseased Person:** It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. (Ord. 152, 4-12-1979)
- B. **Minors:**
 - 1. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under the age of twenty one

(21) years to attend bar and/or to draw, pour or mix any alcoholic liquor in any licensed premises; provided, that the provisions of this subsection shall not be construed to prevent the employment of persons who are at least eighteen (18) years of age as waiters or waitresses in restaurants, hotels or motels for the purpose of serving food and alcoholic liquor on the licensed retail premises.

2. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty one (21) years of age to sell any alcoholic liquor in any licensed premises. (1998 Code)

3-2-16: CLOSING HOURS: It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the village except as follows: Sunday from seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. On all other days from seven o'clock (7:00) A.M. to one o'clock (1:00) A.M. the following day, except that on New Year's Eve the hours shall be from seven o'clock (7:00) A.M. until three o'clock (3:00) A.M. New Year's Day. (Ord. 152, 4-12-1979)

It shall be unlawful to keep open for any purpose whatsoever any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of said liquor is prohibited; except in the case of hotels, bowling alleys and clubs which establishments may be kept open during such hours but no alcoholic liquor may be sold to or consumed by the members or public during such hours. (Ord. 293, 7-10-2007)

3-2-17: MINORS: No minor shall be present in any establishment where alcoholic liquor is sold unless in the company of his parent or his legal guardian. However, if such establishment has a barroom which is separate from a room or rooms in said establishment where food is served, minors unattended by a parent or legal guardian may remain in the food serving room or rooms. (Ord. 152, 4-12-1979)

3-2-18: PEDDLING: It shall be unlawful to peddle alcoholic liquor in the village. (Ord. 152, 4-12-1979)

3-2-19: SUSPENSION OR REVOCATION OF LICENSE; FINES:

- A. **Suspension Or Revocation Of License:** The local liquor control commissioner may, in accordance with the liquor control act¹, revoke or suspend any license issued under the provisions of this chapter if he determines that the licensee has violated any of the provisions of the liquor control act, this chapter or any other ordinance or resolution enacted by the corporate authorities of the village, or any applicable rules or regulations established by the local liquor control commissioner or the Illinois liquor control commission, or any state and/or federal statute which is not inconsistent with this chapter.
- B. **Fine In Lieu Of Suspension Or Revocation:** In lieu of suspension or revocation of a local license, the local liquor control commissioner may instead levy a fine on the licensee. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for each violation. Each day on which a violation continues shall constitute a separate violation. Not more than ten thousand dollars (\$10,000.00) in fines may be imposed against any licensee during any license year.
- C. **Immediate Closure Of Business:** If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reasons or such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period; except, that if the licensee is also engaged in another business on the licensed premises, such order shall not be applicable to such other business.
- D. **Public Hearing:** No such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend the charges contained in such notice. The three (3) day notice provisions shall begin the day following delivery by certified or registered mail or by personal service.
- E. **Decisions:** The local liquor control commissioner shall, within five (5) days after such hearing, if he determines after such hearing that the

1. 235 ILCS.

license should be revoked or suspended or that the licensee should be fined, state the reason for such determination in a written order and either the amount of the fine, the period of suspension or that the license has been revoked and serve a copy of such order within the five (5) days upon the licensee.

Review of the decisions of the local liquor control commissioner shall be as provided for in 235 Illinois Compiled Statutes 5/7-14 for home rule municipalities and shall be limited to a review of the official record of the local liquor control commissioner.

F. Costs:

1. **Costs Of Hearing:** Any licensee determined by the local liquor control commissioner to have violated any of the provisions of the liquor control act, or any ordinance or resolution of the village, or any rule or regulation established by the local liquor control commissioner, or the Illinois liquor control commission, shall pay to the village the costs of the hearing before the local liquor control commissioner on such violation. The local liquor control commissioner shall determine the costs incurred by the village for said hearing, including, but not limited to: court reporter fees, the costs of transcripts or records, attorney fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the village or such lesser sum as the local liquor control commissioner may allow.

2. **Payment:** The licensee shall pay said costs to the village within thirty (30) days of notification of the costs by the local liquor control commissioner. Failure to pay said costs within thirty (30) days of notification is a violation of this section and may be cause for license suspension or revocation, or the levy of a fine.

3. **Appeal:** In the event of an appeal to the Illinois liquor control commission, and in cases where the appeal is taken pursuant to the administrative review act¹, payment is due forty (40) days after the entry of an order finally affirming the determination of the local liquor control commissioner.

G. Effect Of License Revocation: When any license shall have been revoked for any cause, no license shall be granted to said licensee for the period of one year thereafter for the conduct of the business

1. 735 ILCS 5/3-1-1 et seq.

of selling alcoholic liquor at retail in the premises described in such revoked license. (1998 Code)

3-2-20: **PENALTY:** Any person violating any provisions of this chapter shall be subject to penalty as provided in section 1-4-1 of this code; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 152, 4-12-1979; amd. 1998 Code)

3-2-21: **DUTIES OF POLICE DEPARTMENT:**

- A. It shall be the duty of the police department of the village and the officers in charge thereof to make a weekly report in writing of all arrests and complaints for the violation of this chapter, which report shall set forth the name of the person alleged to have violated the provisions thereof, the person signing the complaint, the officer making the arrest, the action taken on same, the date of arrest, and the date of hearing, whether the said party was fined or released, the amount of fine paid and whatever disposition was made, showing the docket and the page on which said case was entered, which report shall be made in triplicate, one copy to be kept as part of the records of the police department and two (2) copies to be filed with the clerk not later than ten o'clock (10:00) A.M. of the Monday next following said week.
- B. The officer observing a violation of this chapter shall also issue a notice to appear (NTA) to the owner or employee present assigning a date for a hearing before the local liquor control commissioner. The time and date of the hearing shall be one hour before the regularly scheduled meeting of the village board, or another date and time set after consultation with the mayor. No public hearing date shall be set with less than three (3) days' written notice to the licensee. (Ord. 293, 7-10-2007)

CHAPTER 3

TOBACCO

SECTION:

- 3-3-1: Minimum Age Restrictions; Illegal Sales
3-3-2: Complaint Procedure

3-3-1: MINIMUM AGE RESTRICTIONS; ILLEGAL SALES:

- A. Minimum Age Restrictions: No person under the age of eighteen (18) shall purchase, accept, possess or consume any cigar, cigarette, smokeless tobacco or tobacco in any of its forms.
- B. Illegal Sales: 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 person under the age of eighteen (18).
- C. Penalty:
1. Violation: Any person convicted of a violation of any provision of this Section shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
 2. Contest Of Violation: If any person contests the violation, they may request a court hearing.
 3. Fine:
 - a. Payment Within Seven Days: Any person charged with a violation of the above provisions may settle or adjust the fine due for violation within seven (7) days of the charge by paying the sum of twenty five dollars (\$25.00) to the Village Clerk.
 - b. Payment Between Seven And Fourteen Days: Between seven (7) and fourteen (14) days following the offense, the fine may be

settled by the payment of the sum of fifty dollars (\$50.00) to the Village Clerk.

c. Release Of Liability: Fines so paid shall constitute a complete release of all liability under the law for the offense charged. (1998 Code)

3-3-2: **COMPLAINT PROCEDURE:**

A. Sales; Purchases:

1. Enforcement Authority: The Police Department is the authorized enforcement authority for illegal underage sales and purchases of tobacco products. While the Village does not at this time conduct unannounced inspections of tobacco vendors, the Police Department has established a complaint procedure which is utilized following complaints about alleged underage sales/purchases.

2. Source Revealed: Complaint procedures are also followed when an underage youth charged with tobacco possession, or possession and consumption, reveals the source of the tobacco products found in his/her possession. At the time citations are issued, underage youths are asked if and where they purchased the tobacco products.

3. Complaint Received; Identified Vendor:

a. Discussion With Owner: When the Police Department receives a complaint about a vendor, or when an establishment is identified by an underage youth who has received a citation for possession, or possession and consumption, a police officer contacts the owner of the establishment to discuss the complaint.

b. Salesperson: The police officer discusses the details of the complaint with the licensee/establishment owner, which often includes the description of the salesperson given to the Police Department by a complainant or a youth offender. Findings indicate that individuals described by complainants or underage offenders typically are not the owners of the establishments, rather, they are employees.

c. Review Of Law, Penalties, Access Prevention Methods: The police officer review State and local tobacco minimum age laws, penalties, and youth access prevention methods with the establishment owner.

B. Possession; Consumption:

1. **Authorized Enforcement:** The Police Department is the authorized enforcement entity for underage possession and consumption laws.

2. **Citations:** Citations issued to underage youths for possession of tobacco products, or for possession and consumption, usually are either as a result of basic plain view by police officers, a secondary violation, or complaints registered by residents. The largest number of complaints come from residents in close proximity to schools.

3. **Notification Of Parents:** Whether a first-time offense or subsequent violation, after issuing a citation to a minor, the police officer is required to notify parents/legal guardians. However, youth offenders do not have to be released to their parents/legal guardians as in full-custody arrest procedures.

4. **Juvenile Police Officer:** The Juvenile Police Officer maintains all records, reviews all citations, and coordinates parental contact and acknowledgement of underage tobacco citations.

5. **Arrest; Release:** A minor arrested for possession and consumption may, within fourteen (14) days, be released upon supervision under the direction and control of the Juvenile Police Officer pursuant to the Juvenile Court Act of 1986, 705 Illinois Compiled Statutes 405/5-6.

6. **Tobacco Awareness Education Program:**

a. **First-Time Offender:** Release of a minor on supervision shall be on the condition that the minor is a first-time offender and agrees to participate in the Tobacco Awareness Education Program sponsored by the Police Department and the Henry Public Health Department within thirty five (35) days following arrest. The release of a minor on supervision to participate in the Tobacco Awareness Education Program is available only to first-time offenders and with parental acknowledgement.

b. **Failure To Complete Program; Fine:** After fourteen (14) days from the date of the offense or upon the failure of a minor to complete the Tobacco Awareness Education Program during his/her release on supervision, fines are imposed only by a court of competent jurisdiction in the manner otherwise provided by law.

c. Arrestee/Parent Information On Tobacco Ordinance Violation Form: All youth offenders and their parents/legal guardians are given an arrestee/parent information on tobacco ordinance violation form (whether first time or subsequent offense). Parents/legal guardians of first-time offenders who choose to attend the alternative educational program must sign a form acknowledging his/her child's agreement to participate in the Tobacco Awareness Education Program in lieu of the payment of a fine as a result of the child's arrest. The signing of the form also acknowledges the requirement that parent/legal guardian must attend the last hour of the final session of the program with his/her child. (1998 Code)

CHAPTER 4
AMUSEMENT DEVICES

SECTION:

- 3-4-1: License Required
- 3-4-2: Application For License
- 3-4-3: License Fee
- 3-4-4: Issuance; Renewal
- 3-4-5: Assignment Or Transfer
- 3-4-6: Use Restricted
- 3-4-7: Penalty

3-4-1: **LICENSE REQUIRED:** No person shall keep for public use, or let for hire, gain or profit, any pool table, billiard table, jukebox, pinball machine, pinball alley, shuffle alley or shuffleboard, or any other game, table or implement kept for a similar purpose in any public place or public resort without first having obtained a license to do so. (Ord. 28-A, 4-14-1950)

3-4-2: **APPLICATION FOR LICENSE:** Any person desiring a license under this Chapter shall make application in writing to the Village President therefor stating the purpose for which the same is desired, and specifying the particular place where the game, table or implement for which a license is requested will be carried on. If the Village President shall grant such application, he shall endorse his approval upon the application, and, upon filing of the application so endorsed with the Village Clerk, and the payment of the required fee, he shall issue such applicant a license for the purpose specified. (Ord. 28-A, 4-14-1950)

3-4-3: **LICENSE FEE:**

- A. Annual Fee: A license for any of the purposes named in Section 3-4-1 of this Chapter may be granted upon the payment by the applicant of an annual license fee of ten dollars (\$10.00) for each

such pool table, billiard table, jukebox, pinball machine, pinball alley, shuffle alley or shuffleboard, or other game, table or implement kept for a similar purpose.

- B. **Prorated Fee:** Whenever any such license is applied for after May 1 in any year, the same, if granted, shall be issued to the person applying therefor upon the applicant paying therefor the number of twelfth parts of the annual license fee equal to the number of months that will elapse between the date of application for the license and the day when said license is made to expire, a fractional month to be considered as a whole month. (Ord. 28-A, 4-14-1950)

3-4-4: ISSUANCE; RENEWAL:

- A. **Issuance; Term:** All licenses issued under this Chapter shall be signed by the Village President and Village Clerk, shall specify the kind of and location of the building or premises to be occupied, shall be dated the day issued, and unless sooner revoked, shall expire on May 1 next thereafter.
- B. **Renewal:** A new application shall be made upon the expiration of any license which it is sought to renew. (Ord. 28-A, 4-14-1950)

3-4-5: ASSIGNMENT OR TRANSFER: No license shall be assignable or transferable nor so construed so as to apply to any other building or place other than that described in such license. (Ord. 28-A, 4-14-1950)

3-4-6: USE RESTRICTED: No such game, table or implement shall be let to or used by any disorderly or intoxicated person, nor any such person allowed to frequent or remain in said premises, nor shall any gambling be allowed in or upon said premises, and said premises shall be kept in an orderly and well-governed condition. (Ord. 28-A, 4-14-1950)

3-4-7: PENALTY: Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 28-A, 4-14-1950; amd. 1998 Code)

CHAPTER 5
TRAILER COACH CAMPS

SECTION:

- 3-5- 1: Definitions
- 3-5- 2: License Required
- 3-5- 3: License Fee
- 3-5- 4: Plan
- 3-5- 5: Location
- 3-5- 6: Water Supply
- 3-5- 7: Sanitation Facilities
- 3-5- 8: Laundry Facilities
- 3-5- 9: Sewage And Refuse Disposal
- 3-5-10: Garbage Receptacles
- 3-5-11: Fire Protection
- 3-5-12: Animals; Pets
- 3-5-13: Register Of Occupants
- 3-5-14: Posting Of License
- 3-5-15: Revocation
- 3-5-16: Penalty

3-5-1: **DEFINITIONS:** As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this

Section:

CAMP: Trailer coach camp.

TRAILER COACH: Any vehicle used or maintained for use as a conveyance upon highways or city streets so designed and so constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons, having no other foundation than wheels or jacks.

TRAILER COACH SPACE:

A plot of ground within a trailer coach camp designed for the accommodation of one trailer coach.

TRAILER HOME:

Any vehicle described in this Section but being placed on a foundation of blocks, timbers or some other foundation more stable and permanent than wheels or jacks. (Ord. 83, 9-8-1964)

3-5-2: LICENSE REQUIRED:

- A. **Application:** Application for a trailer coach camp license shall be filed with and issued by the Village Board.
- B. **Required Information:** Application shall be in writing signed by the applicant and shall contain the following:
 - 1. The name and address of the applicant.
 - 2. The location and legal description of the trailer coach camp.
 - 3. A complete plan of the camp showing compliance with Section 3-5-4 of this Chapter.
 - 4. Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer coach camp.
 - 5. Such further information as may be requested by the Village Board to enable it to determine if the proposed camp will comply with legal requirements.
- C. **Number Of Copies:** The application and all accompanying plans and specifications shall be filed in triplicate.
- D. **Investigation; Inspection:** The Village Board shall investigate the applicant and inspect the proposed plans and specifications.
- E. **Issuance:** If the applicant is found to be of good moral character, and the proposed trailer coach camp will be in compliance with all provisions of this Chapter and all other applicable ordinances or statutes, the Village Board shall approve the application and, upon

completion of the camp according to the plans, shall issue the license.

- F. **Transfer Of License:** Upon application for a transfer of the license, the Village Board shall issue a transfer if it finds that the transferee is of good moral character. (Ord. 83, 9-8-1964)

3-5-3: **LICENSE FEE:** The annual license fee for each trailer coach camp shall be twenty five dollars (\$25.00). (Ord. 83, 9-8-1964)

3-5-4: **PLAN:** The trailer coach camp shall conform to the following requirements:

- A. **Site:** The camp shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- B. **Space Size; Location:** Trailer coach spaces shall be provided consisting of a minimum of one thousand (1,000) square feet for each space which shall be at least twenty five feet (25') wide and clearly defined. Trailer coaches shall be so harbored on each space that there shall be at least a fifteen foot (15') clearance between trailer coaches. No trailer coach shall be located closer than ten feet (10') from any property line bounding the camp.
- C. **Driveways:** All trailer coach spaces shall abut upon a driveway of not less than twenty feet (20') in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be hard surfaced, or treated with gravel or crushed rock, or well oiled, well marked in the daytime and lighted at night with 25-watt lamps at intervals of one hundred feet (100') located approximately fifteen feet (15') from the ground.
- D. **Service Buildings:** Each camp shall provide service buildings to house toilet facilities, bathing facilities, laundry facilities and other sanitary facilities, as hereinafter more particularly prescribed.
- E. **Electrical Outlets:** An electrical outlet supplying at least 110 volts shall be provided for each trailer coach space. (Ord. 83, 9-8-1964)

3-5-5: LOCATION: Trailer coach camps may be located in any district in which a license is granted by the Village Board. Each boundary of the camp must be at least three hundred feet (300') from any permanent residential building located outside the camp unless separated therefrom by a natural or artificial barrier, or unless a majority of the property owners adjacent to area within said three hundred feet (300'), consent in writing to the establishment of the camp. (Ord. 83, 9-8-1964; amd. 1998 Code)

3-5-6: WATER SUPPLY: An adequate supply of pure water for drinking and cosmetic purposes shall be supplied to meet the requirements of the camp. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. (Ord. 83, 9-8-1964)

3-5-7: SANITATION FACILITIES: Each camp shall be provided with toilets, baths or showers, slop sinks and other sanitation facilities, which shall conform to the following requirements:

A. **Toilet Facilities:** Toilet facilities for men and women shall be provided, and they shall be either in separate buildings at least twenty feet (20') apart or shall be separated, if in the same building, by a soundproof wall.

B. **Service Buildings:**

1. **Compliance Required:** The service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems¹.

2. **Location:** The service buildings housing the toilet facilities shall be located not closer than ten feet (10') nor further than two hundred feet (200') from any trailer coach space.

3. **Lighting; Ventilation:** The service buildings shall be well lighted at all times of the day or night and shall be well ventilated with screened openings.

4. **Construction:** Service buildings shall be constructed of such moistureproof material, including painted woodwork as shall permit

1. See subsection 3-5-8C of this Chapter.

repeated cleaning and washing, and shall be maintained at a temperature of at least sixty eight degrees Fahrenheit (68°F) during the period from October 1 to May 1. The floors of the service buildings shall be of water impervious material and shall slope to a floor drain connected with the sewage system.

- C. **Maintenance:** All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance. (Ord. 83, 9-8-1964)

3-5-8: LAUNDRY FACILITIES:

- A. **Facilities Required:** The laundry facilities shall be provided in the ratio of one double laundry tub and ironing board for every twenty (20) trailer coach spaces.
- B. **Electrical Outlet:** An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board.
- C. **Building Requirements:** The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems. (Ord. 83, 9-8-1964)

3-5-9: SEWAGE AND REFUSE DISPOSAL: Waste from showers, bathtubs, toilets, slop sinks and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer or disposal plant or septic tank system of such construction and in such manner as will present no health hazard. (Ord. 83, 9-8-1964)

3-5-10: GARBAGE RECEPTACLES: Tightly covered garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not further than two hundred feet (200') from any trailer coach space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the garbage cans shall not overflow. (Ord. 83, 9-8-1964; amd. 1998 Code)

3-5-11: FIRE PROTECTION:

- A. Fire Extinguishers: Every camp shall be equipped at all times with one fire extinguisher in good working order for every ten (10) trailer coach spaces located not further than two hundred feet (200') from each trailer coach space.
- B. Open Fire: No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time. (Ord. 83, 9-8-1964)

3-5-12: ANIMALS; PETS: No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer coach camp. (Ord. 83, 9-8-1964)

3-5-13: REGISTER OF OCCUPANTS:

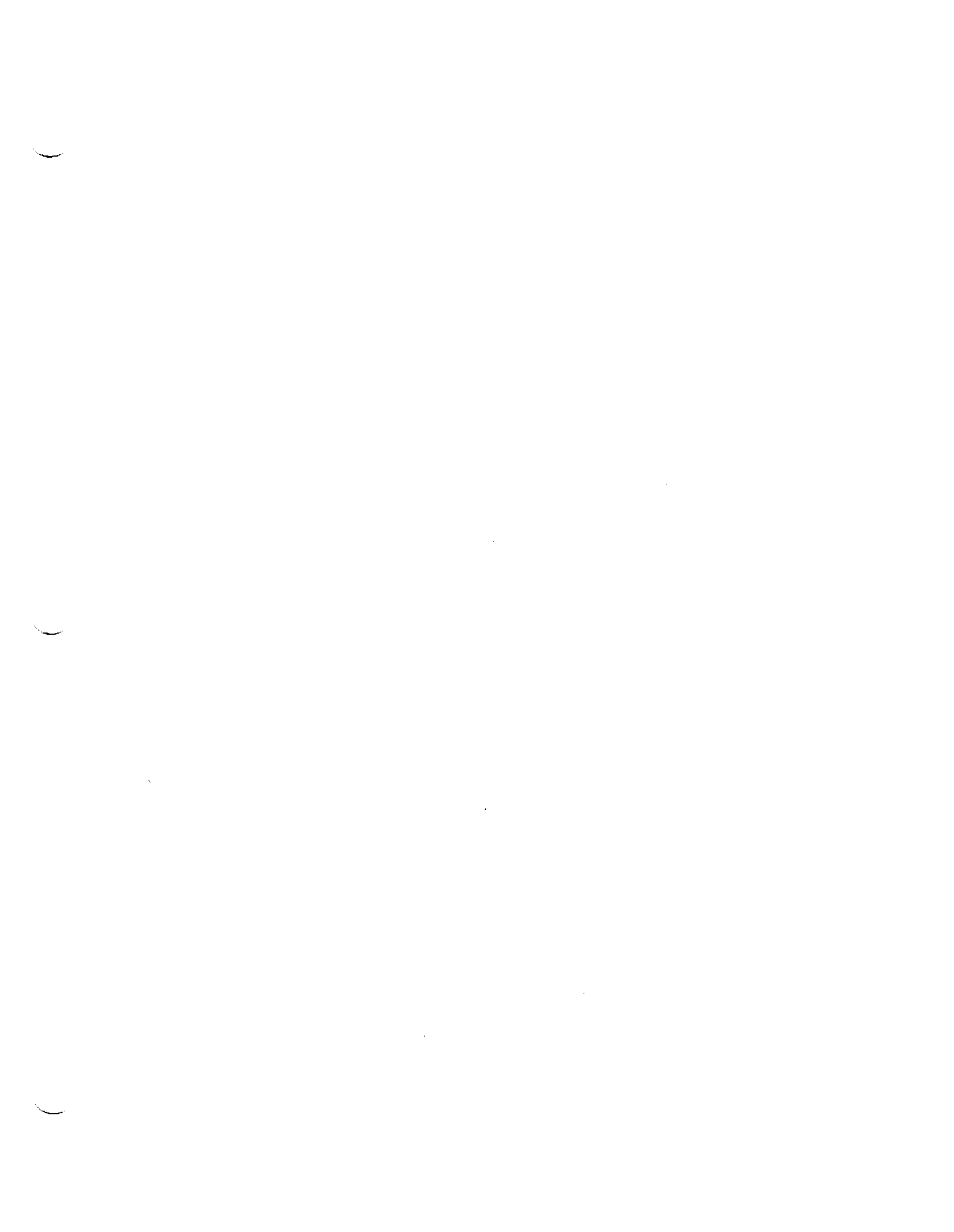
- A. Registry Required: It shall be the duty of the licensee to keep a register containing a record of all trailer coach owners and occupants located within the camp.
- B. Required Information: The register shall contain the following information:
 - 1. Name and address of each occupant.
 - 2. The make, model and year of all automobiles and trailer coaches.
 - 3. License number and owner of each trailer coach and automobile by which it is towed.
 - 4. The state issuing such licenses.
 - 5. The dates of arrival and departure of each trailer coach.
- C. Inspection: The camp shall keep the register available for inspection, at all times, by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

D. **Maintenance Of Records:** The register records shall not be destroyed for a period of three (3) years following the date of registration. (Ord. 83, 9-8-1964)

3-5-14: **POSTING OF LICENSE:** The license certificate shall be conspicuously posted in the office of or on the premises of the trailer coach camp at all times. (Ord. 83, 9-8-1964)

3-5-15: **REVOCAATION:** The Village Board may revoke any license to maintain and operate a camp when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Chapter. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied and the camp is being maintained and operated in full compliance with law. (Ord. 83, 9-8-1964)

3-5-16: **PENALTY:** Any person violating this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 83, 9-8-1964; amd. 1998 Code)



CHAPTER 6

**ITINERANT MERCHANTS, TRANSIENT VENDORS,
PEDDLERS AND HAWKERS**

SECTION:

- 3-6-1: Definitions
- 3-6-2: License Required
- 3-6-3: Application
- 3-6-4: License Fee
- 3-6-5: Hours Of Operation
- 3-6-6: Uninvited Peddling Prohibited
- 3-6-7: Denial; Revocation
- 3-6-8: Holding Inventory
- 3-6-9: Penalty

3-6-1: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ITINERANT VENDOR: Any person who transports tangible personal property for retail sale within this village who does not maintain in this village an established office, distribution house, sales house, warehouse, service center or residence from which such business is conducted. However, this chapter does not apply to any person who delivers tangible personal property within this village who is fulfilling an order for such property which was solicited or placed by mail or other means. This chapter does not apply to any person holding a valid license, issued by the village to engage in retail sales.

PERSON: Any individual, corporation, partnership, trust, firm, association or other entity.

**TRANSIENT
MERCHANT:**

Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in this village and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. However, this chapter does not apply to any person selling goods, wares or merchandise which are raised, produced or manufactured by him, to any person selling vegetables, fruit or perishable farm products at an established village market, to any person operating a store or refreshment stand at a resort, to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides, to any person operating a stand or booth at a state or county fair, or to any person operating a stand or booth at a trade show, exposition, convention or similar event. This chapter does not apply to any person holding a valid license issued by the village to engage in retail sales. (1998 Code)

3-6-2: **LICENSE REQUIRED:** It shall be unlawful for any itinerant merchant, transient vendor, peddler, or hawker to sell or offer for sale, or peddle any article, goods or chattels, in the village without having a license therefor. (Ord. 96, 8-2-1962)

3-6-3: **APPLICATION:** Application for such licenses shall be made to the chief of police. The application shall set forth the name and legal status of the applicant, the permanent business address and if an individual, the residence address, and if an employee, his employer's name and address. (Ord. 96, 8-2-1962; amd. 1998 Code)

3-6-4: **LICENSE FEE:** The application for a license shall be accompanied by a fee of twenty five dollars (\$25.00) per day. (Ord. 96, 8-2-1962; amd. Ord. 283, 12-21-2006)

3-6-5: **HOURS OF OPERATION:** Any selling, offering for sale, or peddling by such licensee shall be between the hours of eight o'clock (8:00) A.M., and six o'clock (6:00) P.M. unless special permission

otherwise shall be granted by the Village. (Ord. 96, 8-2-1962; amd. 1998 Code)

3-6-6: **UNINVITED PEDDLING PROHIBITED:** It shall 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 peddling, in defiance of a notice exhibited at the residence stating in clear and concise wording that peddling is not invited. (1998 Code)

3-6-7: **DENIAL; REVOCATION:** The Village, for good cause shown, shall be empowered to refuse the issuance of a license to an applicant, and to revoke a license granted. (Ord. 96, 8-2-1962; amd. 1998 Code)

3-6-8: **HOLDING INVENTORY:**

- A. **Power To Hold:** If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a license under Section 3-6-2 of this Chapter, the Village may hold the inventory, truck or other personal property of the person until he obtains a license to conduct business as a transient merchant or itinerant vendor.
- B. **Order To Sell:** If the property has been held by the Village for more than sixty (60) days and the person whose property is being held has not obtained a license under Section 3-6-2, the Village may petition the Circuit Court for an order for the sale of the property being held. If the Court finds that the person whose property is held has not obtained a license under Section 3-6-2, the Court may order the Village to sell the property.
- C. **Proceeds Of Sale:** Proceeds of sale of the property, less reimbursement of the licensing agency of the reasonable expenses of storage and sale of the property, shall be deposited in the Treasury of the Village. (1998 Code)

3-6-9: **PENALTY:** Any person violating any provision of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code for each offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 96, 8-2-1962; amd. 1998 Code)

CHAPTER 7

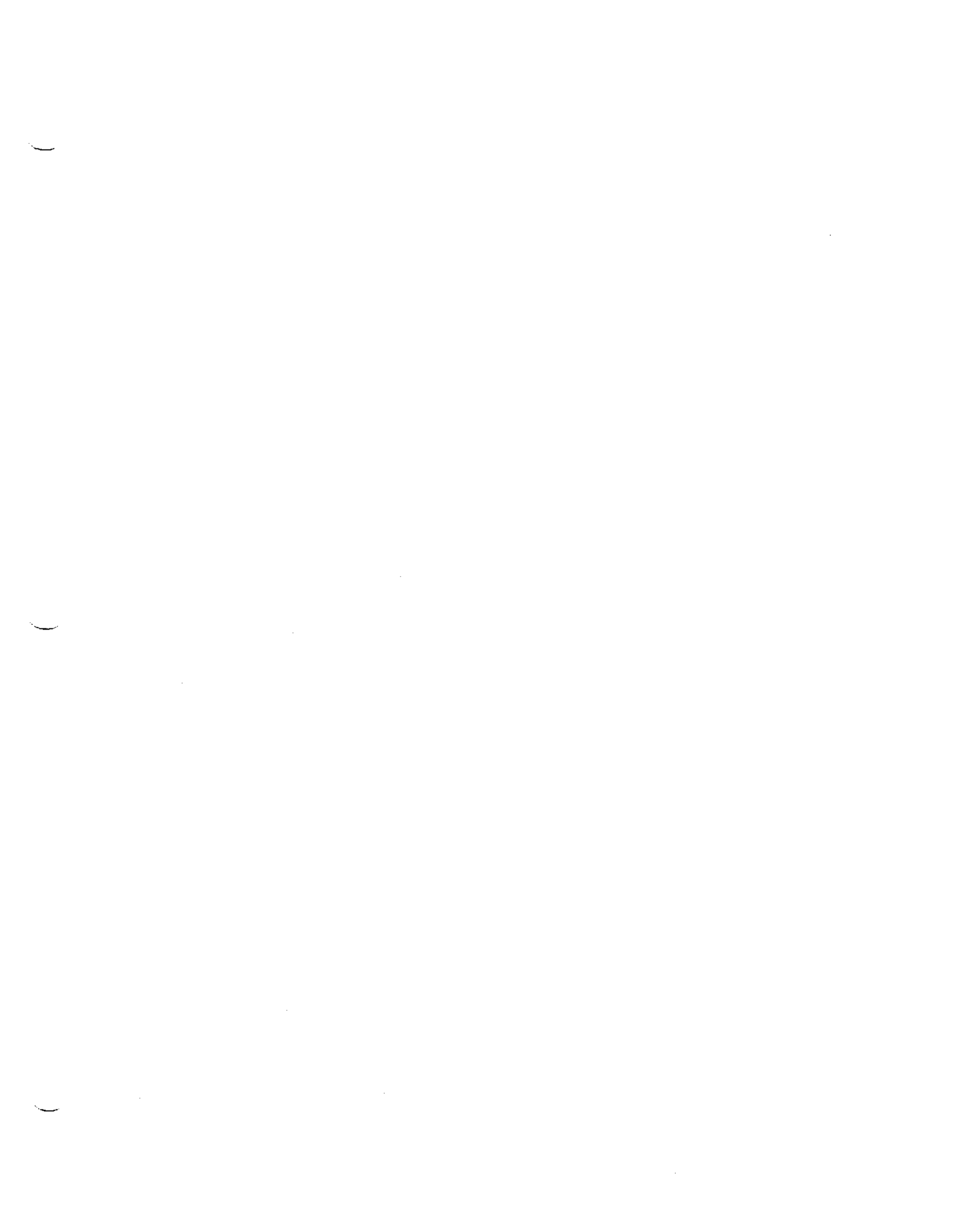
TAXES

SECTION:

3-7-1: Simplified Municipal Telecommunications Tax

3-7-1: **SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX:**

- A. Effective January 1, 2003, a simplified municipal telecommunications tax is hereby imposed upon the act or privilege of originating in the municipality or receiving in the municipality intrastate or interstate telecommunications by a person under the provisions of the simplified municipal telecommunications tax act, PA 92-0526, at a rate of one percent (1%) of the gross charges for such telecommunications purchased at retail from a retailer.
- B. The tax hereby imposed shall be collected and enforced by the department of revenue of the state of Illinois. The Illinois department of revenue shall have full power to administer and enforce the provisions of this section. (Ord. 238, 9-10-2002)



TITLE 4
HEALTH AND SAFETY

Subject	Chapter
Garbage And Refuse	1
Regulations For Use And Disposal	1A
Collection Service Charges	1B
Nuisances	2
Weeds	3
Open Burning	4

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CHAPTER 1

GARBAGE AND REFUSE

ARTICLE A. REGULATIONS FOR USE AND DISPOSAL

SECTION:

- 4-1A- 1: Definitions
- 4-1A- 2: Scope
- 4-1A- 3: Containers
- 4-1A- 4: Excess Liquid
- 4-1A- 5: Sterilization Of Containers
- 4-1A- 6: Placement Of Containers
- 4-1A- 7: Prohibited Deposits
- 4-1A- 8: Dumping, Accumulation Prohibited
- 4-1A- 9: Landscape Waste
- 4-1A-10: Recycling Program
- 4-1A-11: Penalty

4-1A-1: **DEFINITIONS:** For the purpose of this article, the following definitions are hereby adopted:

GARBAGE: Includes all organic household or kitchen waste, such as unused food and food residues.

HOUSEHOLD RUBBISH: Includes inorganic incombustible household waste such as tin cans, bottles and crockery resulting from the regular operation of the household. (Ord. 48, 6-3-1958)

4-1A-2: **SCOPE:** The collection and disposal of garbage and household rubbish in the village shall be governed by the provisions of this article, whether the collection and disposal thereof is carried on by the village or by some person acting under contract with the village. (Ord. 48, 6-3-1958)

4-1A-3: **CONTAINERS:** A maximum of one container will be picked up at the curbside of the street on Monday and again on Friday of each week. The container construction shall be a standard commercial galvanized metal or strong plastic with handles and tightfitting lid. The capacity of the container shall not exceed thirty two (32) gallons and the loaded weight shall not exceed forty (40) pounds in weight. No oversized cans, barrels or makeshift containers will be emptied. Any container in a weekly pick up exceeding the allowed number will require an "excess tag" attached, which shall be purchased from the village for one dollar (\$1.00).

Dumpsters for large amounts of waste can be rented from the village for a fee of forty dollars (\$40.00) for one month or a fee of twenty dollars (\$20.00) for one weekend, Friday-Monday.

Large and bulk items will be picked up on the first Tuesday of the month year around. Carpet must be cut into lengths of five feet (5') or less. Smaller items that should be placed in regular containers for Monday or Friday pick up will not be picked up on the Tuesday pick up.

Refrigerators, washers, dryers, water heaters, other appliances, tires, batteries, liquid paint, chemicals, demolition or remodeling debris will not be picked up. Containers of dried paint will be picked up. (Ord. 246, 6-10-2003, eff. 8-1-2003)

4-1A-4: **EXCESS LIQUID:** Before garbage is placed in containers, it shall be drained of excess liquids, except grease. (Ord. 48, 6-3-1958)

4-1A-5: **STERILIZATION OF CONTAINERS:** Each and every container for garbage shall be sterilized at least twice a year, by means of boiling water and soap, or by scrubbing out with water and dosing said containers with a disinfectant. The lid shall be removed only for the purpose of emptying the container or placing garbage therein, or to wash and dry the same when the container shall be emptied and cleaned. (Ord. 48, 6-3-1958)

4-1A-6: **PLACEMENT OF CONTAINERS:** The containers heretofore referred to shall be placed in a convenient place on the premises at such times and in such a manner as may be directed by the village officials. (Ord. 48, 6-3-1958)

4-1A-7: **PROHIBITED DEPOSITS:** It shall be unlawful for any person to deposit in any container for garbage any article or thing but garbage, or to deposit in any container for household rubbish any article or thing but household rubbish. "Combustible trash" and "landscape waste" which is defined as organic material such as leaves, grass, brush, hedge, tree trimmings and garden waste shall not be set out for solid waste collection. (Ord. 48, 6-3-1958; amd. 1998 Code)

4-1A-8: **DUMPING, ACCUMULATION PROHIBITED:** No pile or deposit of manure, garbage, miscellaneous waste, or refuse of any kind whatsoever, or accumulation of any offensive or nauseous substance, shall be made within the limits of the village, nor shall any person unload, discharge or put upon or along the line of any railroad, street, alley or highway, or public place within the village, any manure, garbage or other offensive or nauseous substance. (Ord. 48, 6-3-1958)

4-1A-9: **LANDSCAPE WASTE:** Yard waste (organic material) such as flowers, weeds, small twigs, grass clippings and garden waste will be picked up on the first and third Mondays of each month, if placed in yard waste bags. No metal, plastic, paper products or excessive amounts of soil shall be included with the yard waste. Yard waste bags shall be purchased from the village for one dollar (\$1.00) each.

The removal of trees growing on private property is the total responsibility of the landowner's tree removal service. The village is not responsible for cleanup of debris caused by tree removal. However, trees and bushes removed by the landowner will be picked up by the village within a reasonable time. Trees and bushes must be cut to a minimum of four feet (4') in length and a maximum of seven feet (7') in length. The cuttings must be stacked in compact bundles for ease of removal. (Ord. 246, 6-10-2003, eff. 8-1-2003)

4-1A-10: **RECYCLING PROGRAM:**

A. **Recycling Required:** Commencing on August 1, 2003, each residential dwelling unit shall cooperate in the recycling of refuse. All recyclable material shall be separated from other garbage and refuse and grouped together and placed for collection. Recyclable materials will be collected at each and every residential dwelling unit in the village that is being provided water service.

- B. **Recyclables Collection:** Collection shall be performed once each week in which there is not a village holiday, shall not start before six o'clock (6:00) A.M., and will be collected on the same day as refuse throughout the village. Unforeseen emergencies may require alteration of the schedule.
- C. **Collection At Curb:** All recyclable materials shall be collected at the curb, also referred to as the terrace, and near the street in front of the residential unit. Collection will not be made in alleys.
- D. **Recyclable Refuse:** Recyclable refuse shall consist of and be contained as follows:
1. **Transparent Blue Plastic Bag #1:**
 - a. **Glass:** All brown, green, and clear glass shall be rinsed, lids removed, and placed in this bag. Labels may remain on the glass.
 - b. **Cans:** All aluminum, steel, and tin cans shall be rinsed and placed in this bag. Labels may remain on the cans.
 - c. **Plastics:** All plastics shall be rinsed, caps removed, and flattened. Plastics are restricted to items having either a number one or number two (2) imprinted inside the recycling symbol on the bottom of the container.
 2. **Transparent Blue Plastic Bag #2:**
 - a. **Newsprint:** All newsprint shall be placed in this second bag and shall not be mixed with any other garbage or refuse, recyclable or otherwise.

Included with newsprint are all supplements that are delivered with the newspaper.
- E. **Nonrecyclable Materials:**
1. **Items Which Are Nonrecyclable:** Without limitation, the following items, which may be mistaken as falling into one of the categories above, are not recyclable under this chapter, and must be disposed of with other nonrecyclable garbage or refuse:
 - a. **Glass:** All Pyrex glass, window glass, light bulbs, mirrors, china, and tableware;

b. **Plastics:** All Styrofoam and Melmac type plastics, and any plastic containers containing automotive fluids or swimming pool chemicals;

c. **Paper And Cardboard:** All office or computer paper, magazines, waxed paper, waxed cardboard, milk cartons, envelopes, cereal boxes, and general purpose cardboard.

2. **Other Nonrecyclable Garbage And Refuse:** All other garbage and refuse, not specifically mentioned as a recyclable item, shall not be placed in a container or bagged with recyclable items. If nonrecyclable materials are placed in the recycling bags the bags will not be picked up and it will be considered a violation of this chapter.

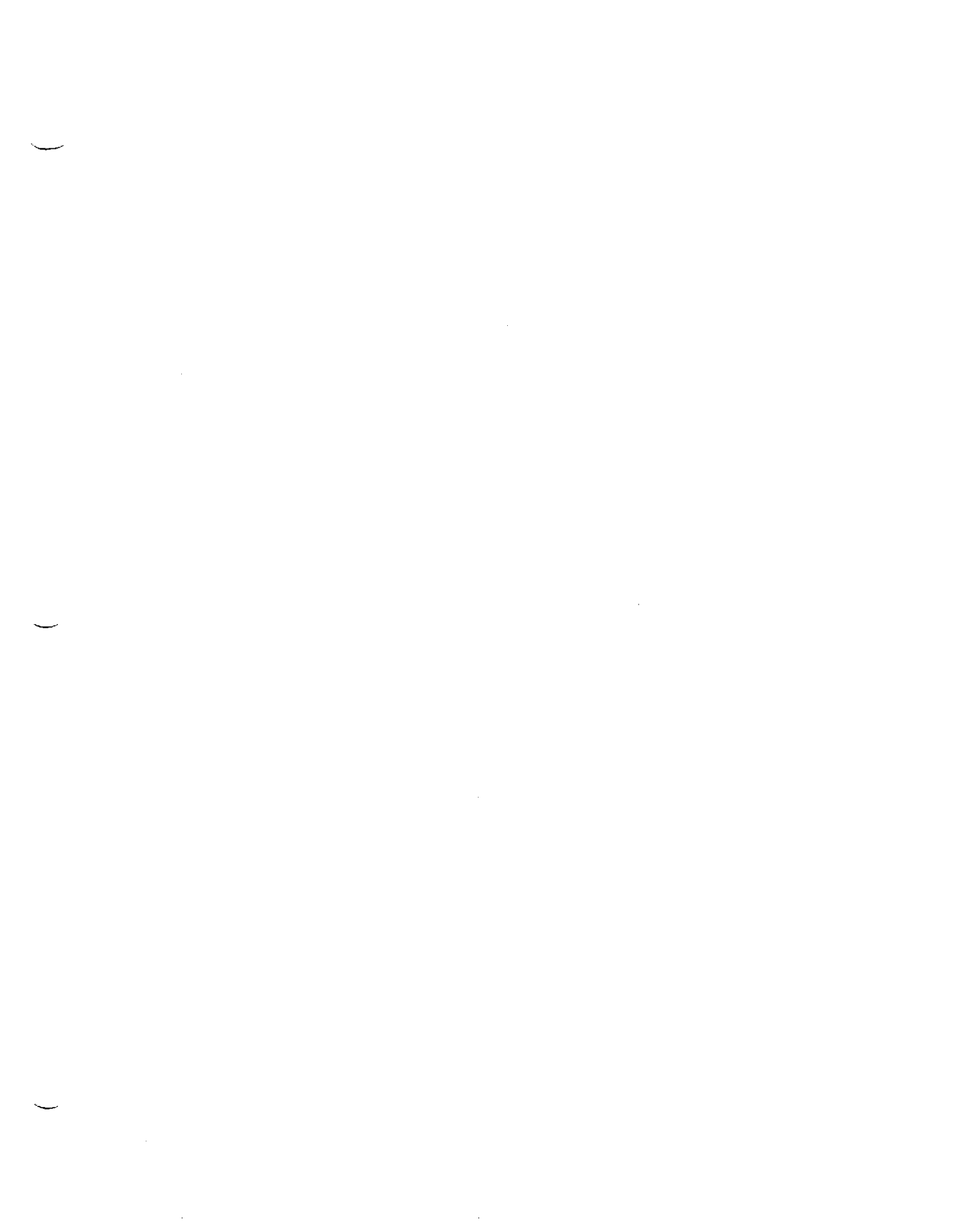
F. Ownership Of Recyclable Waste Material:

1. After recyclable waste material has been placed in a designated container for such purpose at a designated recycling collection location for collection by the village or its authorized agent, the recyclable waste material shall become the property of the village or its authorized agent.

2. During the twenty four (24) hour period commencing at six o'clock (6:00) P.M. on any day preceding a day designated for collection of recyclable waste material, no person, other than the village's authorized agent, shall remove recyclable waste material from a designated container which has been placed at a designated recycling collection location. Each collection in violation of this section from each separate designated recycling collection location during that period shall constitute a separate and distinct violation of this chapter.

3. Nothing in this chapter shall limit the right of an individual person, organization, or other entity to donate, sell, or otherwise dispose of recyclable waste material, if such disposal does not violate any applicable statute, regulation, or ordinance. (Ord. 246, 6-10-2003, eff. 8-1-2003)

4-1A-11: **PENALTY:** Any person violating any of the terms of this article shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 48, 6-3-1958; amd. 1998 Code; Ord. 246, 6-10-2003, eff. 8-1-2003)



CHAPTER 1
GARBAGE AND REFUSE
ARTICLE B. COLLECTION SERVICE CHARGES

SECTION:

- 4-1B-1: Intent
- 4-1B-2: Residential Users
- 4-1B-3: Nonresidential Users
- 4-1B-4: Delinquent Bills
- 4-1B-5: Nonpayment
- 4-1B-6: Unpaid Usage
- 4-1B-7: Accounting Of Funds
- 4-1B-8: Joint Liability
- 4-1B-9: Exclusive Service

4-1B-1: **INTENT:** The village president and board of trustees have determined that the public health and welfare of the village require a solid waste collection system designed to minimize illegal dumping, to avoid unpaid use of the system, and to provide for reasonable certainty of income to meet contractual obligations of the village to operate the system. (Ord. 202, 4-1-1993)

4-1B-2: **RESIDENTIAL USERS:**

- A. **Charge Established:** There is hereby established a service charge of thirteen dollars (\$13.00) per month or any part of a month. (Ord. 202, 4-1-1993; amd. 1998 Code; Ord. 290, 4-10-2007, eff. 5-1-2007)
- B. **Applicability:** All users of residential water service within the village shall be required to pay said monthly service charge. (Ord. 202, 4-1-1993; amd. 1998 Code)
- C. **Multiple Residential Dwellings:** The solid waste collection service charge of thirteen dollars (\$13.00) per month or any part of a month

shall be assessed against each unit of a multiple residential dwelling except any unit which is not occupied for any day during the month for which the charge is made. (Ord. 202, 4-1-1993; amd. 1998 Code; Ord. 290, 4-10-2007, eff. 5-1-2007)

- D. **Included In Water Bill:** The service charge shall be added to the water bill and paid with the water bill monthly.
- E. **Exemption:** Residences for which the water service has been turned off for the entire month and residences in which no person has been living for an entire month shall be exempt from the service charge.
- F. **Schedule Of Service Charges:** A copy of the schedule of the service charges shall be furnished to each person assessed the solid waste service charge. (Ord. 202, 4-1-1993; amd. 1998 Code)

4-1B-3: NONRESIDENTIAL USERS:

- A. **Independent Contract:**
 - 1. **Option To Contract:** Commercial establishments, industrial, governmental institutions and other nonresidential users have the option to contract for their own solid waste collection.
 - 2. **Placement With Other Users Prohibited:** Nonresidential users who contract for their own solid waste collection service, or do not pay for the village collection service, shall not place their solid waste with that of other users.
 - 3. **Violation; Penalty:** Any user who is found guilty of violating any part of this subsection shall be subject to penalty as provided in section 1-4-1 of this code.
- B. **Charge For Village Service:** If such nonresidential users decide to use the village collection service, charges shall be as follows:
 - 1. **Commercial:** Five dollars (\$5.00) per month for commercial establishments.
 - 2. **Combined Residential/Commercial:** Five dollars (\$5.00) per month for a combined residence and commercial establishment that is occupied and operated by the owner.

3. Combined Commercial/Rental Apartments: Five dollars (\$5.00) per month for a commercial establishment, plus three dollars (\$3.00) per month for a rental apartment, for each rental apartment which is part of the same structure.

4. Governmental: Five dollars (\$5.00) per month for governmental users.

5. Industrial, Large: Twenty five dollars (\$25.00) per month for industrial users employing twenty five (25) or more employees.

6. Industrial, Small: Fifteen dollars (\$15.00) per month for industrial users employing less than twenty five (25) employees.

C. Partial Months: When the services are used for only part of a month, the full monthly amount shall apply and there shall be no proration of the monthly charge. (Ord. 202, 4-1-1993)

4-1B-4: **DELINQUENT BILLS:** All solid waste collection bills are due at the same time as water bills. The same penalty rate shall be added to the solid waste bill as is added to the water bill if not paid prior to the delinquent date. (Ord. 202, 4-1-1993)

4-1B-5: **NONPAYMENT:** Persons who are delinquent in payment of the solid waste charge shall be subject to termination of their water service upon notice as in the cases of delinquent water bills. (Ord. 202, 4-1-1993)

4-1B-6: **UNPAID USAGE:**

A. Prohibited: It shall be unlawful for any person who is not residing in a residence for which the solid waste service fee is being paid to place any trash, garbage or other refuse with trash, garbage or refuse of a person who is receiving and paying for such service.

B. Violation; Penalty: Any person who is found guilty of a violation of this section shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 202, 4-1-1993; amd. 1998 Code)

4-1B-7: **ACCOUNTING OF FUNDS:** The village treasurer shall receive all such revenue from the solid waste charges and deposit the same in the garbage fund. The village treasurer shall administer said fund in every respect in the same manner as provided by the Illinois municipal code. The village 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 solid waste collection service. (Ord. 202, 4-1-1993)

4-1B-8: **JOINT LIABILITY:** The owner of the location for which solid waste service is provided, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such location, and the service is furnished to the location by the village only upon the condition that the owner, occupant, and user are jointly and severally liable therefor to the village. (Ord. 202, 4-1-1993)

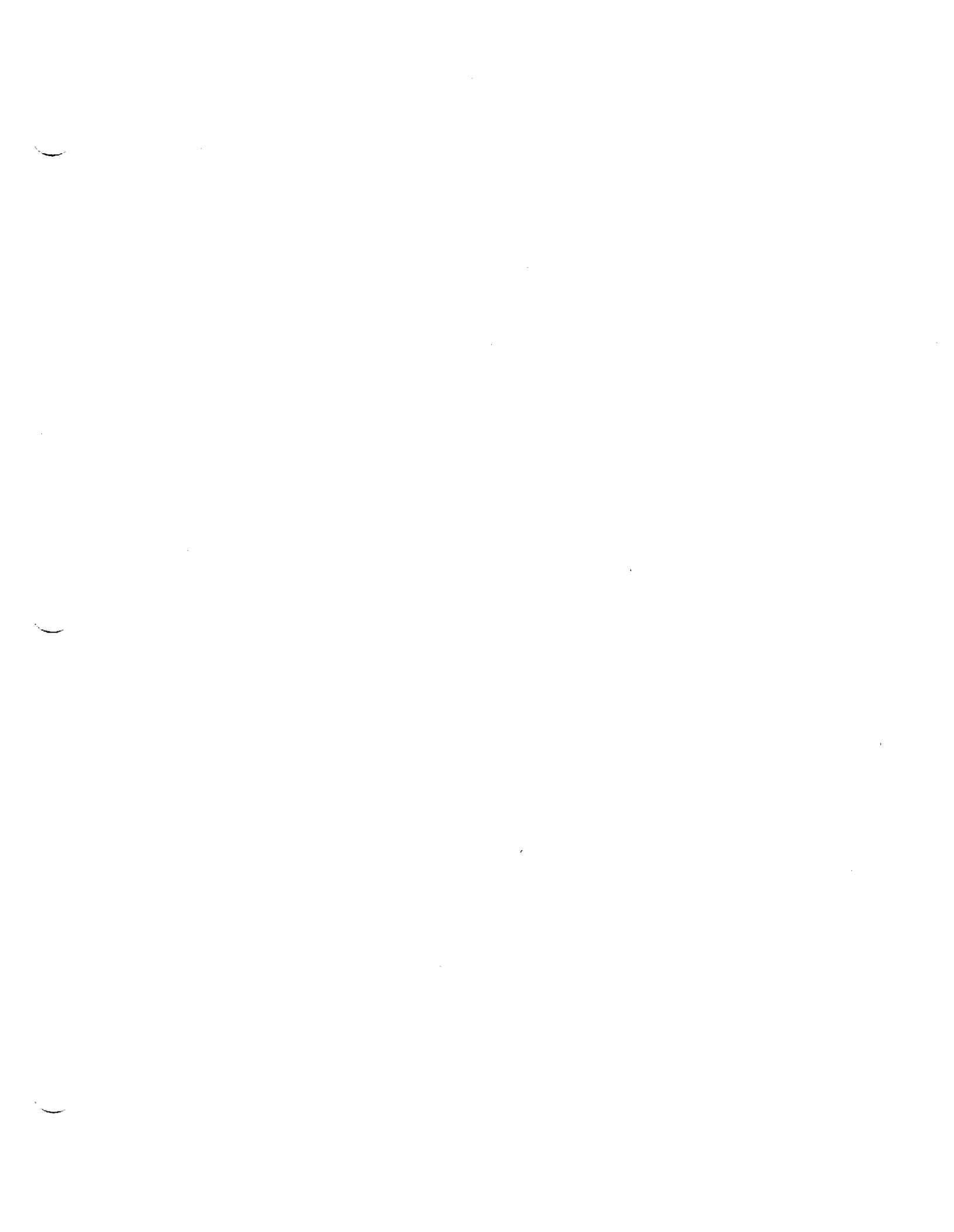
4-1B-9: **EXCLUSIVE SERVICE:** The solid waste collection service provided by the village for residential users shall be the only permitted method by which residential users may have their solid waste collected and removed from their property within the village. (Ord. 202, 4-1-1993)

CHAPTER 2
NUISANCES

SECTION:

4-2-1: State Statute Adopted

4-2-1: **STATE STATUTE ADOPTED:** There is hereby adopted by the Village the provisions of 720 Illinois Compiled Statutes 5/47-5 et seq., Public Nuisances. Such nuisance provisions shall govern all matters covered therein to the extent the same are not in conflict with any provision of this Code or other ordinances of the Village. (1998 Code)



CHAPTER 3

WEEDS

SECTION:

- 4-3-1: Nuisance Declared
4-3-2: Owner Responsibility
4-3-3: Abatement

4-3-1: **NUISANCE DECLARED:** Whoever shall suffer or permit any cockleburrs, thistles, burdocks, jimson or other weeds or tall grass to grow to a height exceeding six inches (6") upon any lot or premises owned or controlled by him within the Village shall be deemed guilty of maintaining a nuisance. (Ord. 186, 1987)

4-3-2: **OWNER RESPONSIBILITY:** It shall be the duty of every owner, lessee or occupant of property within the Village limits to keep such property clear and free of cockleburrs, thistles or other weeds or tall grass. (Ord. 186, 1987)

4-3-3: **ABATEMENT:**

- A. **Failure To Comply:** If you fail to comply with the provisions of this Chapter, you will be fined a sum of fifty dollars (\$50.00) for one offense. Each day the violation continues shall be a separate offense.
- B. **Abatement By Village:** If the offense has not been corrected by the fifth day, the Village Clerk shall request a private contractor to remove or mow such weeds and the cost thereof shall be billed to the owner, lessee or occupant of the property.
- C. **Lien:** The fine and reasonable cost of removing such weeds or tall grass shall be a lien upon the real estate affected upon filing a lien

with the County Recorder within sixty (60) days after such cost is incurred by the Village. (1998 Code)

CHAPTER 4
OPEN BURNING

SECTION:

- 4-4-1: Prohibited; Exception
- 4-4-2: Exception
- 4-4-3: Police Enforcement
- 4-4-4: Violation; Penalty

4-4-1: **PROHIBITED; EXCEPTION:** Burning of fallen leaves, cut weeds, grass clippings, brush and other yard waste is prohibited within the village limits except as provided in section 4-4-2 of this chapter. (Ord. 338, 4-10-2012)

4-4-2: **EXCEPTION:** Burning of fallen leaves, cut weeds, grass clippings, brush and other yard waste is permitted on those Wednesdays and Saturdays corresponding to the weeks scheduled for recycling pick up. (Ord. 338, 4-10-2012)

4-4-3: **POLICE ENFORCEMENT:**

- A. Police officers are hereby authorized to cause a fire to be extinguished whenever they may determine the burning of fallen leaves, cut weeds, grass clippings, brush or other yard waste to be in violation of this chapter.
- B. The foregoing immediate action of the police shall not in any manner restrict or prohibit the prosecution of an ordinance violation complaint in any such case. (Ord. 338, 4-10-2012)

4-4-4: **VIOLATION; PENALTY:** Any person found to be in violation of this chapter may be fined not less than twenty five dollars (\$25.00), nor greater than seven hundred fifty dollars (\$750.00). (Ord. 338, 4-10-2012)

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TITLE 5
POLICE REGULATIONS

Subject	Chapter
Curfew	1
Dogs And Cats	2
General Offenses	3
Offenses Against Public Morals	4
Chronic Nuisance Property Abatement	5

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CHAPTER 1

CURFEW

SECTION:

- 5-1-1: Title
5-1-2: Age And Hour Restrictions
5-1-3: Parental Responsibility
5-1-4: Violation; Penalty

5-1-1: **TITLE:** This Chapter shall be known and may be cited as *THE CURFEW LAW FOR THE VILLAGE OF ANNAWAN, HENRY COUNTY, ILLINOIS.* (Ord. 65, 3-5-1962)

5-1-2: **AGE AND HOUR RESTRICTIONS:** It shall be unlawful for any person under the age of seventeen (17) years to be in, on, or upon any public street, alley or other public place in the Village after the hour of eleven o'clock (11:00) P.M. until six o'clock (6:00) A.M. the following morning from June 1 to September 15, inclusive of each year, and after the hour of ten thirty o'clock (10:30) P.M. until six o'clock (6:00) A.M. the following morning from September 16 to May 31, inclusive, of the following year, except under the following circumstances:

- A. Such minor is accompanied by a parent, guardian or other adult person having the care and custody of such minor;
- B. Such minor is in the performance of an errand or duty directed by the parent, guardian or other adult person having the care and custody of such minor;
- C. Such minor is in, on, or upon said public, street, alley or other public place in the pursuit of lawful and gainful employment;
- D. Such minor is traveling home, in an orderly and direct manner, from the home of a friend, school or church program or a legitimate public amusement place. (Ord. 65, 3-5-1962; amd. 1998 Code)

5-1-3: PARENTAL RESPONSIBILITY: It shall be unlawful for any parent, guardian or other adult person having the care and custody of any person under the age of seventeen (17) years to allow or permit a minor, under the aforesaid age, to go or be in, on or upon any public street, alley or other public place in the Village after the hour of eleven o'clock (11:00) P.M. until six o'clock (6:00) A.M. the following morning, from June 1 to September 15 inclusive, of each year and after the hour of ten thirty o'clock (10:30) P.M. until six o'clock (6:00) A.M. the following morning, from September 16 to May 31 inclusive, of the following year, unless said minor is within the provisions of subsections 5-1-2A through D of this Chapter. (Ord. 65, 3-5-1962; amd. 1998 Code)

5-1-4: VIOLATION; PENALTY:

A. Violation By Minor:

1. **Warning:** Any Police Officer finding a minor child violating the provisions of Section 5-1-2 of this Chapter shall warn the minor to desist immediately from such violation and shall promptly report the violation to a superior authority.

2. **Notice:** The superior authority may cause a written notice to be mailed or served upon the parent, guardian or other adult person having the care and custody of said minor.

B. Violation By Parent Or Guardian: Any parent, guardian or other adult person violating the provisions of Section 5-1-3 of this Chapter shall, on conviction, be fined in an amount not to exceed twenty five dollars (\$25.00) for each offense and shall stand committed until such fine and court costs are paid. (Ord. 65, 3-5-1962)

CHAPTER 2
DOGS AND CATS

SECTION:

- 5-2- 1: Definitions
- 5-2- 2: Number Of Dogs And Cats Restricted
- 5-2- 3: Running At Large Prohibited
- 5-2- 4: Rabies Control
- 5-2- 5: Dangerous, Vicious Dogs
- 5-2- 6: Redemption Of Impounded Dogs And Cats
- 5-2- 7: Cruelty To Animals
- 5-2- 8: Nuisance Prohibited
- 5-2- 9: Removal Of Excrement
- 5-2-10: Exemptions From Provisions

5-2-1: **DEFINITIONS:** For the purposes of this Chapter, except as otherwise indicated, the following definitions will apply:

ANIMAL NUISANCE: Created when an animal:

- A. Runs uncontrolled;
- B. Molests or disturbs persons or vehicles by chasing, barking or biting;
- C. Attacks other animals.

ATTACK: Any aggressive, menacing or vicious physical contact between any dog and any person or other animal, including, but not limited to, contact of the mouth or teeth of the dog with the victim of the attack and any striking or scratching of the victim of the attack by the paws of any dog.

- BITE:** Seizing with the teeth or jaws so that the person or other animal seized has been nipped, gripped, cut, wounded or pierced, and further includes the contact of saliva with any break or abrasion of the skin.
- CONFINEMENT STRUCTURE:** A securely locked pen, kennel or other structure designed, constructed and maintained in accordance with the standards herein. Such pen, kennel or other structure must have secure sides and a secure top attached to the sides and must be locked with a key or combination lock when animals are within the structure. Such structure must have a secure bottom or floor attached to the sides, or the sides of the structure must be embedded in the ground no less than two feet (2'). All such structures must comply with all zoning and building regulations of the Village and be adequately lighted, ventilated and kept in a clean and sanitary condition.
- COUNTY ADMINISTRATOR:** The County Administrator appointed pursuant to 510 Illinois Compiled Statutes 5/3.
- DOG, DANGEROUS:** Any dog which, unmuzzled, in a vicious or terrorizing manner, approaches any person or other animal in an apparent attitude of attack upon any street, sidewalk or any public grounds or place, or any premises other than those of its owner; provided, that such approach is unprovoked.
- DOG, VICIOUS:** Any dog which has, when unprovoked, bitten or attacked any person or other animal on public or private property; has a known tendency, propensity or disposition to attack persons or animals without provocation; or has been found to be a dangerous dog upon three (3) separate occasions.
- GUIDE DOG:** A dog trained and used to aid the blind or hearing impaired; provided, that the owner of

any such dog complies with the provisions contained in 510 Illinois Compiled Statutes 5/8.

K-9 DOG: A dog trained and used in the performance of official police duties authorized by the Chief of Police; provided, that any such dog shall be currently inoculated against rabies as provided for in 510 Illinois Compiled Statutes 5/8.

LEASH: A strap or chain, manufactured for use as a leash, securely fastened to the collar or harness of a dog which shall in no case be longer than eight feet (8') and shall be of sufficient strength to keep such dog under control.

MUZZLE: A device constructed of strong, soft material or metal which will prevent a dog from biting any person or animal; provided, that such muzzle must be made in a manner which will not cause injury to the dog nor interfere with its vision or respiration.

OWNER: Any person having a right of property in a dog, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him. (1998 Code)

5-2-2: NUMBER OF DOGS AND CATS RESTRICTED: It shall be unlawful for any person to house, keep or maintain within a single dwelling unit more than three (3) dogs or three (3) cats, or any combination thereof, over the age of four (4) months within the corporate limits of the Village. (1998 Code)

5-2-3: RUNNING AT LARGE PROHIBITED: It shall be unlawful for any dog or cat to run at large. For the purposes of this Section, any dog or cat not upon the premises of its owner or such other person having custody, possession or control over any such dog or cat, which is not on a leash and under the control of a person physically able to control it, shall be deemed to be running at large. All dogs or cats found to be running at large shall be promptly impounded by the Chief of Police, or any person authorized by him for this purpose. (1998 Code)

5-2-4: RABIES CONTROL:

A. Inoculation Required: Every owner of a dog or cat four (4) months or more of age within the corporate limits of the Village shall cause such dog or cat to be inoculated against rabies every three (3) years by a licensed veterinarian. Evidence of such rabies inoculation shall be entered on a certificate, the form of which shall be approved by the Henry County Board and which shall be signed by the licensed veterinarian administering the vaccine. In addition, the owner of any such inoculated dog or cat shall cause a rabies inoculation tag to be affixed to the collar or harness of such dog or cat.

B. Confinement Of Rabies Suspects; Reports:

1. Animals Exhibiting Rabies Symptoms; Biting Animals:

a. The owner of any dog, cat or other animal which exhibits clinical signs of rabies, whether or not such dog, cat or other animal has been inoculated against rabies, shall immediately notify the Chief of Police. The Chief of Police shall cause any dog, cat or other animal exhibiting clinical signs of rabies to be confined, under suitable observation, for a period of at least ten (10) days, unless officially authorized by the County Administrator, in writing, to release it sooner. Any dog, cat or other animal in direct contact with such dog, cat or other animal, whether or not the exposed dog, cat or other animal has been inoculated against rabies, shall be confined as recommended by the County Administrator.

b. Whenever the Chief of Police receives information that any person has been bitten by a dog, cat or other animal, the Chief of Police shall cause such dog, cat or other animal to be confined under the observation of a licensed veterinarian for a period of ten (10) days. Such veterinarian shall report the clinical condition of the dog, cat or other animal immediately, with the confirmation in writing, to the Chief of Police and the County Administrator within twenty four (24) hours after the dog, cat or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age and sex of such dog, cat or other animal. The ten (10) day observation period shall not be applicable to wildlife not owned by any person.

c. At the end of the confinement period, the veterinarian shall submit a written report to the Chief of Police and County Administrator advising them of the final disposition of such dog, cat or other animal.

2. Confinement Of Inoculated Animals: When evidence is presented that such dog, cat or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner or in a manner which will prohibit it from biting any person for a period of ten (10) days if the County Administrator or other licensed veterinarian adjudges such confinement satisfactory.

At the end of any confinement period, such dog, cat or other animal shall be examined by the County Administrator or another licensed veterinarian.

C. Animal Bites; Duties And Prohibitions:

1. It is unlawful for any person having knowledge that any person has been bitten by a dog, cat or other animal to refuse to notify the Chief of Police or the County Administrator promptly.

2. It is unlawful for the owner of such dog, cat or other animal to euthanize, sell, give away or otherwise dispose of any such dog, cat or other animal known to have bitten a person, until it is released by the County Administrator or his authorized representative. It is unlawful for the owner of such dog, cat or other animal to refuse or fail to comply with the written or printed instructions made by the County Administrator or the Chief of Police. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog, cat or other animal by regular mail, postage prepaid. The affidavit or testimony of the Chief of Police, the County Administrator or their authorized representatives of the delivery or mailing of such instructions is prima facie evidence that the owner of such dog, cat or other animal was notified of his responsibilities.

D. Rabies Control Costs: Any expense incurred in the handling of any dog, cat or other animal under the provisions of this Section shall be borne by the owner. (1998 Code)

5-2-5: **DANGEROUS, VICIOUS DOGS:**

A. Nuisance Declared: Each vicious or dangerous dog is hereby declared to be a public nuisance and shall only be kept, harbored, maintained, owned or possessed within the corporate limits of the Village in strict conformance with the provisions of this Section.

B. Dangerous Dogs:**1. Requirements And Prohibitions:**

a. It shall be unlawful for any dangerous dog to leave the premises of the owner, unless such dog is securely muzzled, restrained on a leash and under the direct control and supervision of the owner; provided that, in no event, shall such dog be under the direct control or supervision of any person under the age of eighteen (18) years.

b. It shall be unlawful for any dangerous dog to annoy, endanger or approach, in an apparent attitude of attack, any person or animal.

2. Report Of Incident; Investigation:

a. Any person who witness an incident involving a bite, attack or menacing behavior by any dog occurring in the Village shall file a sworn affidavit of complaint with the Police Department setting out the nature and date of the incident, the owner of the dog, the address of the owner and description of the dog.

b. The Police Department, upon receipt of an affidavit of complaint, shall investigate the complaint to determine whether the dog is dangerous or vicious. If the Police Department finds that the dog is dangerous or vicious, the owner shall be notified by certified mail of such finding. No dog shall be found dangerous or vicious if the attack or menacing behavior was directed at a person who was, at the time in question, committing a wilful trespass or other tort upon the premises of the owner; or was teasing, tormenting, abusing or assaulting the dog; or who has in the past teased, tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

c. The owner of a dog found to be dangerous or vicious may, within seven (7) days of the mailing of notice by the Police Department, make a written request to the Police Department for a review of such finding. Such review shall be made by the Chief of Police within seven (7) days of such request and shall be based upon the sworn affidavit of complaint and any statements or evidence presented by the owner, witnesses to the incident, Police Department personnel or any other person possessing information relevant to such findings. The Chief of Police shall issue the written findings within five (5) days after the review, sustaining or overruling the findings made by the Police Department.

C. Vicious Dogs:

1. Requirements And Prohibitions:

a. It shall be unlawful to keep, harbor, maintain, own or in any way possess within the corporate limits of the Village any vicious dog unless such dog is at all times kept in a confinement structure.

b. Notwithstanding the provisions of subsection C1a above, a vicious dog may be allowed out of a confinement structure if it is necessary in order to obtain veterinary care for the vicious dog or to comply with the order of a court of competent jurisdiction. At any time that a vicious dog is outside of a confinement structure, it shall be securely muzzled, restrained on a leash and under the direct control and supervision of the owner; provided, that in no event shall such dog be under the direct control or supervision of any person under the age of eighteen (18) years.

c. No owner of a vicious dog shall sell, otherwise transfer, set free, abandon or give any vicious dog to any person who resides in the Village.

d. All vicious dogs kept, harbored, maintained, owned or in any way possessed in the Village shall be spayed or neutered.

2. Warning Signs: The owner of a vicious dog shall post a warning sign, which is readable from not less than one hundred feet (100'), in a prominent place in front of the owner's premises to inform the public of the presence of the vicious dog. Such sign shall be of metal, with black letters at least two inches (2") in height on a white background. Such sign shall state **WARNING: VICIOUS DOG ON PREMISES.**

3. Impoundment And Destruction Of Vicious Dog: Any vicious dog which a) is outside of a confinement structure and not in compliance with the provisions of subsection C1b above, or b) inflicts a bite on any person, shall be impounded by the Police Department and turned over to a licensed veterinarian for destruction by lethal injection. (1998 Code)

5-2-6: **REDEMPTION OF IMPOUNDED DOGS AND CATS:**

Whenever a dog or cat has been impounded in accordance with this Chapter, the Chief of Police or his authorized agent shall give notice to redeem of not less than seven (7) days to the owner of such dog

or cat, if known. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Chief of Police or his authorized agent who mailed such notice shall be prima facie evidence of receipt of such notice by the owner of such dog or cat. In case the owner of any impounded dog or cat desires to make redemption thereof within the time prescribed, he may do so on the following conditions:

- A. He must present proof of current rabies inoculation.
- B. He must pay for the rabies inoculation.
- C. He must pay for the board of the dog or cat for the period it has been impounded.
- D. He must pay for any other fines imposed pursuant to this Chapter.
- E. He must pay an administrative fee in the amount of fifteen dollars (\$15.00). (1998 Code)

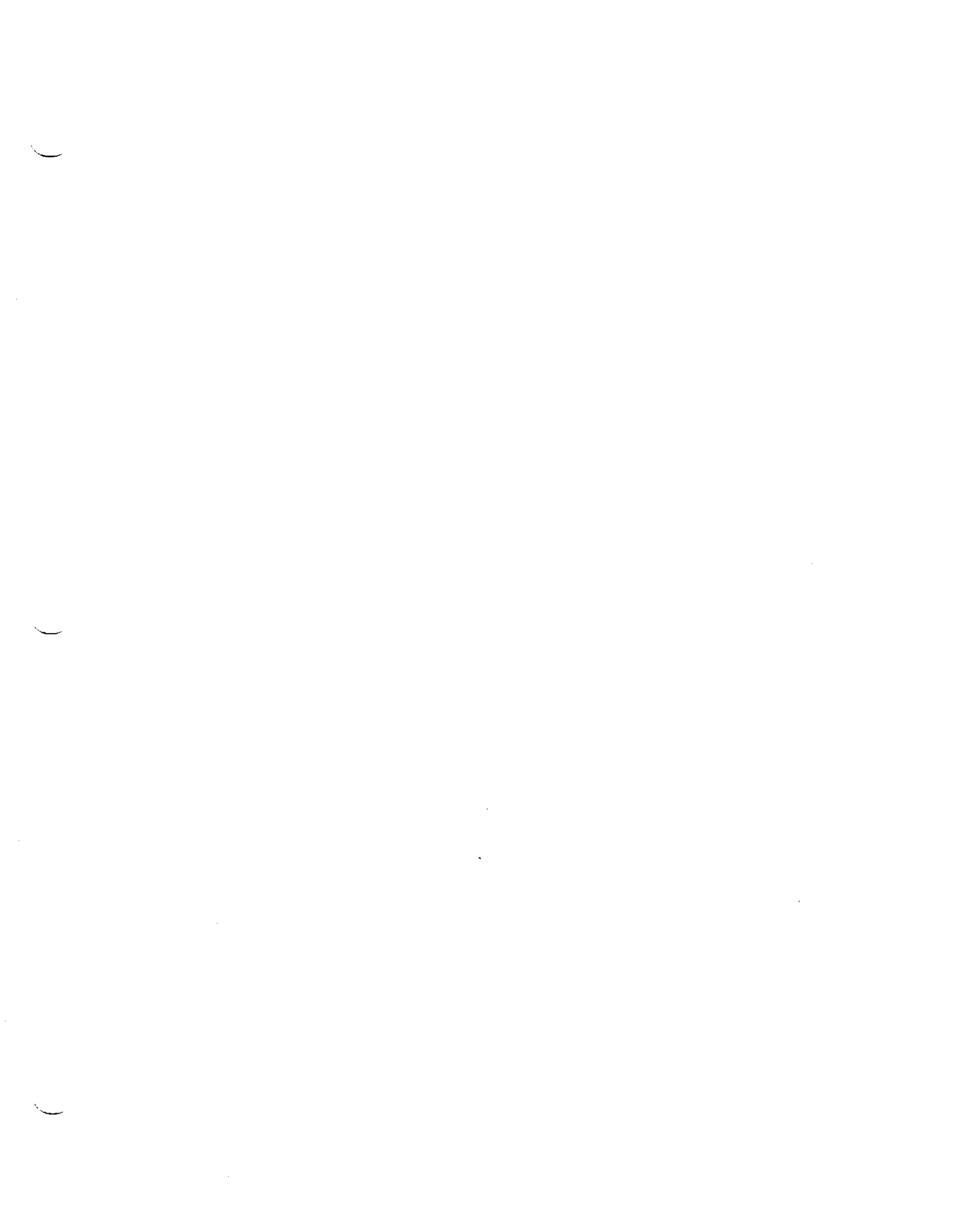
5-2-7: **CRUELTY TO ANIMALS:** It shall be unlawful for any person to:

- A. Beat, underfeed, overload, overwork, torment, abandon, train as a fighting animal, or otherwise inhumanely treat any domestic animal anywhere in the Village.
- B. Sell, offer for sale, barter or give away as a pet or novelty any rabbit, hare, baby chick, duckling or other fowl which has been dyed, colored or otherwise treated to impart an artificial color thereto;
- C. Kill or wound, or attempt to kill or wound, or take the eggs of young of any game or song bird:
- D. Knowingly poison or cause to be poisoned any domestic animal; however, acceptable methods may be used in a responsible manner to control vermin; or
- E. Give away any domestic animal as a prize for or as an inducement to enter any contest, game or other competition; or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement when the offer was for the purpose of attracting trade. (1998 Code)

5-2-8: **NUISANCE PROHIBITED:** It shall be unlawful for the owner or harbinger of any dog, cat or other domestic animal to cause or permit such animal to perform, create or engage in any "animal nuisance" defined by Section 5-2-1 of this Chapter. Any animal found acting in any way forbidden by this Chapter, in the determination of the Chief of Police, shall hereby be declared a nuisance and its owner or harbinger shall be subject to citation. (1998 Code)

5-2-9: **REMOVAL OF EXCREMENT:** No person shall appear with an animal upon public ways, within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor, shall any person fail to remove any excrement deposited by such animal. This Section shall not apply to blind persons while walking the guide dogs. (1998 Code)

5-2-10: **EXEMPTIONS FROM PROVISIONS:** Notwithstanding any provision contained in this Chapter to the contrary, K-9 and guide dogs shall be exempt from the provisions of Sections 5-2-3 and 5-2-5 of this Chapter. (1998 Code)



CHAPTER 3
GENERAL OFFENSES

SECTION:

- 5-3- 1: Illinois Criminal Code Adopted
- 5-3- 2: Provoking A Disturbance
- 5-3- 3: Intoxication
- 5-3- 4: Keeping Animals Tied
- 5-3- 5: Riding On Sidewalk
- 5-3- 6: Lamps On Bicycles
- 5-3- 7: Excavation In Streets, Protection Of
- 5-3- 8: Storing Vehicles In Streets And Alleys
- 5-3- 9: Distribution Of Handbills On Streets
- 5-3-10: Street Obstruction; Exhibitions
- 5-3-11: Vagrancy
- 5-3-12: Fireworks
- 5-3-13: Posting In Certain Places Prohibited
- 5-3-14: Distributing Samples Of Prepared Medicines
- 5-3-15: Compression Brakes Prohibited

5-3-1: **ILLINOIS CRIMINAL CODE ADOPTED:** Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Illinois criminal code¹, as amended, are hereby adopted by the village. Any and all violations thereof shall be considered violations of this chapter, and each such violation shall subject the violator thereof to penalty provisions under this chapter if proceeded hereunder. (1998 Code)

5-3-2: **PROVOKING A DISTURBANCE:** If any person shall within this village challenge another to fight, or shall threaten or traduce another, or shall use any profane, obscene or offensive languages or indulge in any conduct toward another tending to provoke a disturbance or breach of the peace, the person so offending shall, upon conviction, be

1. 720 ILCS 5/1-1 et seq.

subject to penalty as provided by section 1-4-1 of this code. (Ch. 6 § 3; amd. 1998 Code)

5-3-3: **INTOXICATION:** Whoever shall be found in a state of intoxication or drunkenness upon any street or alley or in any public park or other place open to the public view within this village or in any private house or premises to the annoyance of any persons shall be subject to penalty as provided in section 1-4-1 of this code. (Ch. 6 § 10; amd. 1998 Code)

5-3-4: **KEEPING ANIMALS TIED:** It shall not be lawful for any person to keep any dog, whelp, bitch, calf, or other animal shut up or tied up in any yard, house or other place, which, by barking, howling, or by other noise shall disturb the peace and quiet of any family, individual or neighborhood; and every person violating any provision of this section, shall upon conviction be subject to penalty as provided in section 1-4-1 of this code. (Ch. 6 § 12; amd. 1998 Code)

5-3-5: **RIDING ON SIDEWALK:** Whoever shall ride any bicycle, tricycle, or other wheel of a like character on any sidewalk shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (Ch. 6 § 34; amd. 1998 Code)

5-3-6: **LAMPS ON BICYCLES:** Whoever shall ride any bicycle in any street, alley, park or other public place one hour after sunset and until one hour before sunrise, without having securely attached thereto a lighted lamp, the rays from which can be distinctly seen ahead of such bicycle, shall be subject to penalty as provided in section 1-4-1 of this code. (Ch. 6 § 35; amd. 1998 Code)

5-3-7: **EXCAVATION IN STREETS, PROTECTION OF:** Every person who shall dig, make or cause to be dug or made any hole, pit, ditch, vault or other excavation in or upon any street, lane, avenue, alley, sidewalk or other public places or who shall dig, make or cause to be dug or made, any excavation upon any lot adjoining or bounded by any street, lane, avenue, alley, public place or sidewalk, and who shall not during the night cause the same to be fenced in with a substantial fence at least three feet (3') high, the boards or rails of which shall not be more than one foot (1') apart, and who shall fail to place

sufficient red lights in conspicuous places in front of said fence, shall forfeit and be subject to penalty as provided in Section 1-4-1 of this Code for each offense. (Ch. 6 § 37; amd. 1998 Code)

5-3-8: **STORING VEHICLES IN STREETS AND ALLEYS:** Whoever shall deposit or store any automobile, sleigh, wagon, carriage, buggy, cart or other vehicle, or any plow, harrow, seeder, farm implement or machine in or upon any sidewalk, street, alley, or public place shall, upon conviction, be subject to penalty as provided in Section 1-4-1 of this Code for each offense. (Ch. 6 § 44; amd. 1998 Code)

5-3-9: **DISTRIBUTION OF HANDBILLS ON STREETS:** No person shall distribute, cast, throw or place in or upon or along any of the streets, alleys or public places any handbills, pamphlets, circulars, books or advertisements for the purpose or with the intent of advertising or making known any business, occupations profession, medical treatment, medicine or anything whatsoever, under penalty as provided in Section 1-4-1 of this Code for each offense. (Ch. 6 § 46; amd. 1998 Code)

5-3-10: **STREET OBSTRUCTION; EXHIBITIONS:** No person shall engage in any game, sport or amusement, or exhibit any machine, show or animal, or indulge in any acrobatic feats, or do anything else in the streets or upon the sidewalks, which shall have a tendency to frighten horses, or which shall collect any crowd of persons so as to interfere with the passage of teams, vehicles or persons along the streets or sidewalks; and any person violating this Section shall be subject to penalty as provided in Section 1-4-1 of this Code for each offense. (Ch. 6 § 47; amd. 1998 Code)

5-3-11: **VAGRANCY:** All persons who are idle and dissolute, and who go about begging; all persons who use any juggling or other unlawful games or plays; runaways; pilferers, confidence men; common drunkards; common nightwalkers; lewd, wanton and lascivious persons, in speech or behavior; common railers and brawlers; persons who are habitually neglectful of their employment or their calling, and do not lawfully provide for themselves, or for the support of their families; and all persons who are idle or dissolute and who neglect all lawful business, and who habitually misspend their time by frequenting houses of illfame, gaming houses or tippling shops; all persons lodging in, or found in the nighttime in outhouses, sheds, barns or unoccupied buildings or lodging in the open air, and not giving a good account of themselves; and all persons who are

known to be thieves, burglars, or pickpockets, either by their own confession or otherwise, or by having been convicted of larceny, burglary, or other crime against the laws of the State, punishable by imprisonment in the State prison, or in a house of correction of any city, and having no lawful means of support, or habitually found prowling around any railroad depot, banking institution, broker's office, place of public amusement, auction room, store, shop or crowded thoroughfare, car or omnibus, or any public gathering or assembly or lounging about any courtroom, private dwelling houses or outhouses, or are found in any house of illfame, gambling house, or tippling shop, shall be deemed to be and they are declared to be vagrants, and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ch. 6 § 48; amd. 1998 Code)

5-3-12: **FIREWORKS:** No person shall fire, discharge or set off within the limits of this Village any toy pistol, rocket, cracker, torpedo, squib or other fireworks or thing containing any substance of an explosive nature under penalty as provided in Section 1-4-1 of this Code for each offense; provided, that the Village President may by proclamation permit the use of fireworks on the Fourth of July and on such other day as he may deem proper. (Ch. 6 § 49; amd. 1998 Code)

5-3-13: **POSTING IN CERTAIN PLACES PROHIBITED:** No person shall paste, paint, print, nail or attach, or cause to be pasted, painted, printed, nailed or attached, any handbill, sign, poster, advertisement or instrument of any kind on any curb stone, flag stone, or any portion or any part of any sidewalk or upon any tree, lamp post, hitching post, telegraph, telephone, or electric light pole, hydrant or police patrol box or upon any private wall, door, gate or fence without the consent in writing of the owner thereof. Any person violating any of the provisions of this Section shall be subject to penalty as provided in Section 1-4-1 of this Code for each offense. (Ch. 6 § 50; amd. 1998 Code)

5-3-14: **DISTRIBUTING SAMPLES OF PREPARED MEDICINES:** No person shall distribute within the limits of the Village, samples of prepared medicines, including pills, tablets, ointments, salves, liquids, powders or any like preparations; provided, however, the terms, of this Chapter shall not apply where said prepared medicines are personally distributed to an adult. Any person violating any of the provisions of this Section shall be subject to penalty as provided in Section 1-4-1 of this Code for each offense. (Ch. 6 § 51; amd. 1998 Code)

5-3-15: **COMPRESSION BRAKES PROHIBITED:** No person shall use motor vehicle brakes within the corporate boundaries of the village of Annawan which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. (Ord. 318, 8-11-2009)

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CHAPTER 4

OFFENSES AGAINST PUBLIC MORALS

SECTION:

- 5-4-1: Public Indecency
- 5-4-2: Obscenity
- 5-4-3: Harmful Material
- 5-4-4: Penalty

5-4-1: PUBLIC INDECENCY¹:

- A. Acts Enumerated: Any person who performs any of the following acts in a public place commits a public indecency:
 - 1. Sexual Conduct: An act of sexual penetration or sexual conduct as defined in 720 Illinois Compiled Statutes 5/12-12; or
 - 2. Lewd Exposure: A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.
 - 3. Urination; Defecation; Indecent Exposure: Urination, defecation or indecent exposure of his or her person, except in facilities specifically provided for such purposes such as public toilets.
- B. Definition: For the purpose of this Section, "public place" means any place where the conduct may reasonably be expected to be viewed by others. (Ord. 211, 4-9-1996)

5-4-2: OBSCENITY²:

- A. Definition: Any material or performance is "obscene" if:

1. 720 ILCS 5/11-9.
2. 720 ILCS 5/11-20.

1. The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest;
 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.
- B. Elements Of Offense: A person commits obscenity when, with 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;
 2. Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;
 3. Publishes, exhibits, or otherwise makes available anything obscene;
 4. Performs an obscene act or otherwise presents an obscene exhibition of his body for gain;
 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.
- C. Interpretation Of Evidence:
1. 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.

2. 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.

3. In any prosecution for an offense under this Section, evidence shall be admissible to show:

a. The character of the audience for which the material was designed or to which it was directed;

b. 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 of the behavior of such people;

c. The artistic, literary, scientific, educational, or other merits of the material, or absence thereof;

d. The degree, if any, of public acceptance of the material in this State;

e. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;

f. Purpose of the author, creator, publisher, or disseminator.

D. Prima Facie Evidence: The creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment of 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.

E. Affirmative Defenses: It shall be an affirmative defense to obscenity that the dissemination:

1. Was not for gain and was made to personal associates other than children under eighteen (18) years of age;

2. Was to institutions or individuals having scientific or other special justification for possession of such material. (Ord. 211, 4-9-1996)

5-4-3: HARMFUL MATERIAL¹:

A. Definitions: As used in this Section, the following words and terms shall have the meanings ascribed to them in this subsection:

DISTRIBUTE: To transfer possession of, whether with or without consideration.

HARMFUL: Material is harmful if, to the average person, applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest, that is, a 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.

KNOWINGLY: Having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

MATERIAL: Any writing, picture, record, or other representation or embodiment.

B. Elements Of Offense: No person, with knowledge that a person is a child (that is, a person under 18 years of age), or who fails to exercise reasonable care in ascertaining the true age of a child, shall knowingly distribute to, send, or cause to be sent to, or exhibit to, or offer to distribute or exhibit any harmful material to a child.

C. Interpretation Of Evidence.

1. 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 the 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

1. 720 ILCS 5/11-21.

predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

2. In prosecutions under this Section, where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is in fact substantially less than its prurient appeal.

D. Affirmative Defenses:

1. Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under eighteen (18) years of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.

2. Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.

3. Proof that the defendant demanded, was shown, and acted in reliance upon any of the following documents as proof of the age of a child, shall be a defense to any criminal prosecution under this Section: a document issued by the Federal government or any state, county, or city government or subdivision agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Services 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 harmful material to a child, under circumstances where there was personal confrontation of the child by the defendant, his employees, or agents, as where the order or request for harmful material was transmitted by mail, telephone, 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 eighteen (18) years of age and that the purchaser falsely stated that he was not under eighteen (18) years of age:

NOTICE: *It is unlawful for any person under 18 years of age to purchase the matter herein advertised. Any person under 18 years of age who falsely states that he is not under 18 years of age for the purposes of obtaining the material advertised herein, is guilty of a Class B misdemeanor under the laws of the State of Illinois.*

- E. Child Falsifying Age: No person under eighteen (18) years of age shall falsely state, either orally or in writing, that he is not under the age of eighteen (18) years, or present or offer 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 material¹. (Ord. 211, 4-9-1996)

5-4-4: **PENALTY:** Any violation of this Chapter shall be punished as provided in Section 1-4-1 of this Code. (Ord. 211, 4-9-1996; amd. 1998 Code)

1. 720 ILCS 5/11-21.

CHAPTER 5

CHRONIC NUISANCE PROPERTY ABATEMENT

SECTION:

- 5-5-1: Definitions
- 5-5-2: Violations
- 5-5-3: Administrative Procedure
- 5-5-4: Serving Notices; Copies
- 5-5-5: Penalties And Remedies
- 5-5-6: Injunctive Relief And Remedies

5-5-1: **DEFINITIONS:** Unless otherwise expressly stated or unless the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the following meanings:

CHRONIC NUISANCE PROPERTY: Any real property to which the police department or sheriff's department has responded at least three (3) times in any consecutive ninety (90) day period, and on each response has found nuisance activity or multiple instances of nuisance activity.

NUISANCE ACTIVITY: Behavior or conduct that meets the definition of:

- A. "Disorderly conduct", as defined in 720 Illinois Compiled Statutes 5/26-1;
- B. "Unlawful use of weapons", as defined in 720 Illinois Compiled Statutes 5/24-1 et seq.;
- C. "Mob action", as defined in 720 Illinois Compiled Statutes 5/25-1.5;
- D. "Discharge of firearms", as defined in 720 Illinois Compiled Statutes 5/24-1.5;

E. "Gambling", as defined in 720 Illinois Compiled Statutes 5/28-1;

F. "Possession, manufacture or delivery of controlled substances", as defined in 720 Illinois Compiled Statutes 570/401 et seq.;

G. "Assault, battery or offenses related thereto", as defined in 720 Illinois Compiled Statutes 5/12-1 et seq.;

H. "Sexual abuse or related offenses", as defined in 720 Illinois Compiled Statutes 5/11-1.50;

I. "Public indecency", as defined in 720 Illinois Compiled Statutes 5/11-30;

J. "Prostitution", as defined in 720 Illinois Compiled Statutes 5/11-14;

K. "Criminal damage to property", as defined in 720 Illinois Compiled Statutes 5/21-1 et seq.;

L. "Possession, cultivation, manufacture or delivery of cannabis", as defined in 720 Illinois Compiled Statutes 550/1 et seq.; and

M. "Illegal consumption or possession of alcohol", as defined in 235 Illinois Compiled Statutes 5/1 et seq.

OWNER:

Any person, agent, firm, association, partnership, corporation, including a mortgage in possession in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and the right to the present use and enjoyment of the property, or an occupant of that premises or structures appurtenant thereto.

PERSON:

Any individual, association, partnership, or corporation capable of owning, leasing, renting or otherwise controlling, whether by actual or

constructive possession thereof, the use of real property within the village.

PERSON IN CHARGE: Any person in actual or constructive possession of real property, including, but not limited to, an owner, person, lessee/renter or occupant. (Ord. 341, 6-12-2012, eff. 6-12-2012)

5-5-2: VIOLATIONS:

- A. Any property within the village that becomes a chronic nuisance property is in violation of this chapter and shall be subject to its rules and regulations.
- B. Any person in charge who permits real property within the village to become a chronic nuisance property is in violation of this chapter and shall be subject to its rules and regulations. (Ord. 341, 6-12-2012, eff. 6-12-2012)

5-5-3: ADMINISTRATIVE PROCEDURE:

- A. **Record Of Nuisances:** The police department, with assistance from other state and local law enforcement agencies, shall keep an accurate village record of all incidents of alleged nuisance activity and the property at which it allegedly occurred.
- B. **Review Of Complaints:** When two (2) or more incidents of alleged nuisance activity have occurred at any given parcel of real property in the village, the police chief or his/her designee shall review the reports of those incidents and shall determine whether there is cause to believe that the alleged nuisance activity occurred and whether there is cause to believe that the nuisance activity occurred at the subject property. There is a one year time limitation on said incidents.
- C. **Classification As Nuisance Property; Notice:** If the police chief or his/her designee finds that there is cause to believe that nuisance activity occurred and that there is cause to believe that it occurred at the subject property, the police chief or his/her designee may then notify the owner that the subject property is in danger of being classified as a chronic nuisance property. The notice shall contain: 1) the street address or legal description of the property; 2) a concise description of the nuisance activity that has occurred at this

location; 3) a statement that further reports of nuisance activity occurring at the property shall result in the property being classified as a chronic nuisance property, subject to the regulations and remedies of this chapter; 4) a statement offering the owner an opportunity to propose a plan of action, to the police chief or his/her designee, that will abate the nuisance activity; 5) a demand that the owner respond to the police chief or his/her designee within ten (10) days to discuss the presence of nuisance activity on the property.

- D. **Nuisance Condition After Notice:** If, after notification is made pursuant to subsection C of this section, another incident of alleged nuisance activity occurs at the subject property, the police chief or his/her designee shall determine whether there is cause to believe that the alleged nuisance activity occurred and whether there is cause to believe that it occurred at that, the subject, property.
- E. **Determination Of Chronic Nuisance:** If the police chief or his/her designee finds that there is cause to believe that "nuisance activity" (as defined in this chapter) occurred (in violation of subsection B of this section) and that there is cause to believe that it occurred at the subject property, he shall then determine whether the property is a "chronic nuisance property" as defined by section 5-5-1 of this chapter.
- F. **Notice Of Chronic Nuisance:** Following a determination that the subject property is a chronic nuisance property, the police chief or his/her designee shall notify the owner in writing that the property has been determined to be a chronic nuisance property. The notice shall contain: 1) the street and address or legal description of the property; 2) a statement that the property is a chronic nuisance property pursuant to the provisions of this chapter; 3) a concise description of the nuisance activity that supports this determination; 4) a demand that the owner propose a course of action that will abate the nuisance activity giving rise to this notification; 5) a demand that the owner respond to the police chief or his/her designee within ten (10) days.
- G. **Failure To Remedy; Abatement By Village:** If the owner does not respond in ten (10) days as requested by subsection F of this section, the police chief or his/her designee shall request authorization for the village attorney to commence a legal proceeding to abate the nuisance; provided, that if, prior to the commencement of the legal proceedings by the village pursuant to this subsection, a person in charge stipulates with the police chief or his/her designee that the person in charge will pursue a course of

action that the parties agree will abate the nuisance activity, the police chief or his/her designee may agree to postpone legal proceedings for a period of not less than ten (10) days nor more than thirty (30) days; provided further, however, that if the agreed course of action does not result in the abatement of the nuisance activity, the village is not precluded or stopped from commencing legal proceedings to abate the nuisance activity.

- H. Injunctive Relief: Nothing in this section shall prohibit the village from filing an action for injunctive relief against a chronic nuisance property when such property constitutes an immediate threat and danger to the safety, health and welfare of the surrounding neighborhood and residents of the village. (Ord. 341, 6-12-2012, eff. 6-12-2012)

5-5-4: SERVING NOTICES; COPIES:

- A. A copy of the notice required by subsections 5-5-3C and F of this chapter shall be served either personally or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to each owner at his address as it appears in the records of the Henry County treasurer. Additionally, a copy of the notice shall be served on the occupants of the structure if that person is different than the owner. In the event that notice is not possible as set forth above, a copy of the notice shall be posted at the property if ten (10) days have elapsed from the service or mailing of the notice to the owner and no response or reply has been received by the village from the owner or person in charge.
- B. The failure of any person in charge to receive notice that the property is a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this chapter.
- C. Concurrent with notification procedures set forth herein, the police chief or his/her designee shall send copies of the notice, as well as any other documentation which supports legal proceedings, to the village attorney. (Ord. 341, 6-12-2012, eff. 6-12-2012)

5-5-5: PENALTIES AND REMEDIES:

- A. Any real property found to be a chronic nuisance property shall be closed and secured against all use and occupancy for a period of not

less than thirty (30) days, but not more than one hundred eighty (180) days.

- B. In determining the number of days to close the property, if any, the court may consider evidence of other conduct that has occurred on the property, including, but not limited to: 1) the disturbance to neighbors; 2) the recurrence of loud and obnoxious noises; 3) repeated consumption of alcohol in public.
- C. Any owner found guilty of violation of the provisions of this chapter shall be subject to a fine not to exceed seven hundred fifty dollars (\$750.00) for each day that the owner had actual knowledge that the property was a chronic nuisance property.
- D. In determining the civil penalty to impose, the court may consider any of the following factors: 1) the actions or lack of action taken by the person in charge to mitigate or correct the problem at the property; 2) whether the problem at the property was repeated or continuous; 3) the magnitude or gravity of the problem; 4) the cooperation of the person in charge; 5) the cost of the village to investigate, correct, or attempt to correct the problem.
- E. In addition to the foregoing remedies, a court, in the proper exercise of its equitable powers, may impose or grant any other sanction or remedy it deems necessary and just. (Ord. 341, 6-12-2012, eff. 6-12-2012)

5-5-6: INJUNCTIVE RELIEF AND REMEDIES:

- A. In the event that the police chief or his/her designee determines that the property is an immediate threat to the public safety and welfare of the residents of the village, the village may apply to the court for such interim relief. In such an event, the village need not comply with the notification process set forth in section 5-5-3 of this chapter. However, the village shall make a diligent effort to notify the person in charge prior to any emergency court hearing.
- B. In the event the court finds the property constitutes a "chronic nuisance property", as defined in section 5-5-1 of this chapter, the court may order the remedy set forth in section 5-5-5 of this chapter. Additionally, the court may assess a civil fine, as provided in section 5-5-5 of this chapter, in the event it finds that the person in charge had knowledge of the nuisance activities at the subject property and permitted the nuisance activities to occur and/or continue.

- C. The court may authorize the village to physically secure the property against use or occupancy, in the event the owner fails to do so within the time specified by the court. In the event the village is authorized to secure the property, all costs incurred by the village to effect a closure shall be assessed as a lien against the property. As used herein, "costs" means those expenses actually incurred by the village for physically securing the property.
- D. The village shall prepare a statement of the costs and shall thereafter submit said statement to the court for its review. If there is no objection to the statement, the court may order that a lien in said amount may be recorded against the property. (Ord. 341, 6-12-2012, eff. 6-12-2012)

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TITLE 6
MOTOR VEHICLES AND TRAFFIC

Subject	Chapter
General Traffic Provisions	1
Parking Regulations	2
Weight Limits	3
Abandoned Vehicles	4

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CHAPTER 1

GENERAL TRAFFIC PROVISIONS¹

SECTION:

6-1- 1:	Definitions
6-1- 2:	Illinois Vehicle Code Adopted
6-1- 3:	Speed Limit
6-1- 4:	Obedience To Police
6-1- 5:	Scene Of Fire
6-1- 6:	Signs And Signals
6-1- 7:	Animals Or Bicycles
6-1- 8:	Exemptions
6-1- 9:	Drivers
6-1-10:	Penalty

6-1-1: **DEFINITIONS:** Whenever in this Title the following terms are used, they shall have the meanings respectively ascribed to them in this Section:

ALLEY: A public way within a block, generally giving access to the rear of lots or buildings, and not used for general traffic circulation.

BICYCLE: Every device propelled by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices.

CROSSWALK: A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a

1. 65 ILCS 5/11-80-2.

sidewalk on one side of the highway, that part of the highway included within the extension of the lateral line of the existing sidewalk to the side of the highway without the sidewalk, with such extension forming a right angle to the center line of the highway;

B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface placed in accordance with the provisions in the manual adopted by the Department of Transportation.

DRIVER:

Every person who drives or is in actual physical control of a vehicle.

**EMERGENCY
VEHICLE:**

Police vehicles, vehicles of Fire Department, ambulances, vehicles carrying a State, County or Municipal officer or employee in response to an emergency call, and emergency vehicles of public service corporations on emergency call.

INTERSECTION:

A. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

B. Where a highway includes two (2) roadways forty feet (40') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

C. The junction of an alley with a street or highway does not constitute an intersection.

METAL TIRES:

Every tire the surface of which in contact with the roadway is wholly or partially of metal or other hard, nonresilient material.

MOTOR VEHICLE:	Every vehicle which is self-propelled.
MOTORCYCLE:	Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.
PARK:	To stand a vehicle whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons.
PEDESTRIAN:	Any person afoot.
PNEUMATIC TIRES:	Every tire in which compressed air is designed to support the load.
PROPERTY LINE:	The line making the boundary between any street and the lots or property abutting thereto.
PUBLIC BUILDING:	A building used by the City, the County, any park district, school district, the State, or the United States government.
RIGHT OF WAY:	The privilege of the immediate use of the roadway.
ROAD TRACTOR:	Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
SAFETY ZONE:	The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
SCHOOL BUS:	Every motor vehicle of the second division operated by or for a public or governmental agency or by or for a private or religious organization solely for the transportation of pupils in connection with school activities.

- 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.
- SIDEWALK:** 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.
- SOLID TIRE:** Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
- STREET OR HIGHWAY:** The entire width between property lines or every way or place of whatever nature when any part thereof is open to the use of the public, as a matter or right, for the purpose of vehicular traffic.
- TRAFFIC:** Pedestrians, ridden or herded animals, vehicles and other conveyances whether singly or together while using any highway for the purpose of travel.
- 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.
- TRUCK TRACTOR:** Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- URBAN DISTRICT:** The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet (100') for a distance of a quarter ($\frac{1}{4}$) mile or more.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moved by human power.

YIELD RIGHT OF WAY: When required by an official sign, means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left; provided, that when the roadway is clear the vehicle may proceed into the intersection. (1998 Code)

6-1-2: ILLINOIS VEHICLE CODE ADOPTED: In order to establish rules and regulations for the movement of traffic in and about the Village, the Village Board does hereby adopt the provisions of the Illinois Vehicle Code as presented in 625 Illinois Compiled Statutes 5 and as hereafter amended. (1998 Code)

6-1-3: SPEED LIMIT: It shall be unlawful to drive any motor vehicle on any street in the Village, not under the jurisdiction of the State of Illinois or Henry County, at a speed in excess of twenty five (25) miles per hour. (1998 Code)

6-1-4: OBEDIENCE TO POLICE: Members of the Police Department, and special police assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this Title, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic¹. (1998 Code)

6-1-5: SCENE OF FIRE: The Fire Department officer in command, or any fireman designated by such Fire Department officer, 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

1. 625 ILCS 5/11-203.

emergency call for so long as Fire Department equipment is on the scene in the absence of or in assisting the police. (1998 Code)

6-1-6: SIGNS AND SIGNALS:

- A. **Obedience To:** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the Mayor and City Council or in accordance with the laws of the State, excepting on direction of a police officer. All signs and signals established by direction of the governing body shall conform to the State Manual of Uniform Traffic Control Devices for Streets and Highways.
- B. **Unauthorized Signs:** 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, nor shall any person place, maintain or display upon or in view of any highway any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic control device or railroad sign or signal bearing thereon any commercial advertising¹.
- C. **Interference With Signals Or Signs:** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal². (1998 Code)

6-1-7: ANIMALS OR BICYCLES: Every 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 Chapter applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding animals; provided, that, except in business districts, bicycles may be ridden on sidewalks³. (1998 Code)

1. 625 ILCS 5/11-310.
2. 625 ILCS 5/11-311.
3. 625 ILCS 5/11-206.

6-1-8: EXEMPTIONS:

- A. **Emergency Vehicles:** The provisions of this Title regulating the movement or parking of vehicles shall not apply to the driver of any authorized emergency vehicle when responding to an emergency call, but such driver, upon approaching a red or stop signal or any stop sign, shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.
- B. **Assumption Of Special Privileges:** No driver of any authorized emergency vehicle shall assume any special privileges under the Act except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.
- C. **Street Improvements:** The provisions of this Title regulating the movement and parking of vehicles shall not apply to equipment or vehicles while actively engaged in installing, repairing, or otherwise improving streets or street pavement. (1998 Code)

6-1-9: DRIVERS:

- A. **Liquor Or Drugs:** It shall be unlawful for the habitual user of narcotic drugs to operate any motor vehicle on any street; and it shall be unlawful for any intoxicated person, or any person under the influence of alcohol or of a narcotic drug, to operate or attempt to operate any motor vehicle on any street¹.
- B. **Accidents:** The driver of a vehicle which has collided with, or been in an accident with any vehicle, person or property in such a manner as to cause injury or damage, shall stop immediately, and render such assistance as may be possible, and to give his/her true name and residence to the injured person or any other persons requesting the same on behalf of the injured person, or to the owner of the property damaged, and to a policeman, if one is present. A report of each such accident shall be given by the driver of each vehicle concerned in it to the Chief of Police within twenty four (24) hours after the accident². (1998 Code)

1. 625 ILCS 5/11-501.

2. 625 ILCS 5/11-401.

6-1-10: PENALTY:

- A. **Bail, Arrest Ticket:** Any person arrested for a violation of any provision of this Title regulating traffic, with the exception of those provisions concerning parking, shall be released from custody upon posting bail, as may be required by statute or by order of the Court of the Fourteenth Judicial District. Excepting those provisions hereof concerning parking, all persons arrested shall be supplied with a copy of a uniform arrest ticket advising such arrested party of the charge against him/her.

- B. **Fine, General:** Any person found guilty of violating any of the provisions of this Title, with the exception of those provisions regarding parking violations, shall be subject to penalty as provided in Section 1-4-1 of this Code. (1998 Code)

CHAPTER 2

PARKING REGULATIONS

SECTION:

- 6-2- 1: Two Hour Limit
- 6-2- 2: East Street And Canal Street
- 6-2- 3: Parking Of Trucks Or Commercial Vehicles
- 6-2- 4: Private Property
- 6-2- 5: Alleys
- 6-2- 6: Removal; Towing
- 6-2- 7: Notice To Owner
- 6-2- 8: Prima Facie Proof
- 6-2- 9: Penalty
- 6-2-10: Parking Prohibited On Route 6

6-2-1: TWO HOUR LIMIT:

- A. West Front Street: The maximum continuous duration of parking of any vehicle on the north and south sides of West Front Street from Main Street to State Street is hereby restricted to two (2) hours during the hours of eight o'clock (8:00) A.M. through four o'clock (4:00) P.M. on Monday through Saturday, holidays excepted.
- B. South Main Street: The north four (4) spaces on the west side of South Main Street which are immediately south of Front Street are reserved for parking by tenants of the Blackert Apartments in the building adjacent thereto. The maximum continuous duration of parking of any vehicle in the spaces south of such four (4) spaces on the west side of South Main Street from Front Street to the alley intersecting Main Street just north of the post office, is limited to two (2) hours during the hours of eight o'clock (8:00) A.M. through four o'clock (4:00) P.M. on Monday through Saturday, holidays excepted.
- C. Exception: This section does not apply to vehicles owned by the village, or other governmental agencies or the vehicles necessary to be parked in connection with repair work being actively undertaken.

- D. Penalty: The penalty for violating this section shall be as provided in section 1-4-1 of this code. (Ord. 135, 6-11-1974; amd. 1998 Code)

6-2-2: EAST STREET AND CANAL STREET:

- A. Parking Prohibited: Automobiles, trucks and other vehicles shall be prohibited from parking along either side of East Street and Canal Street (marked Illinois Route 78) within the corporate limits.
- B. Penalty: Any person violating any of the provisions of this section shall be fined not less than five dollars (\$5.00) nor more than ten dollars (\$10.00) for each offense. (Ord. 138, 12-10-1974)

6-2-3: PARKING OF TRUCKS OR COMMERCIAL VEHICLES: It shall be unlawful to park any truck or other commercial vehicle having a weight exceeding eight (8) tons for more than two (2) hours in any consecutive period of time in streets or alleys in the village of Annawan. (Ord. 228, 8-8-2000)

6-2-4: PRIVATE PROPERTY:

- A. Consent Required: It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.
- B. Blocking Driveway Prohibited: It shall be unlawful to park a motor vehicle in such a position as to block a driveway entrance to private property. (Ord. 168, 12-8-1981)

6-2-5: ALLEYS:

- A. Free Movement: No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for the free movement of vehicular traffic.
- B. Blocking Driveway Prohibited: No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. (Ord. 168, 12-8-1981)

6-2-6: **REMOVAL; TOWING:** The village police department is hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, alley or driveway, or obstructs or may obstruct the movement of any emergency vehicle; or any truck or commercial vehicle having a weight of exceeding four (4) tons which has been parked in any public street, alley or other public place in a residential zone for a period of two (2) consecutive hours. (Ord. 168, 12-8-1981)

6-2-7: **NOTICE TO OWNER:** Unless the public safety and convenience requires the towing of an illegally parked vehicle before notice of an intention to tow the vehicle is given to the owner thereof, the person authorizing or performing the towing service shall attempt to contact the owner and give notice of the intention to tow the vehicle prior to its removal and towing away. (Ord. 168, 12-8-1981)

6-2-8: **PRIMA FACIE PROOF:** The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of such vehicle at the time of such parking. (Ord. 168, 12-8-1981)

6-2-9: **PENALTY:** Each violation of sections 6-2-3 through 6-2-8 of this chapter shall subject the violator to penalty as provided in section 1-4-1 of this code. Each day that a violation occurs shall be considered a separate violation. (Ord. 168, 12-8-1981; amd. 1998 Code)

6-2-10: **PARKING PROHIBITED ON ROUTE 6:**

- A. Automobiles, trucks and other vehicles shall be prohibited from parking along either side of U.S. Route 6 within the limits of the proposed improvement in the village of Annawan with the exception of designated parking lanes between N. West Street and Illinois Route 78. Parking in this area shall be parallel parking only, with the exception of diagonal parking being allowed on the north side of U.S. Route 6 between Main Street and Depot Street. Parallel parking shall be so executed that the wheels of the vehicles nearest the curb shall be not farther away from the curb than twelve inches (12"). Parking will not be permitted within the limits of intersections as determined by the state from intersection studies.

- B. Any person, firm or corporation violating any of the provisions of this section shall be fined not less than twenty five dollars (\$25.00) nor more than one hundred fifty dollars (\$150.00) for each offense.
- C. This section is prepared in connection with the proposed improvement of U.S. Route 6, known as State Section 6RS-5, and shall go into full force and effect at the time of the completion of said improvement. (Ord. 249, 3-16-2004)

CHAPTER 3
WEIGHT LIMITS

SECTION:

- 6-3-1: Limit Imposed
- 6-3-2: Posting Of Signs
- 6-3-3: Exceeding Limit Prohibited
- 6-3-4: Exception
- 6-3-5: Permit Required
- 6-3-6: Penalty

6-3-1: **LIMIT IMPOSED:** A weight limit of five (5) tons is hereby set for Village streets and alleys located within the Village limits. (Ord. 153, 6-12-1979)

6-3-2: **POSTING OF SIGNS:** The Village Police Chief, or other person selected by the Village President, is hereby authorized and directed to post signs in accordance with State law showing the weight limit on Village streets and alleys. (Ord. 153, 6-12-1979)

6-3-3: **EXCEEDING LIMIT PROHIBITED:** No truck or other commercial vehicle shall be driven or operated upon Village streets and alleys which truck or commercial vehicle exceeds said weight limit of five (5) tons. (Ord. 153, 6-12-1979)

6-3-4: **EXCEPTION:** The weight limitation of this Chapter does not apply to South State Street, South Henry Street, South West Street, Second Street, Dhamers Avenue, Railroad Street, Third Street between Henry and State Streets, Main Street from Railroad Street to Route No. 6, Depot Street from Second Street to Route No. 6, Main Street from Second Street to Route No. 6, and State Highways No. 6 and No. 78. (Ord. 153, 6-12-1979)

6-3-5: PERMIT REQUIRED:

- A. **Permit To Exceed:** A permit to operate construction trucks, school busses, farm wagons and other vehicles over the five (5) ton weight limit may be granted by the Village Clerk. However, prior to granting such a permit the Village Clerk shall give due regard to road conditions, allowable weight, duration of usage, or other factors, so as to minimize damage to the surface of Village streets and alleys. The granting of such a permit shall not exempt the grantee from civil liability for damages caused to Village streets and alleys due to operation of a vehicle in excess of the five (5) ton weight limit.
- B. **Term Of Permit:** The duration of the permit shall not exceed five (5) days. (Ord. 153, 6-12-1979; amd. 1998 Code)

6-3-6: PENALTY: Any person who violates this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 153, 6-12-1979; amd. 1998 Code)

CHAPTER 4

ABANDONED VEHICLES

SECTION:

- 6-4- 1: Definitions
- 6-4- 2: Vehicles Exempt From This Chapter
- 6-4- 3: Prohibited Acts
- 6-4- 4: Removal Of Abandoned And Inoperable Vehicles
- 6-4- 5: Impoundment Of Abandoned And Inoperable Vehicles
- 6-4- 6: Record
- 6-4- 7: Reclaimed Vehicles; Expenses
- 6-4- 8: Disposal Of Unclaimed Vehicles
- 6-4- 9: Disposal Of Unclaimed Vehicle Without Notice
- 6-4-10: Report After Vehicle Is Reclaimed Or Disposed Of
- 6-4-11: Disposition Of Proceeds Of Sale Of Unclaimed Vehicles
- 6-4-12: Liability
- 6-4-13: Penalty

6-4-1: **DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this chapter:

ABANDONMENT, ABANDONING AND ABANDONED AUTO: Any vehicle or part thereof which a reasonable man would consider dumped, discarded, or abandoned under the circumstances.

ANTIQUE VEHICLE: Any vehicle twenty five (25) years of age or older which is in a restored and well maintained condition.

INOPERABLE VEHICLE: Any vehicle which cannot presently be operated on a street or highway of the village either due to physical defects in the vehicle or due to legal prohibitions including, but not limited to, want of licenses, lack of insurance coverage, defective parts, absence of required parts, etc.

LAWFULLY OCCUPIED:	Premises occupied under a lease, contract, license or other consent.
PERSON:	Any person, firm, partnership, association, corporation, company or organization of any kind.
PROPERTY:	Any real property within the village which is not a street or highway.
STREET OR HIGHWAY:	The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
VEHICLE:	An auto, car, motorcycle, truck, truck trailer, auto trailer, camper, agricultural tractor, or implement, or any other vehicle for use on the streets or highways or off highways, as well as any constituent part thereof. (Ord. 310, 11-11-2008)

6-4-2: **VEHICLES EXEMPT FROM THIS CHAPTER:** The requirements of this chapter shall not apply to:

- A. Vehicles specifically exempt from local licensing pursuant to the laws of the United States or this state.
- B. Vehicles owned or operated by the village, provided that the vehicles are so designated "Village of Annawan" and lawfully registered.
- C. Antique vehicles. (Ord. 310, 11-11-2008)

6-4-3: **PROHIBITED ACTS:** No person shall engage in any of the following acts:

- A. The abandonment of any vehicle on any street, highway, alley or other public way within the village;
- B. The abandonment of any vehicle on any public property or on any private property within the village;

- C. The parking of any inoperable vehicle on any street, highway, alley, or other public way within the village where the same constitutes a hazard or dangerous condition for persons and property lawfully using the highway;
- D. The parking of any inoperable vehicle on any street, highway, alley, or other public way within the village for more than ten (10) hours;
- E. The parking of any inoperable vehicle on any other public property for more than twenty four (24) hours;
- F. The parking of any inoperable vehicle on any private property, except property owned or lawfully occupied, or without the consent of the owner or lawful occupant for more than twenty four (24) hours;
- G. The parking of any inoperable vehicle on private, residentially zoned property and allowing the vehicle to remain there for more than seven (7) days, if the vehicle is open to the view of the public. All such inoperable vehicles must be in a closed building. No tarps will be allowed. (Ord. 310, 11-11-2008)

6-4-4: REMOVAL OF ABANDONED AND INOPERABLE VEHICLES:

- A. Whenever any act prohibited by this chapter is perpetrated, the village enforcement officer shall have the right of authorized removal of the auto concerned by towing at the time the prohibited act becomes violative of this chapter. Whenever any citizen is the victim of an act done in violation of this chapter, he shall have the right to request the village to remove the vehicle as if they had initiated the removal.
- B. In lieu of making the determination himself, the village enforcement officer may apply to the circuit court for a determination that a vehicle has been abandoned or is inoperative.
 1. The proceeding held pursuant to this subsection B shall be an in rem proceeding against the vehicle.
 2. No hearing shall be held on an application under this section until twenty four (24) hours' notice has been given. Notice shall be given by securely fastening to the vehicle a notice, or by notice in writing, stating that a proceeding has begun by the village in a named

branch of the circuit court, the hour set for the hearing, and the relief requested from the court.

3. The application to the court shall be verified and shall state facts sufficient to allow the court to make a determination that there is probable cause to consider the vehicle abandoned or inoperative, and that the vehicle is parked in violation of this chapter.

4. In the proceedings under this subsection, the sole questions before the court shall be: Is there probable cause to believe the vehicle is abandoned or inoperative, and, is it parked in violation of this chapter?

5. If the court enters an order finding that there is probable cause to believe the vehicle is abandoned or inoperative and that this chapter is being violated, the village enforcement officer shall thereafter proceed in accordance with this chapter as regards to towing. (Ord. 310, 11-11-2008)

6-4-5: IMPOUNDMENT OF ABANDONED AND INOPERABLE VEHICLES:

- A. The person who abandons the vehicle or parks an inoperative vehicle in violation of this chapter shall be responsible for all towing, storage, advertising, disposal, and related costs. In the event such person cannot be found, the bill shall be paid by the village.
- B. After impounding a vehicle, the local law enforcement agency shall deal with the towed vehicle as follows:
1. Within ninety six (96) hours of having a vehicle towed pursuant to this section, the officer initiating the tow shall cause a complaint to be filed charging the registered owner thereof with a violation of this code; and the registered owner shall be responsible for said violation in all cases except when, and only when, a stolen auto report has been filed prior to the said tow occurring with an authorized law enforcement agency.
 2. When a vehicle is authorized to be towed away pursuant to this chapter, the village enforcement officer shall keep and maintain a record of the vehicle towed, listing the color, the year of manufacture, the manufacturer's trade name, the manufacturer's series name, the body style, the vehicle identification number, and the license plate year and number displayed on the vehicle. The

record shall also include the date and hour of the tow, the location towed from, the location towed to, the reason for the towing, and the name of the officer authorizing the tow. (Ord. 310, 11-11-2008)

6-4-6: RECORD:

- A. When the local law enforcement agency does not know the identity of the registered owner or other legally entitled person, it will cause the vehicle registration records of the state to be searched and direct communication to the secretary of state for the purpose of obtaining the required ownership information.
- B. The local law enforcement agency will cause the stolen vehicle files of the state police to be searched and direct 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 used by the local law enforcement agency in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made, and setting forth public sale information.
- C. When the registered owner or other person legally entitled to the possession of a vehicle impounded pursuant to this chapter cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the local law enforcement agency shall notify the state police for the purpose of identifying the vehicle's 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 of the owner. (Ord. 310, 11-11-2008)

6-4-7: RECLAIMED VEHICLES; EXPENSES: Any time before a vehicle or other vehicle is sold at public sale or disposed of as provided in this chapter, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the local law enforcement agency proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this chapter until all towing and storage charges have been paid. (Ord. 310, 11-11-2008)

6-4-8: DISPOSAL OF UNCLAIMED VEHICLES:

- A. Whenever an abandoned, lost, stolen, or unclaimed vehicle seven (7) years of age or newer remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided in this chapter, the local law enforcement agency having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the local law enforcement agency shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the local law enforcement agency or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.
- B. When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this chapter, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by U.S. mail, public service, or in person for a determination of disposition, and an examination of the state police 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, the local law enforcement agency will authorize the disposal of the vehicle as junk only.
- C. In those instances where the certified notification specified herein has been returned by the postal authorities to the local law enforcement agency due to the addressee having moved or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required. (Ord. 310, 11-11-2008)

6-4-9: DISPOSAL OF UNCLAIMED VEHICLE WITHOUT NOTICE:

When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this chapter, the vehicle may be sold as provided herein or disposed of in the manner authorized by this chapter without

notice to the registered owner or other person legally entitled to the possession of the vehicle. (Ord. 310, 11-11-2008)

6-4-10: **REPORT AFTER VEHICLE IS RECLAIMED OR DISPOSED OF:** When a motor vehicle in the custody of the local law enforcement agency is reclaimed by the registered owner or other legally entitled person or when the vehicle is sold at public sale or otherwise disposed of as provided in this chapter, a report of the transaction will be maintained by the village enforcement officer for a period of one year from the date of the sale or disposal. (Ord. 310, 11-11-2008)

6-4-11: **DISPOSITION OF PROCEEDS OF SALE OF UNCLAIMED VEHICLES:** When a vehicle located within the corporate limits of the village is authorized to be towed away by the village enforcement officer and disposed of as set forth in this chapter, the proceeds of the public sale or disposition after the deduction of towing, storage, and processing charges shall be deposited in the village treasury. (Ord. 310, 11-11-2008)

6-4-12: **LIABILITY:** The village enforcement officer, any law enforcement officer, towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or other person legally entitled to the possession of a vehicle when the vehicle was processed, sold, or disposed of as provided by this chapter. (Ord. 310, 11-11-2008)

6-4-13: **PENALTY:** Any person or business convicted of any offense under this chapter shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). A person shall be guilty of a separate offense for each and every day during any portion of which any offense occurs. (Ord. 310, 11-11-2008)

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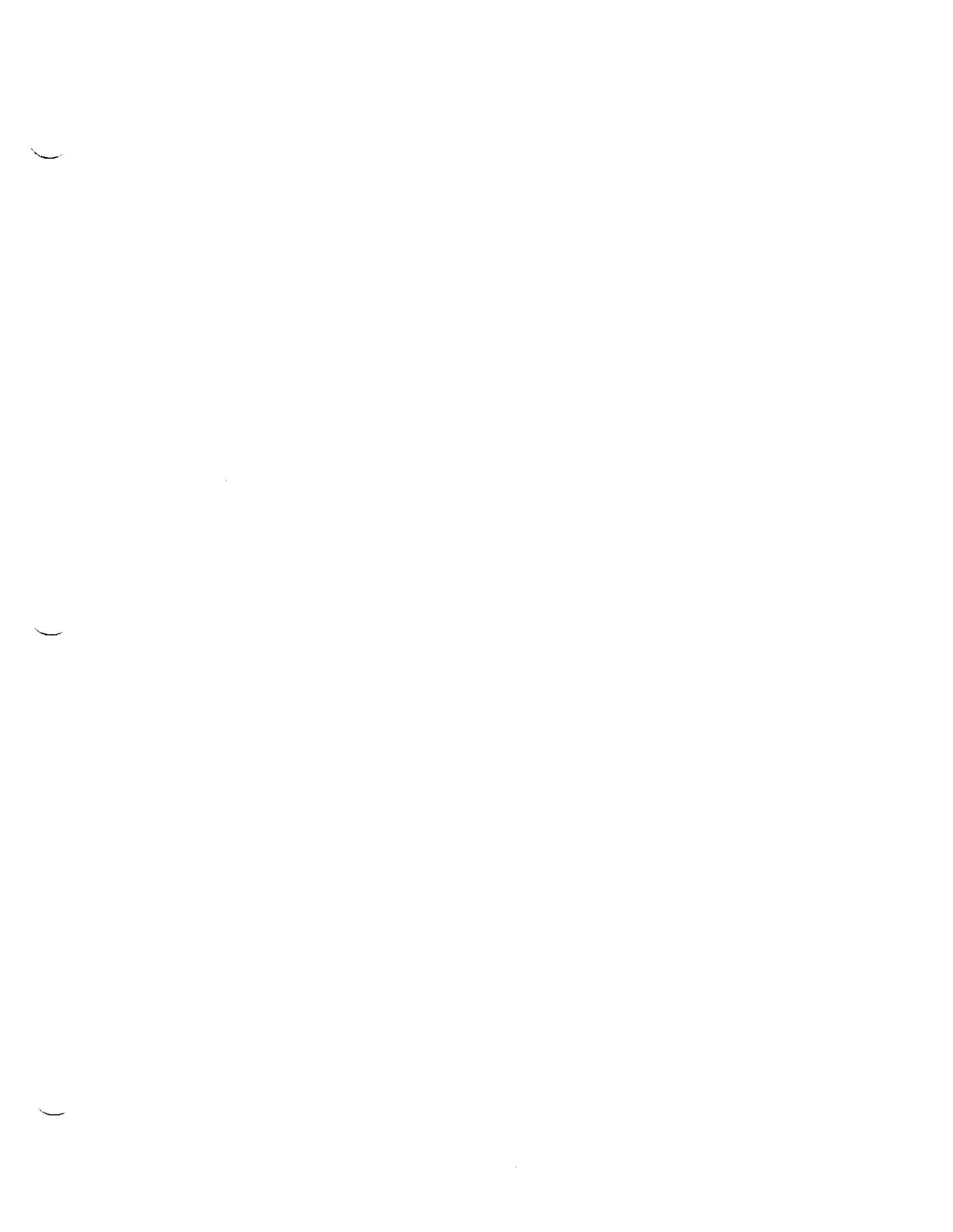
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TITLE 7
PUBLIC WAYS AND PUBLIC PROPERTY

Subject	Chapter
Sidewalks	1
Streets, Alleys, Public Ways	2
Trees	3



CHAPTER 1
SIDEWALKS

SECTION:

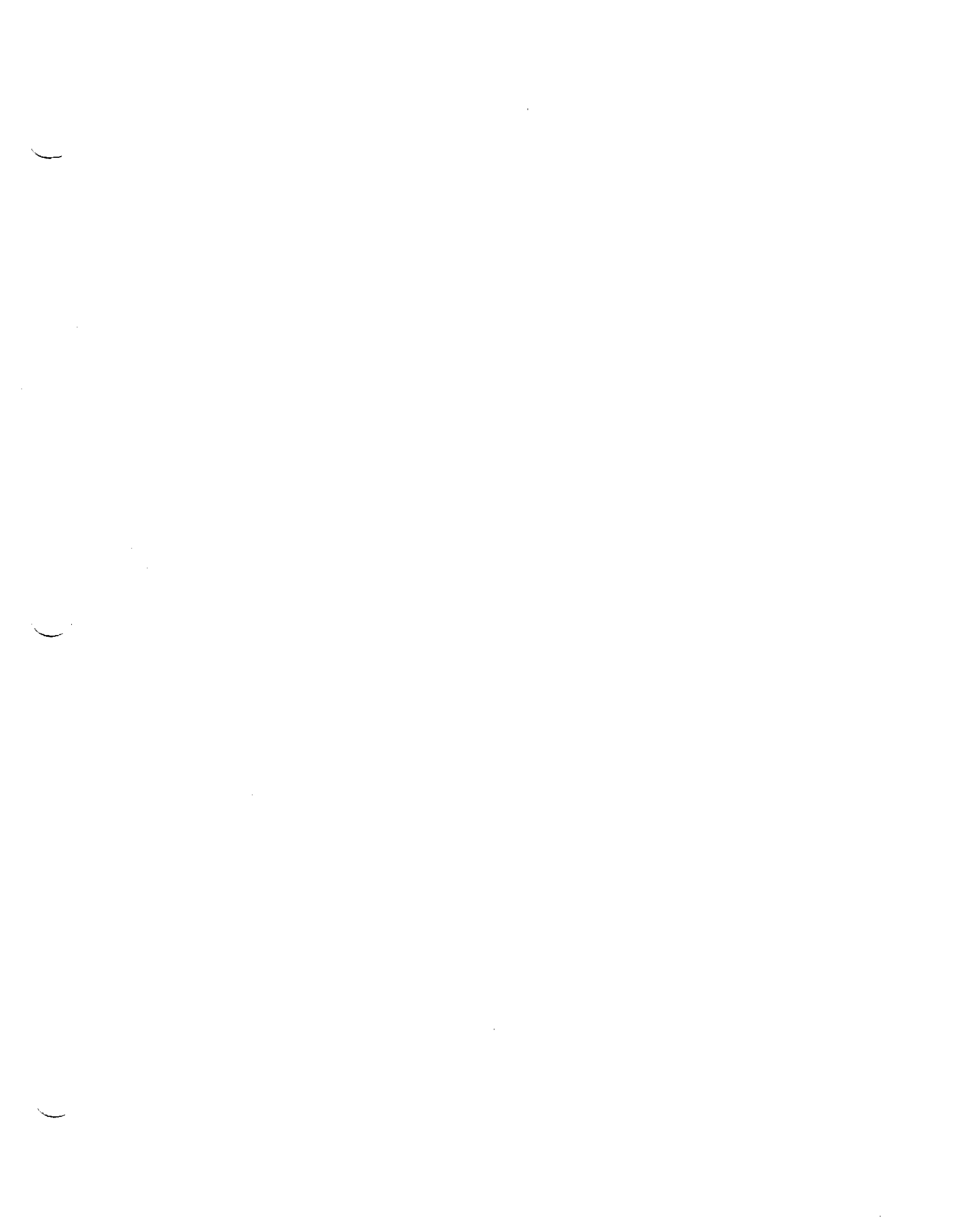
- 7-1-1: Petition Of Landowners
7-1-2: Cost; Construction
7-1-3: Sidewalk Construction

7-1-1: **PETITION OF LANDOWNERS:** No sidewalk shall be built in the Village unless petitioned for by the property owners owning not less than seventy five percent (75%) of the lineal frontage fronting upon such proposed sidewalk; and no sidewalk shall be built unless petitioned for as herein provided, nor unless so ordered by the Village President and Board of Trustees at a regular meeting of the Board of Trustees, and nothing in this Chapter shall be construed as creating an obligation upon the Village to build such sidewalk or walks. (Ord., 5-3-1899)

7-1-2: **COST; CONSTRUCTION:** No such sidewalk shall be built unless the property owners fronting upon the street along which walk is to be built, shall agree with the Village President and Board of Trustees, and bind themselves to pay one-half ($\frac{1}{2}$) of the entire cost of building said walk; provided, however, that when any walk has been ordered built according to the provisions of this Chapter, any owner may be permitted to construct his portion of such walk of like materials and in the like manner as specified in the order laying such walk, and under the direct supervision and control of the President and Board of Trustees. (Ord., 5-3-1899)

7-1-3: **SIDEWALK CONSTRUCTION:**

- A. Design: Sidewalks must be designed to meet or exceed the most stringent requirements of either Federal or State design for handicapped accessibility.
- B. Obstruction: Sidewalks must be unobstructed. (1998 Code)



CHAPTER 2

STREETS, ALLEYS, PUBLIC WAYS

SECTION:

- 7-2-1: Use For Sewer System
7-2-2: Obstructions
7-2-3: Encroachments

7-2-1: **USE FOR SEWER SYSTEM:** The use of village owned property, streets, and alleys for the construction and maintenance of the sewer system of the village is hereby authorized. (Ord. 158, 7-8-1980)

7-2-2: **OBSTRUCTIONS:**

A. Prohibited Acts:

1. **Fences; Barriers:** It shall be unlawful for any person other than officials of the village when acting in their official capacity or persons acting under their direction, to place any fence, barrier, or other object in any of the streets, alleys or other public places in the village.

2. **Control Of Lands Laid Out As Public Way:** It shall be unlawful for any person other than officials of the village when acting in their official capacity or persons acting under their direction, to attempt to or control any lands or attempt to exercise possession of any lands which have been laid out as streets, alleys or other public places in the village.

3. **Possession Claimed By Another:** It shall be unlawful for any person other than officials of the village when acting in their official capacity or persons acting under their direction, claiming possession of any part of the streets, alleys or other public places in the village to suffer or permit any fence, barrier or other obstruction to remain in

said streets, alleys or other public places in the village when such fence, barrier or other obstruction is upon lands whose possession is claimed by said person.

4. Disturbing Surface: It shall be unlawful for any person other than officials of the village when acting in their official capacity or persons acting under their direction, to plow, dig or otherwise disturb the surface of any street, alley or other public place in the village.

- B. Violation: Any person who shall violate any of the provisions of this section shall be subject to the fine and penalties hereinafter prescribed and the continuation of violation after five (5) days' notice by the street commissioner, that each day thereafter shall constitute and be a separate offense.
- C. Penalty: Any person violating any of the provisions of this section, or who neglects or refuses to comply with or resists in any manner the enforcement of any of the provisions of this section shall be subject to penalty as provided in section 1-4-1 of this code. (Ord., 2-4-1941; amd. 1998 Code)

7-2-3: **ENCROACHMENTS:**

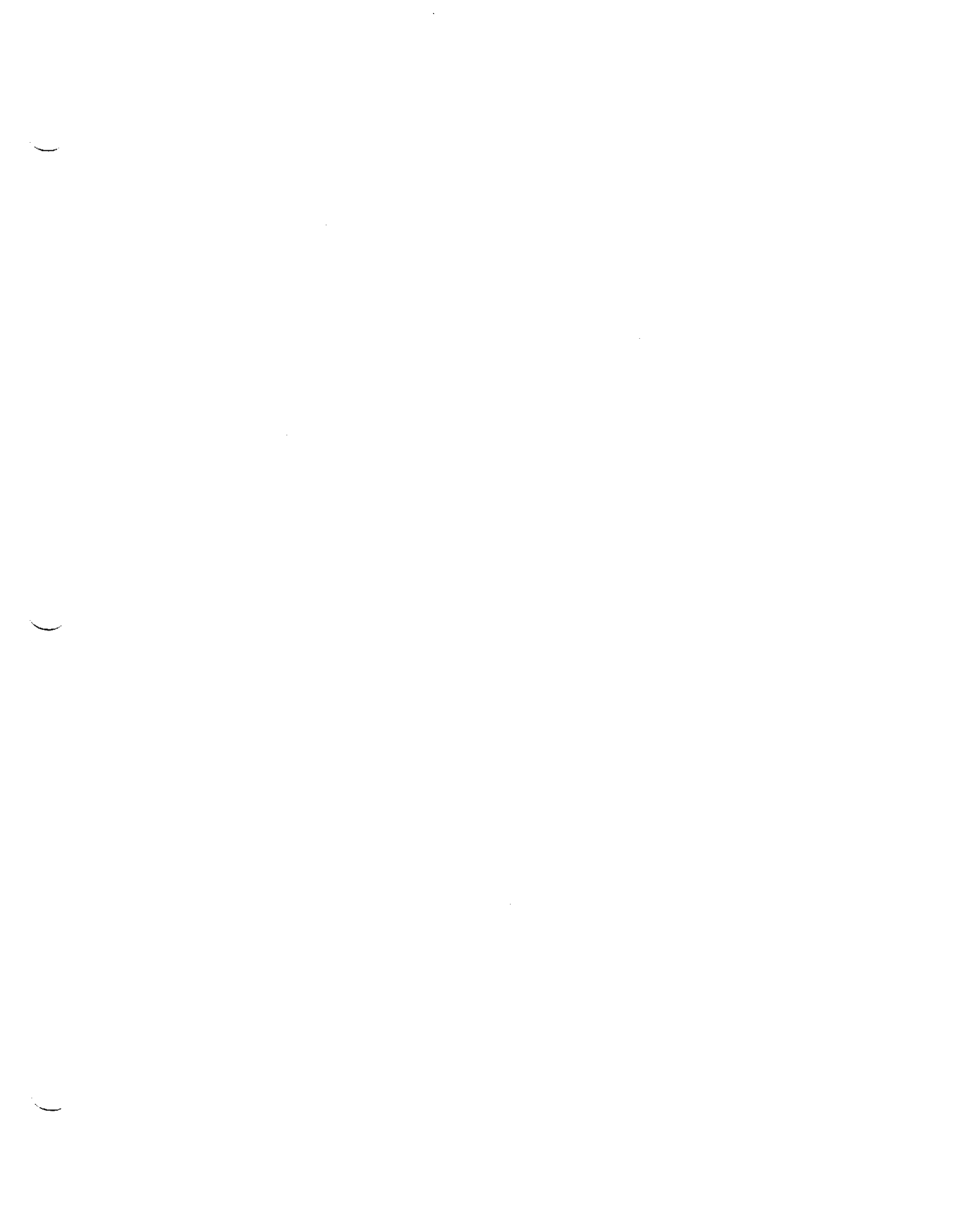
A. Definitions:

ENCROACHMENT: Any building, fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, or over any portion of the roadway right of way.

ROADWAY RIGHT OF WAY: Those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

- B. Prohibited: It shall unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, an "encroachment" (as herein defined), within the limits of the roadway right of way.
- C. Penalty: Any person, firm or corporation violating this section shall be fined not less than one hundred dollars (\$100.00) nor more than

five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists. (Ord. 248, 3-16-2004)



CHAPTER 3

TREES

SECTION:

- 7-3-1: Prohibited Species
- 7-3-2: Prohibited Planting Areas
- 7-3-3: Restricted Planting Areas And Tree Spacing
- 7-3-4: Authorization To Plant Trees On Village Property

7-3-1: **PROHIBITED SPECIES:** It shall be unlawful to plant any of the following species anywhere within the right of way of Village streets and alleys: poplars (*Populus* sp.), willows (*Salix* sp.), box elder (*Acer negundo*), silver maple (*Acer saccharinum*), tree-of-heaven (*Ailanthus altissima*), elm (*Ulmus* sp.) or any evergreens (Coniferous species). (Ord. 74, 5-7-1963)

7-3-2: **PROHIBITED PLANTING AREAS:**

- A. No trees shall be planted on the terrace (strip between curb and sidewalk) within twenty five feet (25') of the intersection of street right-of-way lines of any corner lot. Neither shall shrubs be planted in this area if their mature height is more than three feet (3').
- B. No trees or shrubs shall be planted on terraces less than four and one-half feet ($4\frac{1}{2}$ ') in width. This measurement is to be taken between the inside of the curb and outer edge of the sidewalk.
- C. On wider terraces trees shall be centered within a strip and a line which is one-third ($\frac{1}{3}$) of the distance between the sidewalk and the curb. (Ord. 74, 5-7-1963)

7-3-3: RESTRICTED PLANTING AREAS AND TREE SPACING:

- A. Overhead Utility Lines: No tree species, with normal mature height over thirty feet (30'), shall be planted under existing overhead utility lines.
- B. Spacing: Trees shall be planted no closer than fifty feet (50') from an adjacent live tree on the same terrace. The only allowable variances to the fifty foot (50') spacing will be:
1. Where adjacent lots are narrow and owner would be deprived of one tree under the fifty foot (50') spacing rule.
 2. Where location of driveway prohibits the ideal fifty foot (50') spacing.
 3. Where maximum height of tree is thirty feet (30') or under, they may be spaced at thirty foot (30') intervals.

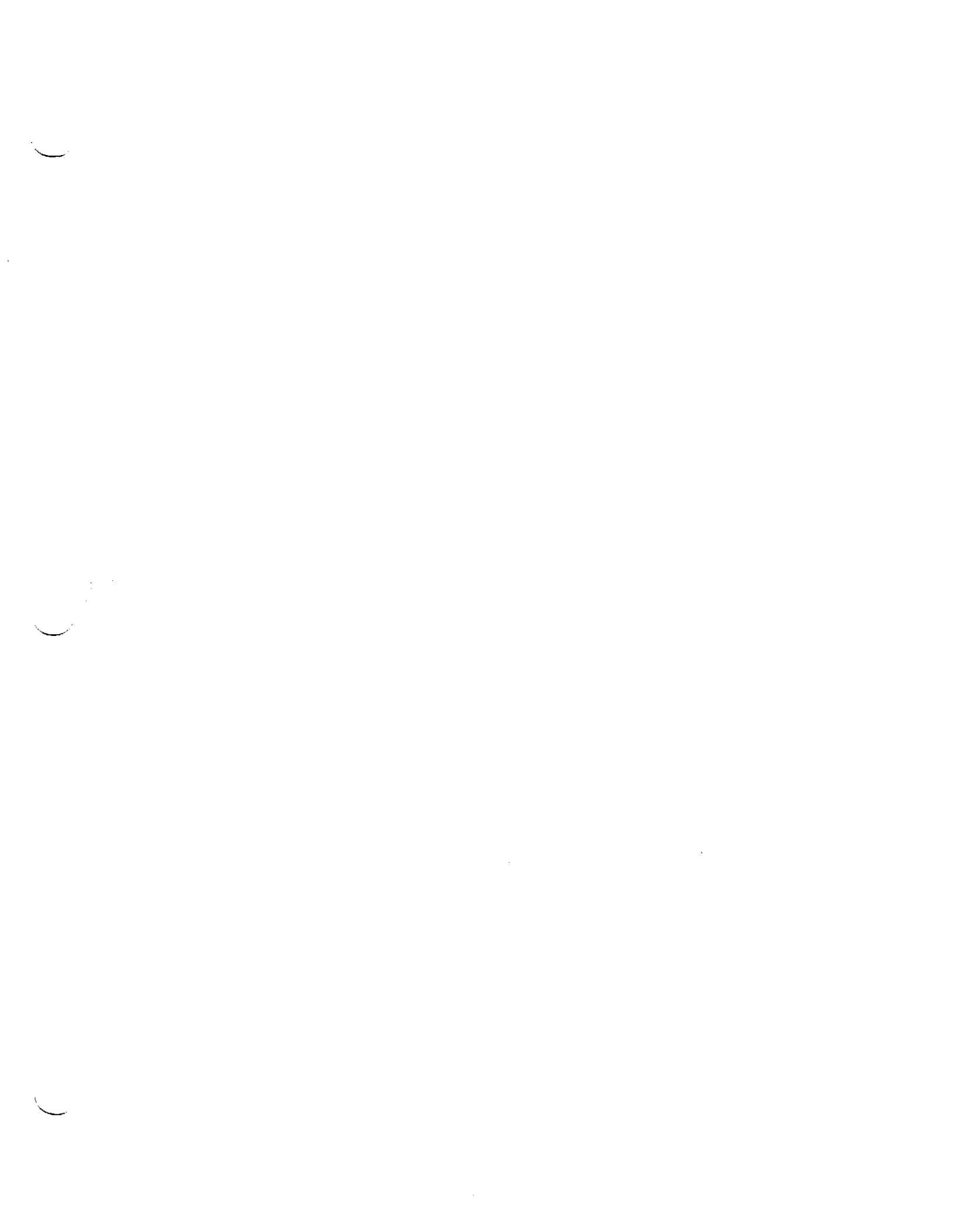
Wherever one or all of the above conditions exist, the spacing may be reduced to thirty feet (30').

4. No trees should be planted closer than three feet (3') from the inside of property line. (Ord. 74, 5-7-1963)

7-3-4: AUTHORIZATION TO PLANT TREES ON VILLAGE PROPERTY: No trees shall be planted on rights of way of Village streets and alleys without first receiving permission in writing from Village Board. (Ord. 74, 5-7-1963)

TITLE 8
WATER AND SEWER

Subject	Chapter
Waterworks	1
Cross-Connection Control	2
Sewer Connection And Plumbing	3
Wastewater Services	4



CHAPTER 1
WATERWORKS

SECTION:

- 8-1- 1: Water Department Created
- 8-1- 2: Superintendent
- 8-1- 3: Application For Hookup; Fees
- 8-1- 4: Costs Of Hookup
- 8-1- 5: Water Meters
- 8-1- 6: Service Lines
- 8-1- 7: Inspection; Approval
- 8-1- 8: Tapping Main Line
- 8-1- 9: Water And Sewer Rates
- 8-1-10: Billing Statements
- 8-1-11: Cross-Connection Prohibited
- 8-1-12: Obstruction Prohibited
- 8-1-13: Liability For Damages
- 8-1-14: Unauthorized Use Prohibited
- 8-1-15: Rules And Regulations
- 8-1-16: Separate Connection Required
- 8-1-17: Multiple-Family Dwellings
- 8-1-18: Building Or Construction Use
- 8-1-19: Lawn Fountains; Sprinkling
- 8-1-20: Violation; Penalty

8-1-1: **WATER DEPARTMENT CREATED:** There is hereby established an executive department of this Village to be known as the Water Department. (Ord. 19A, 10-15-1947)

8-1-2: **SUPERINTENDENT:**

- A. Appointment: The Village President is hereby authorized to appoint, subject to confirmation by the Board of Trustees, a Superintendent of the Water Department and all other necessary employees.

- B. **Powers And Duties:** The Superintendent shall have the general management and control of the waterworks system, subject, however, to the supervision of the Board of Trustees. (Ord. 19A, 10-15-1947)

8-1-3: APPLICATION FOR HOOKUP; FEES:

- A. **Written Application:** No water shall be turned on for use on, or in, any premises until an application therefor, in writing, has been made for that purpose and filed with the Superintendent of the Water Department stating the purpose for which the water is to be used. (Ord. 19A, 10-15-1947; amd. 1998 Code)
- B. **Application Fee:** The filing fee for a water hookup application shall be fifty dollars (\$50.00) payable upon the filing of the application with the Superintendent of the Water Department. (Ord. 212, 5-14-1996; amd. 1998 Code)
- C. **Deposit:** In addition to any new water hookup fee, a new user of the Village water supply shall pay a deposit of one hundred dollars (\$100.00) to ensure payment of water user charges. The one hundred dollar (\$100.00) deposit shall be returned to the user after termination of water service when the user's account is paid in full. If the user's account is not paid in full, the one hundred dollar (\$100.00) deposit may be applied towards payment of the water user charges. (Ord. 189, 1-12-1988)

8-1-4: COSTS OF HOOKUP: The applicant shall pay for all labor and expenses incurred, including but not limited to, twelve inch (12") stainless steel clamp, compression corporation valve, K copper lines, curb valve and box connected to the water main, curb shutoff valve and other attachments as approved by the Superintendent of the Water Department. (Ord. 212, 5-14-1996; amd. 1998 Code)

8-1-5: WATER METERS:

- A. **Required:** All water consumers supplied by the Village shall be supplied through meters only, and shall pay for the water consumed

at the rates and in the manner hereinafter specified¹. (Ord. 19A, 10-15-1947)

- B. **Meter Valve:** Each connection at the user's meter shall be equipped with a Mueller angle meter valve.
- C. **Reading Of Meters:**
1. **New Installations:** Each new installation shall be equipped with a device to allow outside reading of the meter. (Ord. 212, 5-14-1996)
 2. **Access:** The Village and its employees shall have ready access to the premises, places or buildings where meters are located for the purpose of reading, examining, testing and repairing the same, and examining and testing the consumption, use and flow of water, and it shall be unlawful for any person to interfere with, prevent, or obstruct the Village, or its duly authorized agent, in its duties hereunder. Every consumer of water shall take the same upon the conditions prescribed in this subsection C2.
- D. **Meters Out Of Repair:** Whenever any meter, by reason of its being out of repair, or for any cause, fails promptly to register the water passing through the same, the consumer shall be charged at the rate shown for the corresponding time of the previous year under like conditions. If no record of the previous year exists, then it shall be the duty of the Superintendent of the Water Department to estimate or determine so far as he can, the amount of water consumed during the time such meter fails to operate, and the consumer shall pay the amount so estimated. (Ord. 19A, 10-15-1947; amd. 1998 Code)

8-1-6: **SERVICE LINES:** All exterior water lines shall be installed at least four and one-half feet (4½') deep. The State Plumbing Code shall be followed as to each installation. (Ord. 212, 5-14-1996)

8-1-7: **INSPECTION; APPROVAL:** Prior to covering and backfilling a new water line, the user shall notify the Superintendent of the Water Department that the new water hookup is completed. The new line shall not be covered or backfilled, and no water service shall commence until the Superintendent, or someone designated by the Village

1. See Section 8-1-9 of this Chapter.

President, has inspected and approved the new water hookup. (Ord. 212, 5-14-1996; amd. 1998 Code)

8-1-8: TAPPING MAIN LINE:

- A. Approval Required: No person shall tap into a Village water main until he has obtained the approval of the Superintendent of the Water Department, or someone designated by the Village President.
- B. Licensed Plumber Required: The tap into the Village water main shall be performed by a licensed plumber. The tapping into the Village water main by persons other than a licensed plumber is prohibited. (Ord. 212, 5-14-1996; amd. 1998 Code)

8-1-9: WATER AND SEWER RATES: The following shall be the rates for water supplied through meters, payable monthly:

(see following page for rates)

SEWER AND WATER RATES

Per 1,000	Sewer	Water	Both
To 2	\$ 11.50	\$ 11.50	\$ 23.00
3	14.71	14.00	28.71
4	17.92	16.50	34.42
5	21.13	19.00	40.13
6	24.34	21.50	45.84
7	27.55	24.00	51.55
8	30.76	26.50	57.26
9	33.97	29.00	62.97
10	37.05	31.50	68.55
11	40.13	34.00	74.13
12	43.21	36.50	79.71
13	46.29	39.00	85.29
14	49.37	41.50	90.87
15	52.45	44.00	96.45
16	55.53	46.50	102.03
17	58.61	49.00	107.61
18	61.69	51.50	113.19
19	64.77	54.00	118.77
20	67.69	56.50	124.19
21	70.61	59.00	129.61
22	73.53	61.50	135.03
23	76.45	64.00	140.45
24	79.37	66.50	145.87
25	82.29	69.00	151.29
26	85.21	71.50	156.71
27	88.13	74.00	162.13
28	91.05	76.50	167.55
29	93.97	79.00	172.97
30	96.79	81.50	178.29
31	99.61	84.00	183.61
32	102.43	86.50	188.93
33	105.25	89.00	194.25
34	108.07	91.50	199.57
35	110.89	94.00	204.89
36	113.71	96.50	210.21
37	116.53	99.00	215.53
38	119.35	101.50	220.85
39	122.17	104.00	226.17
40	124.84	106.50	231.34

Per 1,000	Sewer	Water	Both
41	\$127.51	\$109.00	\$236.51
42	130.18	111.50	241.68
43	132.85	114.00	246.85
44	135.52	116.50	252.02
45	138.19	119.00	257.19
46	140.86	121.50	262.36
47	143.53	124.00	267.53
48	146.20	126.50	272.70
49	148.87	129.00	277.87
50	151.42	131.50	282.92
51	153.97	134.00	287.97
52	156.52	136.50	293.02
53	159.07	139.00	298.07
54	161.62	141.50	303.12
55	164.17	144.00	308.17
56	166.72	146.50	313.22
57	169.27	149.00	318.27
58	171.82	151.50	323.32
59	174.37	154.00	328.37
60	176.79	156.50	333.29
61	179.21	159.00	338.21
62	181.63	161.50	343.13
63	184.05	164.00	348.05
64	186.47	166.50	352.97
65	188.89	169.00	357.89
66	191.31	171.50	362.81
67	193.73	174.00	367.73
68	196.15	176.50	372.65
69	198.57	179.00	377.57
70	200.83	181.50	382.33
71	203.09	184.00	387.09
72	205.35	186.50	391.85
73	207.61	189.00	396.61
74	209.87	191.50	401.37
75	212.13	194.00	406.13
76	214.39	196.50	410.89
77	216.65	199.00	415.65
78	218.91	201.50	420.41
79	221.17	204.00	425.17
80	223.32	206.50	429.82

Per 1,000	Sewer	Water	Both
81	\$225.47	\$209.00	\$434.47
82	227.62	211.50	439.12
83	229.77	214.00	443.77
84	231.92	216.50	448.42
85	234.07	219.00	453.07
86	236.22	221.50	457.72
87	238.37	224.00	462.37
88	240.52	226.50	467.02
89	242.67	229.00	471.67
90	244.78	231.50	476.28
91	246.89	234.00	480.89
92	249.00	236.50	485.50
93	251.11	239.00	490.11
94	253.22	241.50	494.72
95	255.33	244.00	499.33
96	257.44	246.50	503.94
97	259.55	249.00	508.55
98	261.66	251.50	513.16
99	263.77	254.00	517.77
100	265.78	256.50	522.28
101	267.79	259.00	526.79
102	269.80	261.50	531.30
103	271.81	264.00	535.81
104	273.82	266.50	540.32
105	275.83	269.00	544.83
106	277.84	271.50	549.34
107	279.85	274.00	553.85
108	281.86	276.50	558.36
109	283.87	279.00	562.87
110	285.88	281.50	567.38
111	287.89	284.00	571.89
112	289.90	286.50	576.40
113	291.91	289.00	580.91
114	293.92	291.50	585.42
115	295.93	294.00	589.93
116	297.94	296.50	594.44
117	299.95	299.00	598.95
118	301.96	301.50	603.46
119	303.97	304.00	607.97
120	305.98	306.50	612.48

Per 1,000	Sewer	Water	Both
121	\$307.99	\$309.00	\$616.99
122	310.00	311.50	621.50
123	312.01	314.00	626.01
124	314.02	316.50	630.52
125	316.03	319.00	635.03
126	318.04	321.50	639.54
127	320.05	324.00	644.05
128	322.06	326.50	648.56
129	324.07	329.00	653.07
130	326.08	331.50	657.58
131	328.09	334.00	662.09
132	330.10	336.50	666.60
133	332.11	339.00	671.11
134	334.12	341.50	675.62
135	336.13	344.00	680.13
136	338.14	346.50	684.64
137	340.15	349.00	689.15
138	342.16	351.50	693.66
139	344.17	354.00	698.17
140	346.18	356.50	702.68

(1998 Code; amd. Ord. 235, 4-9-2002; Ord. 289, 4-10-2007, eff. 5-1-2007)

8-1-10: BILLING STATEMENTS:

- A. **Monthly Statements:** Bills for water service shall be rendered monthly using the schedule in section 8-1-9 of this chapter and shall be delinquent on the fifteenth day after their rendition. (Ord. 19A, 10-15-1947; amd. 1998 Code)
- B. **Late Charges:** All unpaid charges for water, sewer and solid waste service shall accrue a ten percent (10%) late penalty charge if not paid on or before the twenty sixth day of the month in which the bill is rendered. (Ord. 235, 4-9-2002)
- C. **Discontinuance Of Service:** Water service to any user of the village water supply may be shut off at any time after the water bill remains unpaid for thirty (30) days, upon seven (7) days' written notice to the user. Notice may be delivered personally or by mail.

- D. **Shutoff/Turn-On Fees:** The user shall be charged a fee of twenty five dollars (\$25.00) for shutoff of the water supply and another fee of twenty five dollars (\$25.00) for turning on the water supply.
- E. **Owner Responsibility:** The owner of the real estate to which Village water service is supplied shall be required to pay any water user charges for service supplied to the real estate owned by him in the event that the user does not pay the bill. This responsibility shall be on the landowner whether he is a landlord renting to a tenant, or whether he is a contract seller of the real estate. (Ord. 189, 1-12-1988; amd. 1998 Code)
- F. **Lien; Notice Of Delinquency:**
1. **Filing Of Lien:** Whenever a bill for water service remains unpaid for thirty (30) days for monthly service it has been rendered, the Village shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.
 2. **User Not Owner; Notice To Owner:** If the user whose bill is unpaid is not the owner of the premises and the Village has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Clerk whenever such bill remains unpaid for the period of thirty (30) days for a monthly bill after it has been rendered.
 3. **Right To Foreclosure:** The failure of the Village to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing subsection F2.
- G. **Foreclosure Of Lien:** Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the 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 Village. The Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty five (45) days in the case of a monthly bill after it has been rendered. (1998 Code)

8-1-11: **CROSS-CONNECTION PROHIBITED¹:** No user of the Village water supply is allowed to use a water supply other than that provided by the Village. The cross-connection of a private water supply with the Village water supply is prohibited. (Ord. 212, 5-14-1996)

8-1-12: **OBSTRUCTION PROHIBITED:**

- A. **Access:** No person shall in any manner obstruct the access to any stopcock, hydrant or valve, or any public faucet or opening for taking water in any street, alley, public way, public ground or place connected with or part of said waterworks system, nor pile or place any lumber, brick or building material or other article, thing or hindrance whatsoever within twelve feet (12') of the same, or so as to in any manner hinder, delay or obstruct the members of the Fire Department in reaching the same.
- B. **Flow, Retention Or Storage:** It shall be unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water in said waterworks system, reservoir or plant, or any part thereof, or to injure, deface, remove or displace any water main, hydrant, service pipe, water meter, shutoff box, public fountain, valve, engine or building connected with said waterworks system or plant, or to cause, suffer, or permit any of said things to be done. (Ord. 19A, 10-15-1947; amd. 1998 Code)

8-1-13: **LIABILITY FOR DAMAGES:** All connections and water applied for hereunder, and all water used hereunder, shall be upon the express condition that the Village shall not be liable, nor shall any claim be made against it, for damages or injury caused by reason of the breaking of any main, branches, service pipes, apparatus or appurtenances connected with such waterworks system or plant, or any part or portion thereof, or for any interruption of the supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals. (Ord. 19A, 10-14-1947)

8-1-14: **UNAUTHORIZED USE PROHIBITED:** No person not duly authorized shall turn the water on at any fire hydrant or service cock, or use water therefrom when so turned on and the person so

1. See Chapter 2 of this Title.

wasting water in such unlawful manner shall be liable to pay for the same. (Ord. 19A, 10-15-1947; amd. 1998 Code)

8-1-15: **RULES AND REGULATIONS:** The following rules and regulations for the consumers of water and for plumbers are hereby adopted and established:

- A. **Application Required:** No water shall be furnished or supplied to any consumer for any purpose whatever until such consumer shall made application therefor. Such application shall state the location of the premises to be served and the use to which the water will be put.
- B. **Limitations On Use:** No water consumer may supply water to other families or allow them to take it, except for use on the premises and for the purposes specified in the application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with the works upon the premises for alterations, repairs, extensions or attachments without a written permit therefor to be issued by the Superintendent of the Water Department.
- C. **Reservation Of Right:** The Village reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the Village in case of fire, and for restricting the use of the water in case of deficiency in supply. No claim shall be made against said Village by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections or repairing any part of the waterworks system, or from failure of the water supply, or by increasing the water pressure at any time, or from concentration or restricted use of water as above. (Ord. 19A, 10-15-1947)

8-1-16: **SEPARATE CONNECTION REQUIRED:** No owner or plumber shall be permitted to conduct water pipes into any two (2) distinct premises or tenements unless separate and distinct stopcocks shall be placed on the outside of such premises along the sidewalk opposite the same, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. (Ord. 19A, 10-15-1947)

8-1-17: MULTIPLE-FAMILY DWELLINGS: In all cases where one service pipe supplies two (2) or more separate consumers in a building, one meter may be placed at the service connection for either or all of the consumers, and the water rent, as registered by such meter, shall be charged to and be payable by the owner of the premises or building. (Ord. 19A, 10-15-1947)

8-1-18: BUILDING OR CONSTRUCTION USE:

- A. **Application For Permit:** Persons desiring to use Village water for building or construction purposes shall make application therefor in writing and file the same in the office of the Village Clerk on a form provided for that purpose.
- B. **Grant Of Permit; Connection:** Upon a permit being granted (permits shall be issued in writing and signed by the Superintendent of the Water Department), the service pipe shall be carried at the expense of the applicant to the inside of the curb line, where a service cock and meter shall be placed, with pipe leading to the surface, and a faucet at the end thereof above the surface.
- C. **Completion Of Construction:** When the building or construction work is completed, the faucet and meter shall be removed and the water shut off, unless permanent connection thereunder is made.
- D. **Cost Of Use:** Charge for the use and connecting of meters shall be as prescribed in Section 8-1-9 of this Chapter. (Ord. 19A, 10-15-1947)

8-1-19: LAWN FOUNTAINS; SPRINKLING: The right is reserved to suspend the use of lawn fountains and hose for sprinkling lawns and gardens whenever, in the opinion of the Board of Trustees, public exigencies require it. (Ord. 19A, 10-15-1947)

8-1-20: VIOLATION; PENALTY: Any person violating this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code, and shall be liable for the actual damage done or caused. In addition, the Superintendent of the Water Department is authorized to terminate water service to any user who violates this Chapter or creates a condition which contaminates or threatens to contaminate the Village water supply. (Ord. 212, 5-14-1996; amd. 1998 Code)

CHAPTER 2

CROSS-CONNECTION CONTROL

SECTION:

- 8-2- 1: Definitions
- 8-2- 2: Compliance With Existing Laws
- 8-2- 3: Cross-Connection Prohibited
- 8-2- 4: Local Cross-Connection Control Program
- 8-2- 5: Corrections And Protective Devices
- 8-2- 6: Piping Identification
- 8-2- 7: Private Water Storage Tanks
- 8-2- 8: Elimination Of Existing Cross-Connections
- 8-2- 9: Inspection
- 8-2-10: Discontinuance Of Water Service

8-2-1: **DEFINITIONS:** For the purpose of this Chapter the following definitions shall apply:

BACKFLOW: Water of questionable quality, wastes or other contaminants entering a public water supply system due to a reversal of flow.

CROSS-CONNECTION: A connection or arrangement of piping or appurtenances by which a backflow could occur.

SAFE AIR GAP: The minimum distance of water inlet or opening above the maximum high water level or overflow rim in a fixture, device or container to which public water is furnished which shall be at least two (2) times the inside diameter of the water inlet pipe; but shall not be less than one inch (1") and need not be more than twelve inches (12").

SECONDARY WATER SUPPLY: A water supply system maintained in addition to a public water supply, including but not limited

to water systems from ground or surface sources not meeting the requirements of State statute, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

SUBMERGED INLET: A water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant and which is unprotected against backflow.

WATER UTILITY: The Village of Annawan Water Department.
(Ord. 175, 5-13-1983; amd. 1998 Code)

8-2-2: COMPLIANCE WITH EXISTING LAWS: A connection with a public water supply system shall comply with the existing laws and rules and the provisions of the ordinances of the Village. (Ord. 175, 5-13-1983)

8-2-3: CROSS-CONNECTION PROHIBITED: Cross-connection of the public water supply system and any other water supply system or source including but not limited to the following are prohibited:

- A. Between a public water supply system and a secondary water supply.
- B. By submerged inlet.
- C. Between a lawn sprinkling system and the public water supply system.
- D. Between a public water supply and piping which may contain sanitary waste or a chemical contaminant.
- E. Between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant. (Ord. 175, 5-13-1983)

8-2-4: **LOCAL CROSS-CONNECTION CONTROL PROGRAM:** The Village shall develop a comprehensive control program for the elimination and prevention of all cross-connections, and removal of all existing cross-connections and prevention of all future cross-connections. (Ord. 175, 5-13-1983)

8-2-5: **CORRECTIONS AND PROTECTIVE DEVICES:**

- A. Approval Required: Any user of Village water shall obtain written approval from the Water Department of any proposed corrective action or protective device before using or installing it.
- B. Time Limitations: The total time allowed for completion of the necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment.
- C. Separation By Village: If the cross-connection has not been removed within the time as hereinafter specified, the Village shall physically separate the Village water supply from the on-site piping system in such manner that the two (2) systems cannot be connected by any unauthorized person. (Ord. 175, 5-13-1983)

8-2-6: **PIPING IDENTIFICATION:** When a secondary water source is used in addition to the Village water supply, exposed Village water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety. The Village water supply shall be protected at the service connection in a manner acceptable to the Water Department. (Ord. 175, 5-13-1983)

8-2-7: **PRIVATE WATER STORAGE TANKS:** A private water storage tank supplied from the Village water supply system shall be deemed a secondary water supply unless it is designed and approved for potable water usage. (Ord. 175, 5-13-1983)

8-2-8: **ELIMINATION OF EXISTING CROSS-CONNECTIONS:** Within one year from the effective date hereof, all existing cross-connections to the Village water supply systems shall be eliminated.

The expenses of such elimination shall be that of the owner of the property on which such cross-connection exists. (Ord. 175, 5-13-1983)

8-2-9: **INSPECTION:** The Water Department, or any representative thereof, shall have the authority to inspect any premises to determine the presence of an existing cross-connection and to order the elimination of such cross-connection. (Ord. 175, 5-13-1983)

8-2-10: **DISCONTINUANCE OF WATER SERVICE:**

- A. **Authority:** The Water Department is hereby authorized to discontinue water service after a reasonable notice to any person owning any property where a cross-connection in violation of this Chapter exists.
- B. **Precautionary Measures:** The Water Department may take such other precautionary measures as necessary to eliminate any danger of the contamination of the Village water supply system.
- C. **Restoration Of Service:** Water service to such property shall not be restored until such cross-connection has been eliminated. (Ord. 175, 5-13-1983)

CHAPTER 3

SEWER CONNECTION AND PLUMBING

SECTION:

- 8-3- 1: Compliance Required
- 8-3- 2: Permit; Fees
- 8-3- 3: Bond; Cash Deposit
- 8-3- 4: Sewer Lateral Material
- 8-3- 5: Sewer Joints
- 8-3- 6: Grade
- 8-3- 7: Trenching And Bedding
- 8-3- 8: Backfilling
- 8-3- 9: Depth
- 8-3-10: Lines Parallel To Footings
- 8-3-11: Valves
- 8-3-12: Prohibited Joints And Connections
- 8-3-13: Increasesers And Reducers
- 8-3-14: Sewer Cleanouts
- 8-3-15: Separation Of Water And Sewer Lines
- 8-3-16: Separation Of Sanitary And Storm Sewers
- 8-3-17: Inspections
- 8-3-18: Testing
- 8-3-19: Barricades; Restoration
- 8-3-20: Map Or Diagram
- 8-3-21: Penalty

8-3-1: **COMPLIANCE REQUIRED:** All sewer connections and plumbing within the Village shall be performed in accordance with the provisions of this Chapter. If there is no provision of this Chapter which applies to a particular sewer or plumbing matter, then the provisions of the most recent Illinois State Plumbing Code shall apply. (Ord. 173, 5-13-1983)

8-3-2: PERMIT; FEES:

- A. **Permit Required:** No sewer lateral lines shall be installed prior to the issuance of a permit by the Village Clerk. The permit shall be requested by the landowner or sewer line installer by written application in the form attached to Ordinance 173 on file in the office of the Village Clerk.
- B. **Additional Documentation:** The permit application shall be supplemented by plans, specifications or other information considered pertinent by the Village Inspector.
- C. **Fees:** A permit and inspection fee of fifty dollars (\$50.00) for a residential or commercial building sewer permit shall be paid to the Village at the time the application is filed. (Ord. 173, 5-13-1983; amd. 1998 Code)

8-3-3: BOND; CASH DEPOSIT:

- A. **Bond Required:** No person shall contract for hire within the Village to do any work regarding the installation of a sewer lateral line without first providing a bond in the amount of five thousand dollars (\$5,000.00) to secure the faithful and proper installation of such sewer lateral line.
- B. **Form:** The bond shall be in the form provided by the Village. The bond shall be signed by a surety company authorized to do business in the State.
- C. **Cash Deposit:** In the alternative, a deposit of money in the amount of five thousand dollars (\$5,000.00) in an account at the State Bank of Annawan. The account shall be accessible to the Village in the event of loss to the Village, or the person contracting for the construction of the sewer lateral line due to improper installation.
- D. **Term Of Bond:** The bond or cash deposit shall remain in force for a period of one year. (Ord. 173, 5-13-1983; amd. 1998 Code)

8-3-4: SEWER LATERAL MATERIAL:

- A. Definition: A "sewer lateral line" is defined as a sewer line running from any building to the point of connection with the main sewer line of the Village.
- B. Construction Materials: Sewer lateral lines may be constructed from the following materials: extra strength vitrified clay pipe, polyvinyl chloride (PVC) plastic pipe or ductile iron pipe.
1. Vitrified Clay Pipe: The vitrified clay pipe shall have an inside minimum diameter of six inches (6") conforming to the standards of ASTM numbers C700, C425 and D1784.
 2. PVC Lines: The PVC lines shall have a minimum inside diameter of four inches (4") conforming to the standards of D1785, D2241, D2729, D1869 and D1784. The PVC shall be schedule 40 or heavier.
 3. Ductile Iron Pipe: The ductile iron pipe shall have a minimum inside diameter of four inches (4") conforming to the standards of ASTM A377, AWWA C151 and shall be class 50 or heavier. (Ord. 173, 5-13-1983)

8-3-5: SEWER JOINTS: Vitrified clay pipe joints shall conform to the standards of ASTM C425. Joints between clay pipe and metal pipe shall be a compression coupling conforming to ASTM C594. Joints between a metal soil pipe and clay pipe having a greater diameter than the metal soil pipe, shall be a compression coupling increaser conforming to ASTM C594. Joints between PVC pipe and nonPVC pipe shall be a compression coupling conforming to ASTM C594. (Ord. 173, 5-13-1983)

8-3-6: GRADE: All sewer lateral lines shall be laid on a straight line and uniform grade wherever possible. In no event shall the grade be less than one-eighth inch ($\frac{1}{8}$ ") of fall per lineal foot of line. (Ord. 173, 5-13-1983)

8-3-7: TRENCHING AND BEDDING:

- A. Width: Trenches shall be of sufficient width to permit proper installation of the pipe. Where shoring is required, ample allowance shall be made in the width of the trench for working conditions.

B. Depth:

1. **Bottom Of Trench Forms Bed:** Where trenches are excavated to a depth such that the bottom of the trench forms the bed for the pipe, care must be exercised to provide solid and continuous bearing between joints. Bell holes shall be provided at points where the pipe is joined.

2. **Bottom Of Trench Does Not Form Bed:** Where trenches are excavated to a depth such that the bottom of the trench does not form the bed for the pipe the trench shall be backfilled to grade with sand or fine gravel placed in layers of six inch (6") maximum depth and compacted after each placement.

C. Stabilization Of Bed: The pipe shall not be supported on blocks to grade, if soft materials of poor bearing qualities are found at the bottom of the trench, stabilization shall be achieved by overexcavating at least two (2) pipe diameters and bringing up to grade with fine gravel or crushed stone or a concrete foundation. Such concrete foundation shall be bedded and sand tamped in place so as to provide a uniform bearing for the pipe joints. (Ord. 173, 5-13-1983)

8-3-8: BACKFILLING: Care shall be taken to compact thoroughly the backfill under and beside the sewer pipe to be sure the pipe is properly supported. Backfilling shall not continue beyond the horizontal center line of the pipe until the sewer line has been inspected by the Village Inspector. After inspection and approval of the sewer lateral line, backfilling may be completed. Loose earth, free of rocks, broken concrete, frozen chunks or other hard material, shall be carefully placed in the trench in six inch (6") layers and tamped in place until the crown of the sewer pipe is covered by at least one foot (1') of tamped earth. Backfill shall be placed evenly on both sides of the pipe and tamped in place in such manner as to retain proper alignment. (Ord. 173, 5-13-1983)

8-3-9: DEPTH: The sewer lateral line shall be installed at least three feet (3') below ground level in order to avoid damage from freezing. (Ord. 173, 5-13-1983)

8-3-10: LINES PARALLEL TO FOOTINGS: Sewer lines installed parallel to footings shall not extend below the forty five

degree (45°) bearing plane of the wall or footing and shall be no closer than three feet (3') to the footings or outside bearing wall except as may otherwise be approved by the Village Inspector. (Ord. 173, 5-13-1983)

8-3-11: **VALVES:** There is no requirement to install a valve in a sewer lateral line. However, if a valve is installed in a sewer lateral line, it shall be accessible for maintenance and it shall be one of the following:

- A. Resilient seated gate valve conforming to the latest edition of AWWA C509.
- B. Backwater valve, Palmer type, service weight equivalent to that as manufactured by Tyler or U.S. Soil Pipe. (Ord. 173, 5-13-1983)

8-3-12: **PROHIBITED JOINTS AND CONNECTIONS:** Any fitting or connection which has an enlargement chamber or recess with a ledge, shoulder or reduction of pipe area that offers an obstruction to flow through the drain is prohibited. No fitting or connection that offers abnormal obstruction to flow shall be used. (Ord. 173, 5-13-1983)

8-3-13: **INCREASERS AND REDUCERS:** Where different sizes of pipes or pipes and fittings are to be connected, the proper size increasers or reducers or reducing fittings shall be used between the two (2) sizes. (Ord. 173, 5-13-1983)

8-3-14: **SEWER CLEANOUTS:**

A. Distance Between Cleanouts:

1. Lines Four Inches Or Less: Cleanouts shall be not more than fifty feet (50') apart, including the developed length of the cleanout pipe, in horizontal sewer lines of four inches (4") nominal diameter or less.

2. Lines More Than Four Inches: Cleanouts shall be not more than one hundred feet (100') apart, including the developed length of the cleanout pipe, in horizontal sewer lines of over four inches (4") to ten inches (10") nominal diameter.

- B. Full-Size Cleanout: A full-size cleanout shall be located within five feet (5') of the building foundation, inside or outside, in direct line with the building drain and sewer.
- C. Change In Direction: Cleanouts shall be installed at each change of direction of the building sewer system greater than sixty degrees (60°); the total of the fittings between cleanouts shall not exceed one hundred twenty degrees (120°).
- D. Underground Sewer: Cleanouts, when installed on an underground sewer, shall be extended to or above the finished grade level directly above the place where the cleanout is installed; or may be extended to outside of the building when necessary.
- E. Opening: Every cleanout shall be installed so that the cleanout opens in a direction opposite to the flow of the sewer line or at right angles thereto.
- F. Size: Cleanouts shall be of the same nominal size of the diameter of pipes up to four inches (4") and not less than four inches (4") for larger piping. (Ord. 173, 5-13-1983)

8-3-15: SEPARATION OF WATER AND SEWER LINES: Water lines and sewer lines shall be installed in separate trenches having a minimum of ten feet (10') horizontal separation. However, water and sewer lines may be installed in a common trench provided that the water line is placed on a shelf at a minimum of eighteen inches (18") above the sewer line. Water and sewer lines installed in a common trench may be installed at the same level if ductile iron or PVC with neoprene compression gaskets is used for the sewer line, and copper type K, with no joints, is used for the water line. If it is not possible to use a copper line with no joints, then sweat joints shall be used. The number of joints shall be kept to a minimum. Ductile iron or PVC material is acceptable providing that such material meets the AWWA standard for water piping. (Ord. 173, 5-13-1983)

8-3-16: SEPARATION OF SANITARY AND STORM SEWERS: Sanitary and storm sewer systems shall be separate systems. (Ord. 173, 5-13-1983)

8-3-17: INSPECTIONS:

- A. **Inspection Required:** A sewer lateral line shall not be covered up or used until after such line has been inspected and approved by an authorized Village Inspector.
- B. **Responsibility To Arrange For Inspection:** It is the responsibility of the landowner and installer of the sewer line to arrange for such inspection.
- C. **Tests:** Tests shall be made by the landowner or sewer line installer and observed by the Village Inspector.
- D. **Noncompliance:** Sewer lines found not to be in compliance with this Chapter or otherwise found to be defective or unsafe shall not be approved. The use of a sewer line which is not in compliance with the provisions of this Chapter, or is found to be defective or unsafe, is prohibited until it is brought into compliance.
- E. **Reinspection:** A reinspection is mandatory whenever a sewer line is found to be in violation of this Chapter or otherwise defective or unsafe. (Ord. 173, 5-13-1983)

8-3-18: TESTING:

- A. **Testing Required:** Sewer lateral lines shall be tested to disclose leaks and defects. No sewer lateral line shall be covered until after it has been tested in the presence of the Village Inspector. If a sewer line is covered or concealed prior to being tested and approved, it shall be uncovered for testing. It is the responsibility of the landowner and installer to expose it for approval and testing. All equipment, material and labor required for testing a sewer lateral line shall be provided by the landowner or installer.
- B. **PVC Or Ductile Iron Pipe:** Sewer lateral lines constructed of PVC pipe or ductile iron pipe shall be tested by insertion of a test plug or cap at the point of connection with the public sewer. The sewer lateral line shall be tested with a ten foot (10') head of water or air pressure of at least three and five-tenths (3.5) psi. The line shall not be approved unless the top of the test head of water remains at its initial level for at least fifteen (15) minutes, or unless the line holds its initial air pressure for at least fifteen (15) minutes.

- C. **Vitrified Clay Pipe:** Sewer lateral lines constructed of vitrified clay pipe shall be inspected by close visual inspection of the Village Inspector and such other tests as are deemed necessary by the Inspector to determine the watertightness of the line. (Ord. 173, 5-13-1983)

8-3-19: **BARRICADES; RESTORATION:** All excavations for sewer lateral installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village Inspector. (Ord. 173, 5-13-1983)

8-3-20: **MAP OR DIAGRAM:** After installation of the sewer lateral line, the landowner or the installer of the sewer line shall provide the Village Inspector with a map or diagram giving the following information about the sewer lateral line:

- A. Location of the building served.
- B. Location of the main to which the lateral is attached.
- C. Location of the sewer lateral and any cleanouts or other fittings.
- D. The coordinates of both ends of the sewer lateral relative to a permanent landmark such as the corner of the building, telephone pole, fire hydrant, etc.
- E. The depth of the sewer lateral line at each end.
- F. Compass orientation. (Ord. 173, 5-13-1983)

8-3-21: **PENALTY:** Any person who installs any sewer lateral line before obtaining a permit, or any person who connects and uses a sewer lateral line which has not been approved by the Village Inspector, shall be subject to penalty as provided in Section 1-4-1 of this Code. Each day that a violation continues shall be a separate violation. (Ord. 173, 5-13-1983; amd. 1998 Code)

CHAPTER 4
WASTEWATER SERVICES

SECTION:

- 8-4- 1: Definitions
- 8-4- 2: Basis For Wastewater Service Charges
- 8-4- 3: Measurement Of Flow
- 8-4- 4: Payment Of Charges
- 8-4- 5: Revenues
- 8-4- 6: Accounts
- 8-4- 7: Notice Of Rates
- 8-4- 8: Effective Date Of Rates
- 8-4- 9: Access To Records
- 8-4-10: Penalty

8-4-1: **DEFINITIONS:** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

CLARIFICATION OF WORD USAGE: "Shall" is mandatory; "may" is permissible.

FEDERAL GOVERNMENT:

- Administrator: The Administrator of the U.S. Environmental Protection Agency.
- Federal Act: The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243).
- Federal Grant: 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.

**LOCAL
GOVERNMENT:**

Approving Authority: The Board of Trustees of the Village of Annawan.

Chapter: This Chapter.

Village: The Village of Annawan.

NPDES PERMIT: Any permit or equivalent document or requirements issued by the Administrator, or, where appropriate, by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

PERSON: Any and all persons, natural or artificial including any individual, firm, company, Municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

**SEWER TYPES AND
APPURTENANCES:**

Building Drain: 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, shall be no closer than three feet (3') from the inner face of the building wall.

Building Sewer: The extension from the building drain to the public sewer or other place of disposal.

Combined Sewer: A sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

- Easement:** An acquired legal right for the specific use of land owned by others.
- Public Sewer:** A sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with Village funds.
- Sanitary Sewer:** A sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.
- Sewer:** A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.
- Sewerage:** The system of sewers and appurtenances for the collection, transportation and pumping of sewage.
- Storm Sewer:** A sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.
- Stormwater Runoff:** That portion of the precipitation that is drained into the sewers.

STATE GOVERNMENT:

- Director:** The Director of the Illinois Environmental Protection Agency.
- State Act:** The Illinois Anti-Pollution Bond Act of 1970.
- State Grant:** 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 the State of Illinois.

TREATMENT:

Pretreatment: The treatment of wastewater from sources before introduction into the wastewater treatment works.

Wastewater Treatment Works: An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

TYPES OF CHARGES:

Basic User Charge: The basic assessment levied on all users of the public sewer system.

Debt Service Charge: The amount to be paid each billing period for payment of interest, principal and coverage of outstanding loans, bonds, etc., and shall be computed by dividing the annual debt service by the number of users connected to the wastewater facilities.

Replacement: Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Sewerage Fund: The principal accounting designation for all revenues received in the operation of the sewerage system.

Surcharge: 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 the concentration values established in Section 8-4-2 of this Chapter.

Useful Life: The estimated period during which the collection system and/or treatment works will be operated

and shall be twenty (20) years from the date of start-up of any wastewater facilities constructed with a State grant.

User Charge: A charge levied on users of treatment works for the cost of operation and maintenance.

Wastewater Service Charge: The charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Section 8-4-2 of this Chapter and shall consist of the total of the basic user charge and the debt service charge.

USER TYPES:

Control Manhole: 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.

Industrial User: Any nongovernmental user of publicly-owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

Division A	Agriculture, Forestry, and Fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, Communications, Electric, Gas and Sanitary Services
Division I	Services.

A user in the divisions listed may be excluded if it is determined by the Board of Trustees that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

Residential,
Commercial Or
Nonindustrial User:

Any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this definition.

User Class:

The type of user either "residential or commercial" (nonindustrial) or "industrial" as defined herein.

**WASTEWATER
AND ITS
CHARACTERISTICS:**

BOD (Denoting
Biochemical Oxygen
Demand):

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

Effluent Criteria:

Defined in any applicable NPDES permit.

Floatable Oil:

Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage:

Solid wastes from domestic and commercial preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch ($1/2$ " (1.27 cm) in any dimension.

Industrial Waste:

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.

Major Contributing Industry:

An industrial user of the publicly-owned treatment works that:

A. Has a flow of fifty thousand (50,000) gallons or more per average workday; or

B. Has a flow greater than ten percent (10%) of the flow carried by the Municipal system receiving the waste; or

C. Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or

D. 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.

Milligrams Per Liter:

A unit of the concentration of water or wastewater 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 and wastewater analysis.

pH:

The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods".

Population Equivalent:

A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

ppm:

Parts per million by weight.

Sewage:	Used interchangeably with "wastewater".
Slug:	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.
Standard Methods:	The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
Suspended Solids:	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 "Standard Methods".
Unpolluted Water:	Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer and wastewater treatment facilities provided.
Wastewater:	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:	Defined in the Water Pollution Regulations of Illinois.

WASTEWATER FACILITIES:

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:

Natural Outlet: Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Watercourse: A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 163, 4-14-1981; amd. 1998 Code)

8-4-2: BASIS FOR WASTEWATER SERVICE CHARGES: The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge and a surcharge, if applicable.

A. **Debt Service Charge:** The debt service charge shall be computed by dividing the annual debt service of all outstanding revenue bonds by gallons of water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations.

B. **Basic User Charge:** The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

1. A five (5) day, twenty degree Centigrade (20°C) biochemical oxygen demand (BOD) of 204 mg/l.

2. A suspended solids (SS) content of 240 mg/l.

C. **Operation, Maintenance, Replacement Cost:** It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

1. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year.

2. Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible.
 3. Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
 4. Proportion the estimated costs to nonindustrial users by volume, suspended solids and BOD.
 5. Compute costs per one thousand (1,000) gallons for normal sewage strength.
 6. Compute surcharge costs per one thousand (1,000) gallons per mg/l in excess of normal sewage strength for BOD and SS.
- D. **Surcharge:** A surcharge will be levied to all users whose waters exceed the concentrations for BOD (204 mg/l) and SS (240 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 204 mg/l and 240 mg/l concentration for BOD and SS respectively.
- E. **Revision Of Charges:** The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs. (Ord. 163, 4-14-1981; amd. 1998 Code)

8-4-3: MEASUREMENT OF FLOW: The volume of flow used for computing debt service charges, basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of ten (10) gallons.

- A. **Use Of Water From Other Sources:** 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 Village for the purpose of determining the volume of water obtained from these other sources.

B. Metering Devices:

1. Required: Devices for measuring the volume of waste discharged may be required by the Village if these volumes cannot otherwise be determined from the metered water consumption records.

2. Installation; Maintenance: Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the Village. (Ord. 163, 4-14-1981)

8-4-4: PAYMENT OF CHARGES:**A. Billings:**

1. Payable Monthly: The rates or charges for combined water and sewer service as set forth in Section 8-1-9 of this Title shall be payable monthly. (1998 Code)

2. Liability For Payment: The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village.

3. Mailing Date: Bills for sewer service shall be sent out by the Village on the tenth day of the month succeeding the period for which the service is billed.

4. Date Payable: All sewer bills are due and payable fifteen (15) days after being sent out.

B. Delinquent Bills: If the charges for such services are not paid within thirty (30) days after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled, together with the payment made of ten dollars (\$10.00) for reinstating such service.

C. Lien; Notice Of Delinquency:

1. Filing Of Lien: Whenever a bill for sewer service remains unpaid for thirty (30) days for monthly service it has been rendered, the

Village shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

2. **User Not Owner; Notice To Owner:** If the user whose bill is unpaid is not the owner of the premises and the Village has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Clerk whenever such bill remains unpaid for the period of thirty (30) days for a monthly bill after it has been rendered.

3. **Right To Foreclosure:** The failure of the Village to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing subsection C2.

- D. **Foreclosure Of Lien:** Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the 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 Village. The Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty five (45) days in the case of a monthly bill after it has been rendered. (Ord. 163, 4-14-1981; amd. 1998 Code)

8-4-5: REVENUES:

- A. **Sewerage Fund:** All revenues and monies derived from the operation of the sewerage system shall be deposited in the sewerage account of the Sewerage Fund.
- B. **Funds Kept Separate; Delivery To Treasurer:** All such revenues and monies shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of such sum, without any deductions whatever, shall be delivered to the Village 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 Village President and Board of Trustees.

- C. **Administration Of Funds:** The Village Treasurer shall receive all such revenues from the sewerage system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village of Annawan". The Treasurer shall administer such Fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act"¹, effective January, 1942, as amended. (Ord. 163, 4-14-1981)

8-4-6: ACCOUNTS:

- A. **Books, Records, Accounts:** The Village 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, the Treasurer 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. **Annual Audit:** In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:
1. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
 2. Billing data to show total number of gallons billed.
 3. Debt service for the next succeeding fiscal year.
 4. Number of users connected to the system.
 5. Number of nonmetered users. (Ord. 163, 4-14-1981)

- 8-4-7: NOTICE OF RATES:** A copy of this Chapter, properly certified by the Village Treasurer, shall be filed in the office of

1. 65 ILCS 10/21-0.01.

the Recorder of Deeds of Henry County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of the Village on their properties. (Ord. 163, 4-14-1981)

8-4-8: **EFFECTIVE DATE OF RATES:** The rates and service charges established for user charges in Section 8-4-4 of this Chapter shall be effective ninety (90) days after the sewerage system is available and operable for use. (Ord. 164, 5-12-1981; amd. 1998 Code)

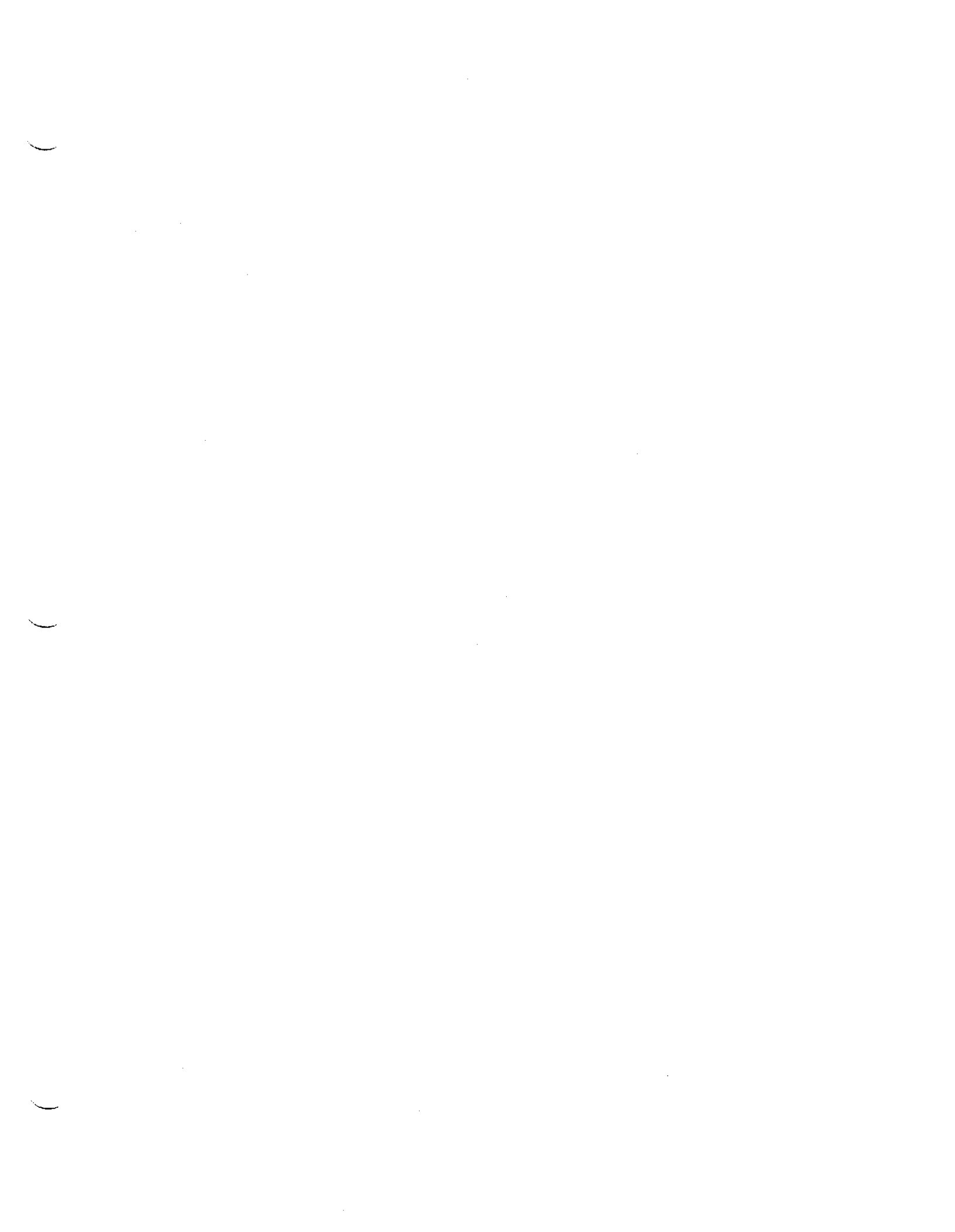
8-4-9: **ACCESS TO RECORDS:** The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any State grant. (Ord. 163, 4-14-1981)

8-4-10: **PENALTY:** Any person violating any provisions of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 163, 4-14-1981; amd. 1998 Code)

TITLE 9
BUILDING REGULATIONS¹

Subject	Chapter
Building Codes	1
Mobile Or Trailer Homes	2
Housing Code	3

1. See also section 3-1-8 of this code.



CHAPTER 1
BUILDING CODES

SECTION:

- 9-1-1: Building Code Adopted
- 9-1-2: Electrical Code Adopted
- 9-1-3: Mechanical Code Adopted
- 9-1-4: Plumbing Code Adopted

9-1-1: **BUILDING CODE ADOPTED:** There is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, that certain Building Code known as the Uniform Building Code, copyrighted by the International Conference of Building Officials, being particularly the current edition and any amendments thereto, of which not less than three (3) copies have been and now are filed in the office of the Village Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling in the construction of all buildings and other structures. (1998 Code)

9-1-2: **ELECTRICAL CODE ADOPTED:** All electrical wiring, installation of electrical fixtures, apparatus, or electrical appliances for furnishing light, heat, or power, or other electrical work introduced into or placed in or upon, or in any way connected to, any building or structure within the limits of the Village shall be in conformity with the provisions set forth in the National Electrical Code, most current edition, recommended by the American Insurance Association for electrical wiring and apparatus, and any amendments thereto, of which not less than three (3) copies have been and now are filed in the office of the Village Clerk, and which is hereby adopted and incorporated as a part of this Code as fully as if set out at length herein. (1998 Code)

9-1-3: **MECHANICAL CODE ADOPTED:** There is hereby adopted by the Village the Uniform Mechanical Code, as published by the International Conference of Building Officials, being particularly the current edition and any amendments thereto, of which not less than three (3) copies have been and now are filed in the office of the Village Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein. (1998 Code)

9-1-4: **PLUMBING CODE ADOPTED:** There is hereby adopted by the Village the Uniform Plumbing Code, as published by the International Conference of Building Officials, being particularly the current edition and any amendments thereto, of which not less than three (3) copies have been and now are filed in the office of the Village Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein. (1998 Code)

CHAPTER 2
MOBILE OR TRAILER HOMES

SECTION:

- 9-2-1: Allowed
- 9-2-2: Application For Installation
- 9-2-3: Required Conditions
- 9-2-4: Prohibited Locations
- 9-2-5: Permission Of Surrounding Property Owners
- 9-2-6: Approval Of Application
- 9-2-7: Noncompliance Prohibited

9-2-1: **ALLOWED:** Mobile homes or trailer homes shall be allowed in the Village when the conditions contained in this Chapter have been met. (Ord. 118, 6-1-1970)

9-2-2: **APPLICATION FOR INSTALLATION:** All applications for the installation of mobile homes shall be filed with the Village Clerk and shall be in writing, shall be signed by the applicant and shall contain the following:

- A. Name and address of applicant, and
- B. The location and legal description of the property upon which said mobile home is to be installed. (Ord. 118, 6-1-1970)

9-2-3: **REQUIRED CONDITIONS:**

- A. Lot: Standard platted lots in the original residential area of the Village may be used for mobile homes.
- B. Number Allowed: There shall be no more than one trailer or mobile home permitted per lot.

- C. **Permanent Foundation:** Mobile homes shall be installed on a permanent foundation of concrete, concrete block, or concrete and brick, meeting the same standards and requirements as the foundation for a home of standard frame and/or masonry construction.
- D. **Minimum Living Area:** Any mobile home installed in the permitted area shall have five hundred (500) square feet or more of living space, exclusive of porches, garages and carports.
- E. **Connection To Water And Sewer:** Mobile homes shall be connected to the Village sewer and water system. (Ord. 118, 6-1-1970)

9-2-4: **PROHIBITED LOCATIONS:** No mobile homes or trailer homes shall be located in Outlot Six of Atkinson's Subdivision in the Village, being in the Southwest Quarter of Section 3, Township 16 North, Range 5 East of the 4th P.M., and further, no mobile homes or trailer homes shall be installed in any location south of Patey Street in the Village. (Ord. 118, 6-1-1970)

9-2-5: **PERMISSION OF SURROUNDING PROPERTY OWNERS:**
Before any mobile home or trailer home shall be installed, any person wishing to install same must have the written permission of the owners of all adjoining tracts of property and owners of all other property within a radius three hundred feet (300') of the boundaries of the proposed location of the mobile home, with such written permission signed and notarized and filed with the Village Clerk. (Ord. 118, 6-1-1970)

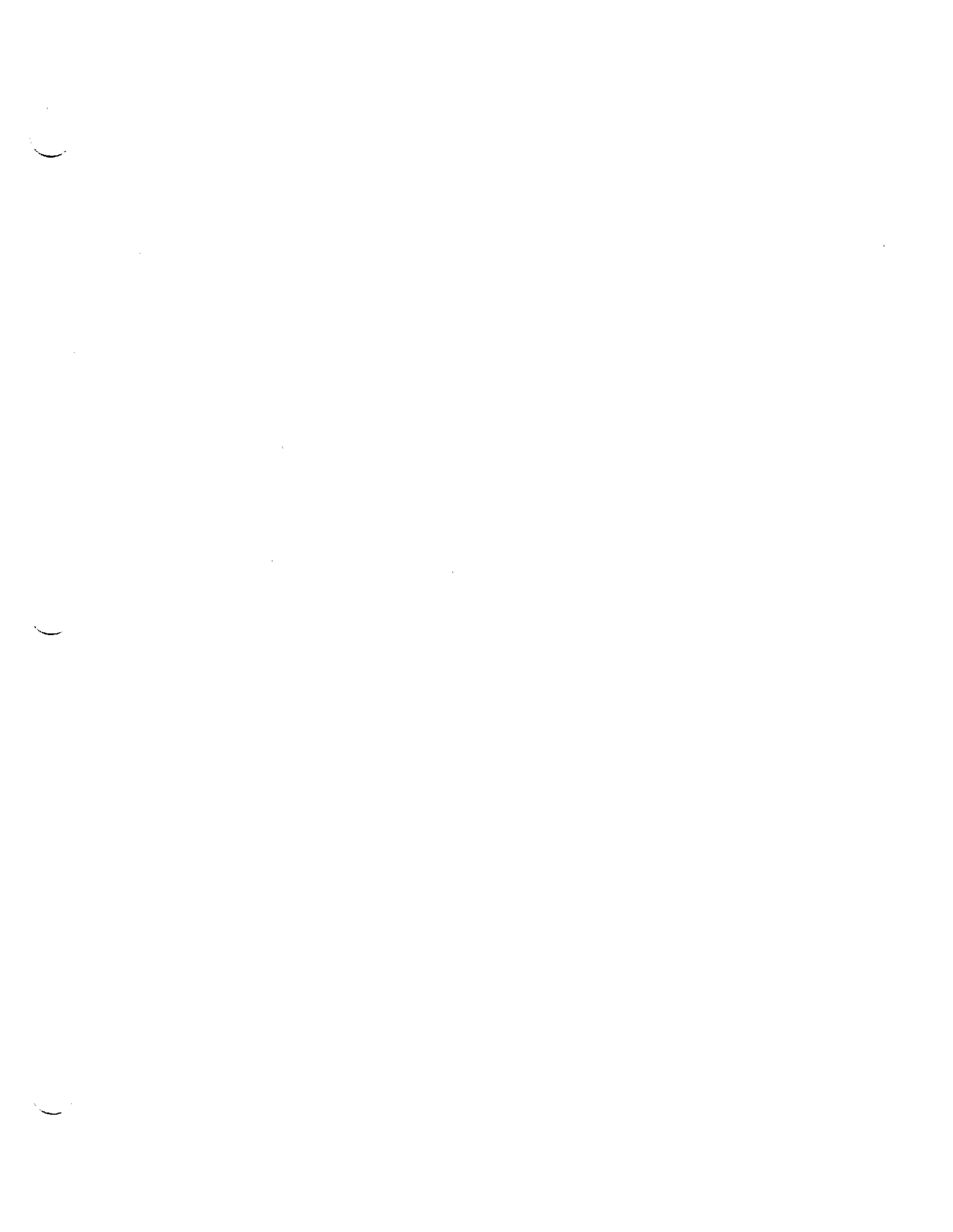
9-2-6: **APPROVAL OF APPLICATION:**

- A. **Board Approval:** Before any mobile homes are installed, there must be approval by a majority vote of the Village Board and such vote can only be taken after written permission of the property owners, as hereinbefore provided for, are on file with the Village Clerk.
- B. **Objection To Application:** If any such adjoining property owner or owner of property within the three hundred foot (300') radius shall refuse to give their permission or shall object to the placement of a mobile home, a majority of the Village Board may still vote approval after a hearing is conducted in the same manner that a hearing

would be heard on an application for a zoning variance¹. (Ord. 118, 6-1-1970)

9-2-7: **NONCOMPLIANCE PROHIBITED:** It shall be unlawful for any person to use or maintain a trailer coach or mobile home within the corporate limits of the Village except as is set forth in this Chapter or in a trailer coach camp as set forth in Title 3, Chapter 5 of this Code. (Ord. 118, 6-1-1970)

1. See Title 10, Chapter 11 of this Code.



CHAPTER 3
HOUSING CODE

SECTION:

- 9-3- 1: Declaration Of Policy
- 9-3- 2: Purposes Of Chapter
- 9-3- 3: Applicability Of Chapter
- 9-3- 4: Duties Of The Inspectors
- 9-3- 5: Definitions
- 9-3- 6: Minimum Standards For Dwellings And Dwelling Units
- 9-3- 7: Space Requirements Generally
- 9-3- 8: Artificial Illumination
- 9-3- 9: Electrical Service
- 9-3-10: Heating
- 9-3-11: Water Heating Facilities
- 9-3-12: Ventilation Requirements
- 9-3-13: Refuse, Garbage And Rubbish Storage Requirements
- 9-3-14: Dual Egress For Dwelling Units
- 9-3-15: Sinks
- 9-3-16: Bathrooms Required
- 9-3-17: Accessory Structures
- 9-3-18: Additional Requirements For Rooming Houses
- 9-3-19: Requirements For Multiple Use Dwellings, Multiple-Family
Dwellings, Two-Family Dwellings, Hotels And Motels
- 9-3-20: Outdoor Storage Of Nonoperating Vehicles On Private
Property
- 9-3-21: Outside Requirements
- 9-3-22: Permits Required, Qualifications, Transferability, Etc.
- 9-3-23: Application And Permit
- 9-3-24: Official Approval
- 9-3-25: Number Of Rooms Limited By Zoning Code
- 9-3-26: Violation Of Chapter Declared A Nuisance
- 9-3-27: Interpretation Of Chapter
- 9-3-28: Establishing Minimum Penalties
- 9-3-29: Designation Of Unfit Dwellings And Procedure For
Condemnation And Demolition
- 9-3-30: Inspections By The Housing Inspector, Building Inspector Or
Fire Inspector
- 9-3-31: Noncompliance With Chapter; Notice To Be Given
- 9-3-32: Placard On Building

- 9-3-33: Building To Be Vacated
- 9-3-34: Unlawful To Remove Placard
- 9-3-35: Right Of Appeal
- 9-3-36: Noncompliance With Chapter; Remedy Of Defects
- 9-3-37: Condemned Buildings
- 9-3-38: Vacated Dwellings To Be Made Secure
- 9-3-39: Violations; Penalties
- 9-3-40: Broken Glass And Boarding Up
- 9-3-41: Emergency Measures

9-3-1: **DECLARATION OF POLICY:** The board declares that the purpose of this chapter is to protect and preserve the physical and mental health of the people and to promote the general safety and welfare of the people by establishing minimum standards for basic equipment and facilities for light, ventilation and heating; and to provide safety from fire; and to determine the use and location and amount of space for human occupancy and for safe, sanitary maintenance of dwellings, dwelling units, rooming units, hotels and motels; and by determining the responsibilities of owners, operators and occupants of dwellings; and providing for the administration and enforcement thereof. Any inconsistency or conflict between the provisions of this chapter and any other provision of this code or other existing ordinance shall not repeal such provision or ordinance, but the provisions of this chapter shall be cumulative thereto. (Ord. 243, 6-10-2003)

9-3-2: **PURPOSES OF CHAPTER:** The ultimate purpose of this chapter is to prevent blight and deterioration of neighborhoods to slums.

More immediately, the purpose of this chapter is to establish minimum standards for maintaining both private and commercial residential property so as to, on one hand, provide occupants and neighbors with a healthful and safe environment in which to live and, on the other hand, to permit the fullest use of residential properties for residential purposes at the lowest reasonable cost to owner-occupants and to landlords and tenants. (Ord. 243, 6-10-2003)

9-3-3: **APPLICABILITY OF CHAPTER:** Every building or portion thereof used as a dwelling, dwelling unit, two-family dwelling, multiple-family dwelling, multiple use dwelling, hotel, motel, habitable room,

rooming unit or rooming house, shall conform to the requirements of this chapter, irrespective of the class to which such building or portion thereof may otherwise belong and irrespective of which such building or portion thereof may have been reconstructed, altered or repaired. This chapter also applies to single-family dwellings, provided one or more of the following conditions are encountered (all requests for inspection of the interior portion of single-family dwellings shall be made in writing and presented to the building commissioner's office):

- A. The property is used for rental purposes (not owner occupied);
- B. The general condition of the exterior of the building or buildings has deteriorated to the point where it is detrimental to the neighborhood;
- C. There is a general lack of maintenance of the premises to the extent that rodents and vermin are visibly present;
- D. The sanitary conditions within the premises become so deteriorated that they present a health hazard to the surrounding areas. (Ord. 243, 6-10-2003)

9-3-4: **DUTIES OF THE INSPECTORS:** The housing, fire or building inspector shall, if required, determine that all requirements of the municipal code are complied with and that the nonowner occupied duplex, rooming house, motel, hotel, apartment house and multiuse dwellings are in full compliance. (Ord. 243, 6-10-2003)

9-3-5: **DEFINITIONS:**

**ACCESSORY
BUILDING OR USE:**

Any accessory building or use is one which:

- A. Is subordinate to and serves a principal building or principal use; and
- B. Is subordinate in area, extent and purpose to the principal building or principal use served; and
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and

D. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

BASEMENT: That portion of a building which is partly below and partly above grade and having at least one-half ($\frac{1}{2}$) its height above grade.

BATHROOM: A room containing bathing and sanitary facilities consisting of a water closet, a tub or shower and lavatory. A bathroom shall be provided within each living unit and shall afford complete privacy.

BUILDING INSPECTOR OR BUILDING OFFICIAL: The officer charged with the administration and enforcement of this chapter through the housing inspector.

CELLAR: That portion of a building which is partly or completely below grade and having at least one-half ($\frac{1}{2}$) of its height below grade.

DEADBOLT LOCK: A single cylinder deadbolt that is locked or unlocked by key from the outside and thumb turn on the inside. The deadbolt automatically deadlocks when it is fully extended. The deadbolt shall contain case hardened steel material. Deadbolt locks shall meet the following specifications:

A. Throw: Minimum throw of one inch (1") which penetrates the strike not less than three-fourths inch ($\frac{3}{4}$ ").

B. Cylinders: The solid brass cylinder must have a minimum of five (5) pin tumblers. The solid brass cylinder guard shall be designed or protected so that it cannot be gripped by pliers or other wrenching devices.

C. Backset: The backset must be a minimum of two and three-eighths inches ($2\frac{3}{8}$ ") for a wood door and a minimum of two and three-fourths inches ($2\frac{3}{4}$ ") for a metal door.

D. Striker Plate: Steel striker plates shall be located at the point where the required lock engages the jamb and shall be secured with hardened steel screws of sufficient length to screw one inch (1") into the two by four (2 x 4) in the door frame.

DETERIORATION:

The condition or appearance of a building or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect; or excessive use of or lack of maintenance.

DWELLING:

A building designated or used principally for residential occupancy, including, and without limitation, single-family dwellings, two-family dwellings and multiple-family dwellings.

**DWELLING,
MULTIPLE-FAMILY:**

A building containing three (3) or more dwelling units.

**DWELLING,
MULTIPLE USE:**

A building containing a business, commercial or manufacturing use and one or more dwelling or rooming units.

**DWELLING,
SINGLE-FAMILY:**

A building containing one dwelling unit only.

**DWELLING,
TWO-FAMILY:**

A building containing two (2) dwelling units only.

DWELLING UNIT:

One or more rooms arranged or designed for the use of one family living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities in a self-contained unit, so that access to the street in any additional facilities (such as laundry, heating units, etc.) can be gained without passing through any other residential or commercial unit.

- EFFICIENCY UNIT:** A dwelling unit consisting of one principal room together with bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing such dining alcove does not exceed one hundred twenty five (125) square feet.
- EXTERMINATION:** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination.
- FAMILY:**
- A. In the single-family residence district, a family is one of the following:
1. One person or two (2) or more persons each related to each other by blood, marriage, or legal adoption, any foster children residing with such person or persons in a "foster family home" as that term is defined in the Illinois child care act of 1969, as amended, and an aggregate of not more than one roomer or boarder, whether or not gratuitous, maintaining a common household in a dwelling unit.
 2. One person or two (2) or more persons each related to each other by blood, marriage, or legal adoption, and an aggregate of not more than two (2) individuals having a developmental disability as defined by Illinois mental health and developmental disabilities code as amended January 1, 1979, residing with such person or person(s).
 3. A group of not more than two (2) persons not so related maintaining a common household in a dwelling unit.
- B. In all other zoning districts, a family is either one person or two (2) or more persons each related to each other by blood, marriage, or legal adoption, any foster children residing with such person or persons in a "foster family

home" as that term is defined in the Illinois child care act of 1969, as amended, and an aggregate of not more than two (2) roomers or boarders not related to each other, whether or not gratuitous, maintaining a common household in a dwelling unit; or a group of not more than four (4) persons not so related maintaining a common household in a dwelling unit. However, in no case shall more than two (2) unrelated individuals occupy an efficiency unit or one bedroom dwelling unit.

- GARBAGE:** Wastes resulting from the handling, preparation, cooking and consumption of food, wastes from the handling and storage of produce and paper necessarily used for wrapping.
- GRADE:** A reference plane representing the average finished ground level adjoining the building at all exterior walls.
- HABITABLE BUILDING:** Any structure or part thereof that shall be used as a home or place of abode by one or more persons.
- HABITABLE ROOM:** Any room meeting the requirements of this chapter for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.
- HOT WATER:** Water at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F).
- HOTEL (MOTEL):** An establishment which is open to transient guests, in contradistinction to a boarding house, lodging house or apartment-hotel, and is commonly known as a hotel (motel) in the community in which it is located; and which provides customary hotel services such as mail service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture and bellhop service.

**HOUSING
INSPECTOR:**

An official in charge of administering housing codes. For the purpose of this chapter, it shall also be construed to mean any representative of the inspection department or of the fire prevention bureau of the village of Annawan.

**INOPERABLE
VEHICLE:**

Any vehicle which is incapable of being operated on a public highway or which has not operated on the highway for a period of eight (8) weeks whether the vehicle is operable or not.

KITCHEN:

A space of not less than seventy (70) square feet and shall mean any room used for the storage and preparation of foods and containing the following equipment: sink or other device for dishwashing; stove or other device for cooking; refrigeration or other device for cool storage of food; cabinets or shelves for storage of equipment and utensils; and counter or table for food preparation. Only one kitchen is allowed per dwelling unit.

OCCUPANT:

Any person living, sleeping, cooking, eating in or having possession or use of a dwelling unit or rooming unit.

OPERATOR:

Any legally responsible person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are leased or let.

OWNER:

Any person, firm or corporation which alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling unit or rooming unit within the village as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder. Any person acting in the capacity of an owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

PERMIT:

The words "permit" and "license" shall be interchangeable.

- PERSON:** Shall include a corporation, firm, partnership, association, organization or any other group acting as a unit as well as an individual. It shall also include an executor, administrator, trustee or receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this chapter, prescribing a penalty or fine, as to partnerships or associations, the word shall include the officer, agents or members thereof who are responsible for any violation of such section.
- PLUMBING:** All of the following facilities and equipment are included in this definition: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures, together with all connections to water, sewer or gas lines.
- PRIVACY:** The existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.
- PROVIDED:** Any material furnished, supplied, paid for or under the control of the owner or operator shall be said to be provided.
- PUBLIC HALL:** A hall, corridor or passageway for egress from a dwelling not within the exclusive control of one family.
- REPLACE:** To remove an existing item or portion of a system to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.
- ROOMING HOUSE:** Any residential building, or any part thereof, containing one dwelling unit, which is let by the owner or operator to more than four (4) persons who do not constitute a family.

ROOMING UNIT:	Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
RUBBISH:	Combustible or noncombustible waste materials except garbage and the term shall include the residue from the burning of coal, wood, coke or other combustible materials; paper, rags, cartons and boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, ceramics and dust.
STAIRWAYS:	One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one floor to another.
STRUCTURE:	Anything constructed or erected which is attached to something having location on the ground, including a fence or freestanding wall or a sign, billboard or other advertising medium, detached or projecting.
SUBSTANDARD:	All buildings used for purposes of human habitation which do not conform to the minimum standards established by this chapter or by any other provision of this code or ordinances of the village of Annawan.
SUPPLIED:	Paid for, furnished or provided by or under the control of, the owner or operator.
TEMPORARY HOUSING:	Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utility system on the same premises for more than thirty (30) consecutive days.
UNLICENSED VEHICLE:	Any vehicle which does not display a valid license plate or valid license applied for sticker.

VERMIN: Any of various small animals or insects including, but not limited to, cockroaches, rats, mice, and termites that are destructive, annoying or injurious to health.

YARD: An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky except as otherwise permitted.

Meaning Of Certain Words: Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", or "premises" are used in this chapter, they shall be interpreted as though they were followed by the words "or any part thereof". (Ord. 243, 6-10-2003)

9-3-6: MINIMUM STANDARDS FOR DWELLINGS AND DWELLING UNITS: It shall be unlawful for any person to occupy as owner-occupant or to let or hold out to another for occupancy, any dwelling unit for the purpose of living therein, which is not safe, clean and fit for human occupancy, and which does not comply with the particular requirements of the following subsections of this section:

- A. **Foundations, Exterior Walls And Roofs:** The foundation, exterior walls and exterior roof shall be substantially watertight and protected against rodents and shall be kept in sound condition and repair. The foundation elements shall adequately support the buildings at all points. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards, or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the dwelling. The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All cornices, rustications, moldings, belt courses, lintels, sills, oriels, windows, pediments and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous and dangerous.
- B. **Floors, Interior Walls And Ceilings:** Every floor, interior wall and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of holes and cracks. Every floor shall be free of loose, warped, protruding or rotting floorboards. Every interior wall and ceiling shall be free of holes and large cracks and shall be maintained in a tight, weather-

proof condition. Every interior wall and ceiling shall be free of loose plaster or other structural material. Plaster, paint and all other surface materials shall be of such character as to be easily cleanable, and shall be reasonably smooth, clean and tight. Every toilet room and bathroom floor surface shall be substantially impervious to water and be capable of being maintained easily in a clean and sanitary condition.

- C. **Windows, Doors And Hatchways:** Every window, exterior door and basement hatchway shall be substantially tight, and shall be kept in sound condition and repair. Every window shall be fully supplied with window panes, which are without cracks or holes. Every window shall be in good condition and shall fit reasonably tight capable of locking, fastening or otherwise closing, in a locked manner, the window from the inside, and every window, other than a fixed window, shall be capable of being opened and held in such an open position by appropriate hardware. Every exterior door, door hinge and door latch shall be in good condition. Every exterior door, when closed, shall fit reasonably within its frame. Every door between a rooming unit or dwelling unit and a public hall, the exterior of the dwelling or any other area not under the exclusive control of the residents of the rooming or dwelling unit shall have a deadbolt lock except where such a door is within a required means of egress as defined and required by the national fire code, published by the National Fire Protection Association, in which case, such locking devices are expressly prohibited.
- D. **Screens:** Screens shall be supplied, maintained and installed to the following extent:
1. Every basement or cellar window which is openable shall be supplied with a framed heavy wire screen or hardware cloth of not less than four (4) mesh per inch which fits tightly and which is securely fastened to the frame, or with any other material affording equivalent protection against the entry of rodents.
 2. From April 15 to November 15 of each year, every door opening directly from any dwelling unit to the outdoors and every window or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch and every screen door shall have a self-closing device in good working condition on it.
- E. **Stairways And Porches:** Every stairway, inside or outside of the dwelling, and every porch, shall be kept in safe condition and sound

repair. Every flight of stairs and every porch floor, shall be free of deterioration. Every stairwell and every flight of stairs which is more than four (4) risers high, shall have rails not less than two and one-half feet ($2\frac{1}{2}'$) high, measured vertically from the nose of the tread to the top of the rail; and every porch which is more than four (4) risers high shall have rails not less than two and one-half feet ($2\frac{1}{2}'$) above the floor of the porch. Every rail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled more than one inch (1") out of its intended position or have pulled away from supporting or adjacent structures. No flight of stairs shall have rotting, loose or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every stair tread shall be strong enough to bear a concentrated load of at least four hundred (400) pounds without danger of breaking. Every porch shall have a sound floor. No porch shall have rotting, loose or deteriorating supports.

- F. **Basements And Cellars:** Every basement and every cellar shall be maintained in a safe and sanitary condition, with the required minimum window area entirely above ground level. The floors and walls must be constructed so as to prevent the condensation of moisture within the room. Water shall not be permitted to accumulate or to stand on the floor. All sewer connections shall be properly trapped. All cellar and slab drains shall be covered with grating. Junk, rubbish and waste shall not be permitted to accumulate to such an extent as to create fire hazards or to endanger health or safety.
- G. **Facilities, Equipment And Chimneys:** Every supplied facility, fixture, system, piece of equipment or utility, and every chimney and chimney flue, shall be installed and maintained in a safe, sound and sanitary working condition, consistent with the requirements of this chapter or other applicable sections of this code.
- H. **Grading And Drainage Of Lots:** Every yard, court, vent, passageway, driveway and any other portion of the lot on which the dwelling stands, shall be graded and drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in a safe condition, free of safety hazards to the general public.
- I. **Yards:** Yards shall be provided with adequate lawn, ground cover of vegetation, hedges or bushes, equal to at least ten percent (10%) of the total lot area. All areas which are not covered by vegetation shall be treated to prevent dust or the blowing or scattering of dust

particles into the air. All trees, bushes or vegetation which overhang a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.

- J. Infestation: Each dwelling and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites and other vermin infestation. Remedial steps shall be taken by the owner to correct any problem such as building defects which permit the entrance of rats, mice, termites and other vermin. (Ord. 243, 6-10-2003)

9-3-7: **SPACE REQUIREMENTS GENERALLY:** No person shall occupy or let to another for occupancy, any dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- A. Every room occupied for sleeping purposes by one occupant shall have a minimum floor area of seventy (70) square feet; every room occupied for sleeping purposes by two (2) occupants shall have a minimum floor area of one hundred (100) square feet; and every room occupied for sleeping purposes by three (3) occupants shall have a minimum floor area of one hundred fifty (150) square feet, and shall contain an additional fifty (50) square feet per each additional person.
- B. Every room used as a bedroom shall have access to at least one bathroom so that an occupant may enter the bathroom without passing through another room used as a bedroom.
- C. Habitable rooms shall have the following ceiling heights:

Basements: Seven feet (7'0") clear under joists.

Main floor: Any living unit must have eight feet (8'0") clear for at least seventy five percent (75%) of the floor area.

Second floor: Any living unit must have seven feet (7'0") clear.

Under sloping roofs: Seven feet (7'0") for not less than fifty percent (50%) of the floor area having four feet six inches (4'6") or more headroom.

Existing uses at the date of adoption of this chapter are exempt from this requirement.

- D. Combined living room/dining room spaces will be constructed as meeting the requirements of this section if the total area is equal to that required for separate rooms and if the space is so located that it may function as a combination living room/dining room. (Ord. 243, 6-10-2003)

9-3-8: ARTIFICIAL ILLUMINATION: Every habitable room shall have at least one ceiling or wall type electrical light fixture or outlet which can be operated and controlled by an occupant at the entrance to the room. Every hallway and stairway in a multiple-family dwelling shall be lighted at all times by natural or electric light, so as to provide in all parts thereof, at least five (5) foot-candles of light at the tread or floor level. (Ord. 243, 6-10-2003)

9-3-9: ELECTRICAL SERVICE:

- A. It shall be unlawful to occupy or permit another to occupy any dwelling unit for the purpose of living therein, which is not adequately and safely provided with an electrical system in compliance with the requirements of the national electrical code.
- B. Wherever it is found, in the judgment of the housing inspector or building inspector, that the electrical system in the building constitutes a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper or inadequate grounding of the system, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the housing inspector or building inspector shall request a review of said conditions.
- C. In addition to the hazard established by the housing inspector or building inspector, the following installations are prohibited and their presence shall be deemed a hazard:
1. Flush or semiflush mounted floor convenience outlets, unless provided with an approved waterproof cover.
 2. Extension cords for other than short term, temporary use.
 3. Conductor supported pendant switches or conductor supported pendant light fixtures.
 4. Loose or hanging wires.

5. Frayed or bare wires.

6. Inadequately grounded, grounded type convenience outlets. (Ord. 243, 6-10-2003)

9-3-10: **HEATING:** Every dwelling unit shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments within its walls to a temperature of at least seventy degrees Fahrenheit (70°F) when the outside temperature is ten degrees below Fahrenheit (-10°F). Gas appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this section. Portable heating equipment employing flame and the use of fossil fuels does not meet the requirements of this section and is prohibited. The above shall be the sole responsibility of the owner and failure to provide the foregoing shall be a violation of this chapter. (Ord. 243, 6-10-2003)

9-3-11: **WATER HEATING FACILITIES:** Every dwelling unit shall have supplied water heating facilities which are properly installed, which are maintained in safe and good working condition, which are properly connected with the hot water lines required under the provisions of this chapter and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F). Such supplied water heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit or rooming unit heating facilities required under the provisions of this chapter are not in operation. The above shall be the sole responsibility of the owner and failure to provide the foregoing shall be a violation of this chapter. (Ord. 243, 6-10-2003)

9-3-12: **VENTILATION REQUIREMENTS:**

A. Generally: Every habitable room shall have a ventilation system adequate for the purpose for which the room is used. Natural ventilation shall be deemed to be adequate for habitation when the total area openable to the outside air (by means of windows, louvers, monitors or other direct openings excluding doors) is five percent (5%) of the floor area of the habitable room, except that when:

1. Any portion of the room is more than sixteen feet (16') from a required opening, the aggregate clear area of openings shall be not less than six percent (6%).
 2. A room has openable areas on two (2) or more sides thereof, the total openable area shall be at least four percent (4%) of the total floor area of such room.
 3. The openable area faces a wall or other obstruction at a distance of less than ten feet (10'), the effective area shall be computed at not more than eighty percent (80%) of the actual openable area.
 4. The openable area opens onto an enclosed porch, the enclosed porch shall have an openable area of at least three (3) times the total required area of the openings onto such porch.
- B. Kitchen With Floor Area Of Less Than Seventy Square Feet: A kitchen with a floor area of less than seventy (70) square feet may be without either mechanical or natural ventilation if there is an opening of not less than thirty two (32) square feet between the kitchen and another room in the same family unit and if the room into which the kitchen opens has the ventilation requirements of the preceding subsections.
- C. Toilet And Bathroom Ventilation: Every toilet room and bathroom shall have adequate ventilation which may be either an openable window with an openable area of five percent (5%) of the floor area of the room with a minimum area of at least one hundred twenty (120) square inches. Gravity vents shall be provided with a weather cap, directional vane or rotary type ventilation on the roof. (Ord. 243, 6-10-2003)

9-3-13: **REFUSE, GARBAGE AND RUBBISH STORAGE REQUIREMENTS:** Every dwelling unit shall have adequate refuse, garbage or rubbish storage facilities provided by the owner of said premises. These facilities shall comply to the health and garbage ordinance¹. (Ord. 243, 6-10-2003)

1. See title 4, chapter 1 of this code.

9-3-14: **DUAL EGRESS FOR DWELLING UNITS:** All dwelling or rooming units in multiple-family dwellings, multiple use dwellings, duplexes and rooming houses shall be provided with two (2) separate usable, unobstructed means of egress for each dwelling or dwelling unit. The exit facilities from such dwelling or rooming units shall lead to a public thoroughfare, either directly or through a court or yard and passage to such exits shall not lead through any other dwelling or rooming unit or through a space that might be locked. (Ord. 243, 6-10-2003)

9-3-15: **SINKS:** Every dwelling unit shall contain a kitchen sink in good repair, free from chips, cracks or other defects which may be a sanitary hazard, and it shall be in working condition, properly connected to a water and sewer system approved by the housing inspector or the building inspector.

Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this chapter, shall be properly connected with both hot and cold water lines. (Ord. 243, 6-10-2003)

9-3-16: **BATHROOMS REQUIRED:** Every dwelling unit shall contain a bathroom which affords privacy to a person within said room and which is equipped with a flush water closet, a tub or shower, and a lavatory basin. Every dwelling unit with more than eight (8) occupants shall contain additional bathroom facilities at the rate of one for each additional six (6) occupants or fraction thereof. This requirement shall be mandatory in all dwelling units.

All fixtures shall be in good repair and in working condition, properly connected to the public water system and to a public sewer system; provided, however, that until such sewer connections are available, septic tanks constructed to the standards required by the health department and properly functioning, shall not be construed as being in violation of this section. (Ord. 243, 6-10-2003)

9-3-17: **ACCESSORY STRUCTURES:** Accessory structures shall not obstruct light and air of doors and windows of any dwelling unit, or obstruct a safe means of access to any dwelling unit or create fire and safety hazards or provide rat or vermin harborage. Accessory structures shall be functional and shall be maintained in a state of good repair and alignment.

All exterior appurtenances or accessory structures which serve no useful purpose and which are in a deteriorated condition which is not economically repairable, shall be removed. Such structures include porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds. (Ord. 243, 6-10-2003)

9-3-18: ADDITIONAL REQUIREMENTS FOR ROOMING HOUSES:

- A. **Owner's Responsibilities:** The owner of a rooming house has the duty and responsibility to do or cause to be done the following:
1. To cut, mow, trim and maintain all grass, weeds and other ground cover in such a way that it does not exceed eight inches (8") in height.
 2. To provide and maintain receptacles for the collection and disposal of garbage, refuse and debris and similar material of sufficient size and in sufficient quantity to accommodate the refuse reasonably expected from the occupants of the premises and to provide for the collection and disposal of the contents thereof.
 3. To maintain in operable condition or otherwise in a manner required by law or ordinance, all fixtures, equipment and appurtenances installed in or provided with a rooming house.
 4. To install and maintain screens and screen doors in accordance with section 9-3-6 of this chapter.
 5. To provide at least one bathroom on each floor on which two (2) or more bedrooms are located. See section 9-3-16 of this chapter.
 6. To file all applications and obtain all required permits and to pay any and all fees required in connection with the operation of the respective rooming houses.
 7. To install and maintain all parking areas and driveways.
 8. To affix and maintain on the front of the rooming house, street numbers of not less than four inches (4") in height and of a color contrasting with that of the area to which it is affixed.
 9. To install in operable condition, smoke detector devices meeting or exceeding Underwriters Laboratories' standard no. 217, effective July 5, 1977, as amended, at locations providing not less than level

4 protection, as defined in NFPA publication no. 74, designated Ansi Se 3.14-1976, effective April 15, 1987, designated household fire warning equipment, 1975.

10. To maintain all installed smoke detector devices in operable condition.

11. To operate and maintain the rooming house in complete compliance with all codes.

12. To provide not less than one hundred fifty (150) square feet of floor area per roomer.

B. **Occupant's Requirements:** Every occupant of a rooming unit or a rooming house, shall be responsible for the following, as applied to the portion of the rooming unit or rooming house that they occupy or have access to:

1. To exercise reasonable care and make proper use of the rooming unit or rooming house and its facilities.

2. To keep the occupied area and all plumbing equipment and cooking facilities and any other equipment or facilities that are provided operating in a clean and sanitary fashion.

3. To dispose of rubbish and garbage or to store such waste in the proper containers, as provided by the owners in a neat and sanitary manner.

4. To operate and maintain a rooming unit and rooming house in compliance with all codes. (Ord. 243, 6-10-2003)

9-3-19: REQUIREMENTS FOR MULTIPLE USE DWELLINGS, MULTIPLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, HOTELS AND MOTELS:

A. **Owner's Responsibilities:** The owner of a multiple use dwelling, multiple-family dwelling, two-family dwelling, hotel or motel has the duty and responsibility to do or cause to be done the following:

1. To cut, mow, trim and maintain all grass, weeds and other ground cover in such a way that it does not exceed eight inches (8") in height.

2. To provide and maintain receptacles for the collection and disposal of garbage, refuse and debris and similar material of sufficient size and in sufficient quantity to accommodate the refuse reasonably expected from the occupants of the premises and to provide for the collection and disposal of the contents thereof.
 3. To maintain in operable condition or otherwise in a manner required by law or ordinance all fixtures, equipment and appurtenances installed in or provided with the premises.
 4. To install and maintain screens and screen doors in accordance with section 9-3-6 of this chapter.
 5. To file all applications and obtain all required permits and to pay any and all fees required in connection with the operation of the respective establishments.
 6. To install and maintain all parking areas and driveways.
 7. To affix and maintain on the front of the establishment, street numbers of not less than four inches (4") in height and of a color contrasting with that of the area to which it is affixed.
 8. To install in operable condition, smoke detector devices meeting or exceeding Underwriters Laboratories' standard no. 217, effective July 5, 1977, as amended, at locations providing not less than level 4 protection, as defined in NFPA publication no. 74, designated Ansi Se 3.14-1976, effective April 15, 1976, designated household fire warning equipment, 1975.
 9. To maintain all installed smoke detector devices in operable condition.
 10. To operate and maintain the establishment in complete compliance with all codes of the village of Annawan, Illinois.
- B. Occupant's Requirements: Every occupant of a multiple use dwelling, multiple-family dwelling, two-family dwelling, hotel or motel, shall be responsible for the following, as applied to the portion of the living unit that they occupy or have access to:
1. To exercise reasonable care and make proper use of the living unit and its facilities.

2. To keep the occupied area and all plumbing equipment and cooking facilities and any other equipment or facilities that are provided operating in a clean and sanitary fashion.
3. To dispose of rubbish and garbage or to store such waste in the proper containers, as provided by the owners in a neat and sanitary manner.
4. To operate and maintain the living unit in complete compliance with all codes. (Ord. 243, 6-10-2003)

9-3-20: **OUTDOOR STORAGE OF NONOPERATING VEHICLES ON PRIVATE PROPERTY:** It shall be a nuisance for any person owning, leasing, occupying or having charge of any premises in any district within the village to allow an inoperable or unlicensed motor vehicle to remain on the premises, unless such vehicle is in an enclosed building, or unless said premises has as its principal and lawful use the maintenance, repair, sale, storage, or manufacture of vehicles. (Ord. 243, 6-10-2003)

9-3-21: **OUTSIDE REQUIREMENTS:** No owner shall permit any well, cistern, excavation or other depression to exist in a dangerous or unprotected condition. No owner or occupant shall permit any truck or trailer of one and one-half (1^{1/2}) ton capacity or greater, to be parked on the premises in a residential zone, except for loading or unloading. This paragraph will not apply to recreational vehicles or campers.

All exterior wood surfaces on all dwellings shall be reasonably protected from the elements and against decay by a suitable protective material and must conform with requirements set forth in the BOCA building code as adopted by the village.

All garages, tool sheds and all other out buildings shall be kept in good repair so as not to be unsafe or become a harborage for rats and other rodents. Nor shall any wood or lumber or any other material or object be stored, kept or permitted to remain except temporarily on the premises, in such a manner that will afford harborage to rats. (Ord. 243, 6-10-2003)

9-3-22: **PERMITS REQUIRED, QUALIFICATIONS, TRANSFERABILITY, ETC.:** It shall be unlawful for any person or firm to conduct, keep, manage or operate or cause to be conducted, kept,

managed or operated, any duplex, apartment, rooming house, multiple use dwelling, hotel or motel, without a license therefor, provided however, no such permit or license shall be required for a duplex in which the owner of the duplex is an occupant in one or more of the duplex's dwelling units.

Licenses shall be renewed annually and shall run from January 1 through December 31 of a given year unless sooner terminated or revoked for all of the following dwelling purposes: Nonowner occupied duplexes; multiple use dwellings; multiple-family apartments; hotels and motels; rooming house.

No license issued under this section shall be transferable. (Ord. 243, 6-10-2003)

9-3-23: APPLICATION AND PERMIT: A written application for the license or permit required by section 9-3-22 of this chapter shall be submitted on blank forms furnished by the building commissioner's office.

Applications shall accurately state the full name and address of the applicant and the person in whose name such license is to be issued. The full name and address of the owner of the building and premises where such multiple use dwelling, duplex, apartment, hotel, motel or rooming house is proposed to be carried on, the number of rooms or units in such buildings and which of such rooms in said building are to be occupied as sleeping rooms and the number of persons proposed to be accommodated or allowed in each room in a rooming house or multiple use dwelling or the number of dwelling units in a multiple-family dwelling or multiple use dwelling. Operating permits are not transferable from one party to another, upon the sale of any apartment house, multiple use dwellings, duplex, hotel, motel or rooming house. At the time of sale of an apartment house, multiple use dwelling, duplex, hotel, motel or rooming house, it will be necessary for the new owner or owners to acquire a new permit subject to the same conditions as the original permit. (Ord. 243, 6-10-2003)

9-3-24: OFFICIAL APPROVAL: Upon receipt of the application required by this chapter, the housing inspector or the fire inspector shall authorize proper inspection, if required, and no such permit shall be issued until the building commissioner's office has received the written approval from such official.

A. License Or Permit Fees: The permit or license required by this chapter shall be issued by the building commissioner's office. Annual fees for such permits shall be as follows:

1. Rooming houses: Twenty five dollars (\$25.00) plus two dollars (\$2.00) for each roomer allowed.
 2. Two-family dwellings: Twenty five dollars (\$25.00).
 3. Multiple-family and multiple use dwellings: Twenty five dollars (\$25.00) per building plus four dollars (\$4.00) per dwelling unit.
 4. Hotels and motels: Twenty five dollars (\$25.00) plus three dollars (\$3.00) per unit.
- B. **Delinquent Penalty:** After the renewal due date, there shall be an additional monthly charge of twenty five dollars (\$25.00) or twenty percent (20%) of the license fee, whichever is greater, provided that failure to have a license is a violation of section 9-3-26 of this chapter, despite the possibility for a late fee for a license renewal.
- C. **Application Fee:** In the event an applicant for a license loses or misplaces his or her application, there shall be a five dollar (\$5.00) charge imposed to receive a new application.
- D. **Missed Inspection Appointment Fee:** For owners and/or managers who have confirmed appointments and who do not show up for their appointments, a ten dollar (\$10.00) fee shall be imposed.
- E. **Reinspection Fee:** Where an inspection reveals defects or deficiencies which preclude approval of the license, thereby forcing or necessitating a reinspection, a fee of twenty five dollars (\$25.00) per reinspection may be charged to the license holder. Such fees are separate and apart and in addition to any other fee provided by ordinance. (Ord. 243, 6-10-2003)

9-3-25: NUMBER OF ROOMS LIMITED BY ZONING CODE:
 Rooming houses, duplex, apartment and multiple use dwellings shall contain not more than the number of dwelling or rooming units authorized by the zoning code, nor shall any rooming or dwelling unit be occupied by more than the number of persons which the zoning code¹ permits to occupy such a unit. (Ord. 243, 6-10-2003)

1. See title 10 of this code.

9-3-26: **VIOLATION OF CHAPTER DECLARED A NUISANCE:** The existence or use of any "rooming house", duplex, apartment, multiple use dwelling, hotel or motel as defined in this chapter in violation of the provisions of this chapter, is hereby declared to be and shall constitute a public nuisance. (Ord. 243, 6-10-2003)

9-3-27: **INTERPRETATION OF CHAPTER:** The provisions of this chapter shall be held to be the minimum requirements with respect to houses, apartments, multiple use dwellings, duplexes, hotels, motels and rooming houses for the promotion of the public health, safety, comfort, convenience, life and general welfare. (Ord. 243, 6-10-2003)

9-3-28: **ESTABLISHING MINIMUM PENALTIES:** Any owner, lessee, agent, tenant or other person who shall violate any of the provisions of this chapter, upon being found guilty, shall be subject to a fine of not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each violation, or be imprisoned for not to exceed six (6) months, or both such fine and such imprisonment. Each day that any such violation or failure continues shall be considered a separate and distinct offense and shall be punishable as such. (Ord. 243, 6-10-2003)

9-3-29: **DESIGNATION OF UNFIT DWELLINGS AND PROCEDURE FOR CONDEMNATION AND DEMOLITION:** The designation of dwellings, dwelling units, rooming units, hotels and motels as unfit for human habitation and the procedure for the condemnation, placarding and demolition of such unfit dwellings, dwelling units, rooming units, hotels and motels shall be carried out in compliance with the following requirements:

- A. Any dwelling, dwelling unit, rooming unit, hotel or motel which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the housing inspector or the building inspector:
1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested, that it creates a serious hazard to the health and safety of the occupants or of the public.
 2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the

public or where such facilities or protection are not in working condition.

3. One which because of its general condition or location is unsanitary, unsafe or otherwise hazardous to the health or safety of the occupants or of the public.

- B. Any dwelling, dwelling unit, rooming unit, hotel or motel condemned as unfit for human habitation and so designated and placarded by the housing inspector or the building inspector shall be vacated within a reasonable time, not to exceed sixty (60) days, as ordered by the housing inspector or the building inspector.
- C. No dwelling, dwelling unit, rooming unit, hotel or motel, which has been condemned and placarded as unfit for human habitation, shall again be used for human habitation, until written approval is secured from, and the placard is removed by the housing inspector or the building inspector. The housing inspector or the building inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action was based have been eliminated.
- D. No person shall deface or remove the placard from any dwelling, dwelling unit, rooming unit, hotel or motel, which has been condemned as unfit for human habitation and placarded as such except as provided in subsection C of this section.
- E. Any person affected by any notice or order, relating to the condemnation and placarding of a dwelling, dwelling unit, rooming unit, duplex, hotel or motel, as unfit for human habitation, may request and shall be granted a hearing before the building board of appeals.
- F. Where a dwelling, dwelling unit, rooming unit, hotel or motel is condemned and placarded as unfit for human habitation, and is not vacated within the time specified in such vacation order, the housing inspector or the building inspector shall seek a court order in a court of competent jurisdiction, for the vacation of such dwelling, dwelling unit, rooming unit, hotel or motel.
- G. A dwelling, dwelling unit, rooming unit, hotel or motel which is subject to condemnation and placarding as unfit for human habitation may be ordered demolished by the housing inspector or the building inspector if it is determined by the housing inspector or the building inspector that such defects upon which the condemnation order is

based cannot be economically remedied. Demolition according to requirements listed below may be required of the owner within a reasonable period of time, said period of time to be not less than thirty (30) days after notice is served on said owner. Such demolition shall have the effect of fulfilling the requirements of removing defects if the dwelling structure is razed to ground level and any subsurface area is filled with solid material to ground level.

- H. A dwelling, dwelling unit, rooming unit, hotel or motel which has been condemned as unfit for human habitation and ordered demolished and which has not been demolished by the owner within the time specified in such demolition order, may be demolished at the expense of the owner.
- I. After order of demolition is entered in the circuit court, the corporate authorities shall then proceed to demolish said building or dwelling, dwelling unit, hotel or motel, as follows:
 - 1. At least two (2) bids shall be secured upon the cost of demolition of said building, dwelling, dwelling unit, rooming unit, hotel or motel, and a contract shall be awarded to the lowest bidder.
 - 2. The payment of said contract shall be from the general fund.
 - 3. The cost of demolition of said building shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be superior to all prior existing liens and encumbrances, except taxes, provided that within sixty (60) days after said cost and expense is incurred, the municipality or person performing the service by authority of the municipality shall file notice of the lien in the office of the recorder of deeds said notice to consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money, cost or expense payable for said demolition, the date or dates when said cost or expense was incurred by said municipality.
 - 4. Upon the payment of said cost or expense by the owner or owners interested in said property after notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanic's liens. Suit to foreclose the lien shall be made within three (3) years after the date of filing of notice of the lien. (Ord. 243, 6-10-2003)

9-3-30: INSPECTIONS BY THE HOUSING INSPECTOR, BUILDING INSPECTOR OR FIRE INSPECTOR: The housing inspector, building inspector or fire inspector is authorized and directed to make inspections to determine whether dwellings, dwelling units, rooming units, accessory structures and premises, hotels and motels located within this village conform to the requirements of this chapter and all other applicable sections of this code. All inspections of single-family residences shall be conducted as per section 9-3-3 of this chapter. For the purpose of making such inspections, the housing inspector, building inspector or fire inspector is authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, accessory structures and premises, hotels and motels. The owner or occupant of every dwelling, dwelling unit, rooming unit, accessory structure and its premises, hotels and motels shall give the housing inspector, building inspector or fire inspector free access thereto at all reasonable times for the purpose of such inspection, examination and survey. In the event the owner or occupant shall refuse access to any said premises, then the housing inspector, building inspector or fire inspector shall have authority to enter any of such premises after written notice has been given to the owner, occupant or his agent. (Ord. 243, 6-10-2003)

9-3-31: NONCOMPLIANCE WITH CHAPTER; NOTICE TO BE GIVEN: Whenever the housing inspector, building inspector or fire inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he will give notice of such alleged violation to the person or persons responsible therefor, which shall:

- A. Be in writing;
- B. Contain a statement of the reason for which it is being issued;
- C. Allow a reasonable time for the performance of any act which it requires;
- D. Be served upon the owner or his agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - 1. Served upon him personally; or

2. Sent by regular first class mail, postage prepaid, to his last known address.
 3. Posted in a conspicuous place in or about the dwelling affected by notice;
- E. Contain an outline of remedial action, which if taken, will effect compliance with the provisions of this chapter. (Ord. 243, 6-10-2003)

9-3-32: **PLACARD ON BUILDING:** The designation of dwellings, dwelling units, rooming units, hotels or motels, as unfit for human habitation and the procedure for such declaration and placarding is as follows:

- A. Any dwelling, dwelling unit, rooming unit, hotel or motel which shall be found to have any of the following defects shall be declared unfit for human habitation and shall be so designated and placarded by the housing inspector, building inspector or fire inspector:
1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health and safety of the occupants or of the public.
 2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 3. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
 4. Where the person responsible has failed to correct, in a timely manner, the condition described in a notice issued in accordance with section 9-3-31 of this chapter. (Ord. 243, 6-10-2003)

9-3-33: **BUILDING TO BE VACATED:** Any dwelling, dwelling unit, rooming unit, hotel or motel condemned as unfit for human habitation, and so designated and placarded by the housing inspector, building inspector or fire inspector, shall be vacated within a reasonable time as ordered by the housing inspector, building inspector or fire inspector.

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

Where a dwelling, dwelling unit, rooming unit, hotel or motel is condemned and placarded as unfit for human habitation, and is not vacated within the time specified, the housing inspector, building inspector or fire inspector shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling, dwelling unit, rooming unit, hotel or motel. (Ord. 243, 6-10-2003)

9-3-34: **UNLAWFUL TO REMOVE PLACARD:** No person shall deface or remove the placard from any dwelling, dwelling unit, rooming unit, hotel or motel which has been condemned as unfit for human habitation and placarded as such, except as provided in the preceding section. (Ord. 243, 6-10-2003)

9-3-35: **RIGHT OF APPEAL:** Any person affected by any notice or order relating to the condemnation or placarding of a dwelling, dwelling unit, rooming unit, hotel or motel as unfit for human habitation, or any interpretation of this chapter, may appeal and request in writing within ten (10) days of such notice, a hearing before the building board of appeals. Upon receipt of such notice of appeal, a hearing shall be held and decision rendered. Any such appeal shall stay all proceedings in furtherance of the action appealed from unless the housing inspector, building inspector or fire inspector shall certify to the building board of appeals subsequent to the filing of any notice of appeal that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by order of a court of competent jurisdiction. (Ord. 243, 6-10-2003)

9-3-36: **NONCOMPLIANCE WITH CHAPTER; REMEDY OF DEFECTS:** The owner of any building shall have the period of time specified in the letter of notice required to be sent by subsection 9-3-31A of this chapter, in which to remedy the condition therein described, except when an emergency situation requires immediate action, as provided

in section 9-3-41 of this chapter. The housing inspector, building inspector or fire inspector may extend the time for compliance with any such notice.

It shall be unlawful for any person to fail to comply with any order of the housing inspector, building inspector or fire inspector contained in a notice described in section 9-3-31 or 9-3-41 of this chapter. (Ord. 243, 6-10-2003)

9-3-37: CONDEMNED BUILDINGS: If any building covered by this chapter shall be found to be unfit for human habitation, and if the cost or repair or alteration shall be deemed prohibitive by the housing inspector, building inspector or fire inspector, then he shall condemn such building and proceed with its removal as in all other cases of condemned buildings. (Ord. 243, 6-10-2003)

9-3-38: VACATED DWELLINGS TO BE MADE SECURE: The owner of every dwelling, dwelling unit, rooming unit, hotel or motel which is declared unfit for human habitation or for continued occupancy shall make the dwelling unit, rooming unit, dwelling, hotel or motel, safe and secure under the terms so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant dwelling, dwelling unit, rooming unit, hotel or motel, open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and as a public nuisance with the meaning of this provision. (Ord. 243, 6-10-2003)

9-3-39: VIOLATIONS; PENALTIES: Any person, firm or corporation violating any of the provisions of this chapter, shall upon conviction thereof, be subject to the penalty provided in section 9-3-28 of this chapter. (Ord. 243, 6-10-2003)

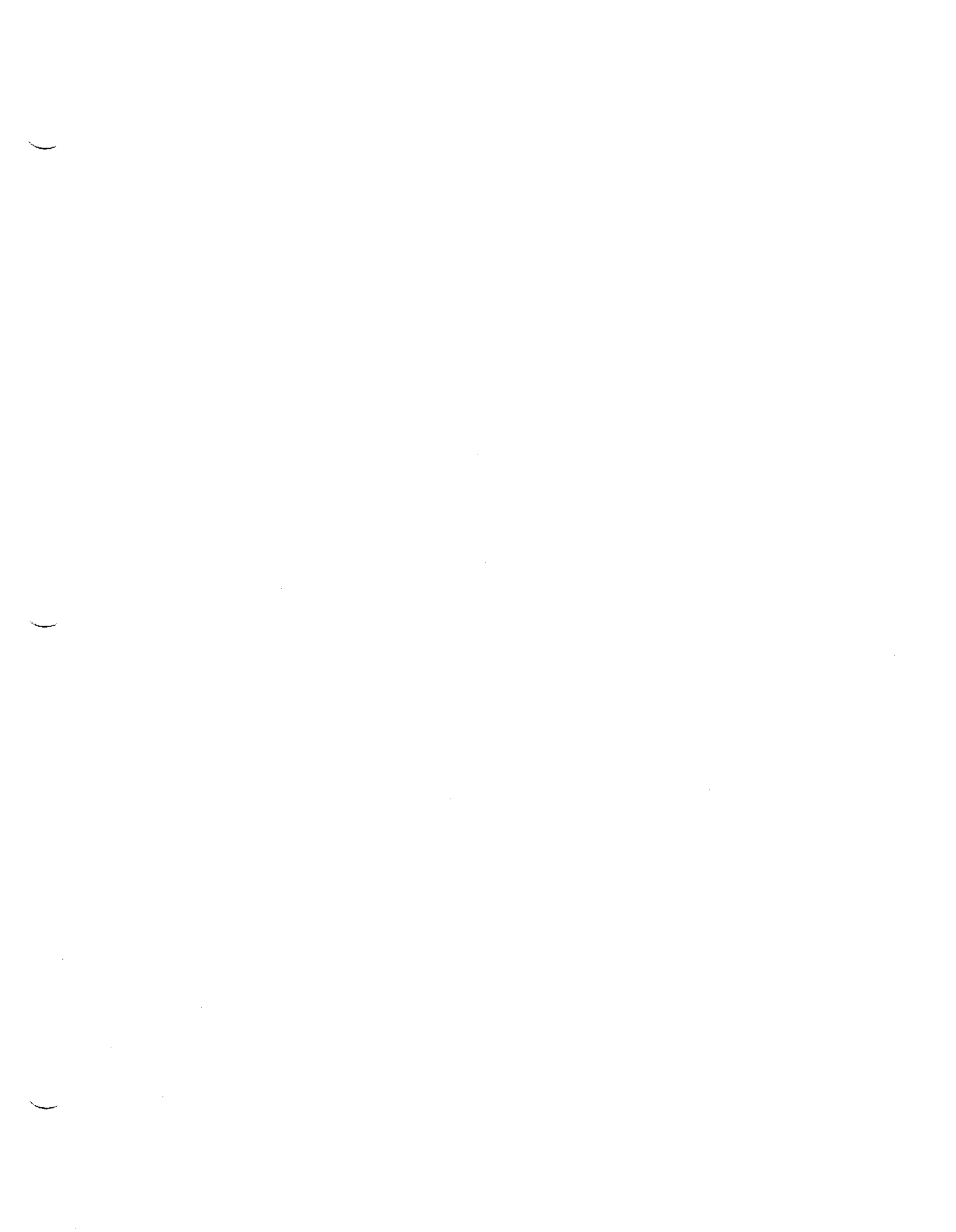
9-3-40: BROKEN GLASS AND BOARDING UP: Every window, glazed exterior door, exterior transom or exterior sidelight, shall be provided with properly installed glass or other approved glazing material. In the event of breakage, the owner shall cause the immediate removal of broken glass from the premises and shall temporarily board up the affected openings with suitable material to provide protection from the elements and to prevent entry of insects, birds or animals and to provide security to occupants or contents of the buildings.

Adequate ventilation and artificial lighting shall be provided for all occupied dwellings, dwelling units, rooming units, hotels or motels. Whenever any exterior openings are found boarded up, it shall be the duty of the housing inspector or the building inspector to notify the owner or agent of this requirement by giving him a period of not more than ten (10) working days in which to properly replace the broken glass, or the dwelling unit, rooming unit, dwelling, hotel or motel shall be vacated. This notice shall be given in the manner required by section 9-3-31 of this chapter and it shall be unlawful for any owner or agent to fail to comply with the order of the housing inspector or the building inspector contained in such notice.

Since the presence of boarded up buildings, particularly those where the boarding is unpainted or applied in an insecure, careless or unpresentable fashion, invites vandalism and creates a blighting influence which adversely affects the general welfare of the people of this village, it is hereby required that all boarding up of exterior openings be accomplished in a neat, workman like manner, with not less than one-half inch ($\frac{1}{2}$ ") thick, weather resistant plywood cut to fit within openings, fastened in place as securely as possible and suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the building as inconspicuously as possible. It shall be the duty of the housing inspector or building inspector to notify the owner or agent of any boarded up dwelling, dwelling unit, rooming unit, hotel or motel, not complying with the above requirements, of the necessity of compliance by giving him a period of not more than ten (10) working days in which to replace the broken glass, or in which to repair, replace or paint the boarding. This notice shall be given in the manner required in section 9-3-31 of this chapter, and it shall be unlawful for any owner or agent to fail to comply with the order of the housing inspector or the building inspector contained in such notice. (Ord. 243, 6-10-2003)

9-3-41: EMERGENCY MEASURES: When any dwelling unit, rooming unit, dwelling, hotel or motel, has become so damaged by fire, wind or other causes, or has become so unsafe, unhealthful or unsanitary, that in the opinion of the housing inspector or building inspector, life or health is immediately endangered by the occupation of the dwelling, dwelling unit, rooming unit, hotel or motel, the housing inspector or building inspector is hereby authorized and empowered to revoke without notice, any occupancy permits for such dwellings, dwelling units, rooming units, hotels or motels, and to order and require the occupants to vacate the same forthwith and to order the owner or agent to proceed immediately with the corrective work and temporarily safe and fit for human habitation, whether or not a notice of violation has been given as described in this chapter, and whether or not legal procedures described by ordinances of

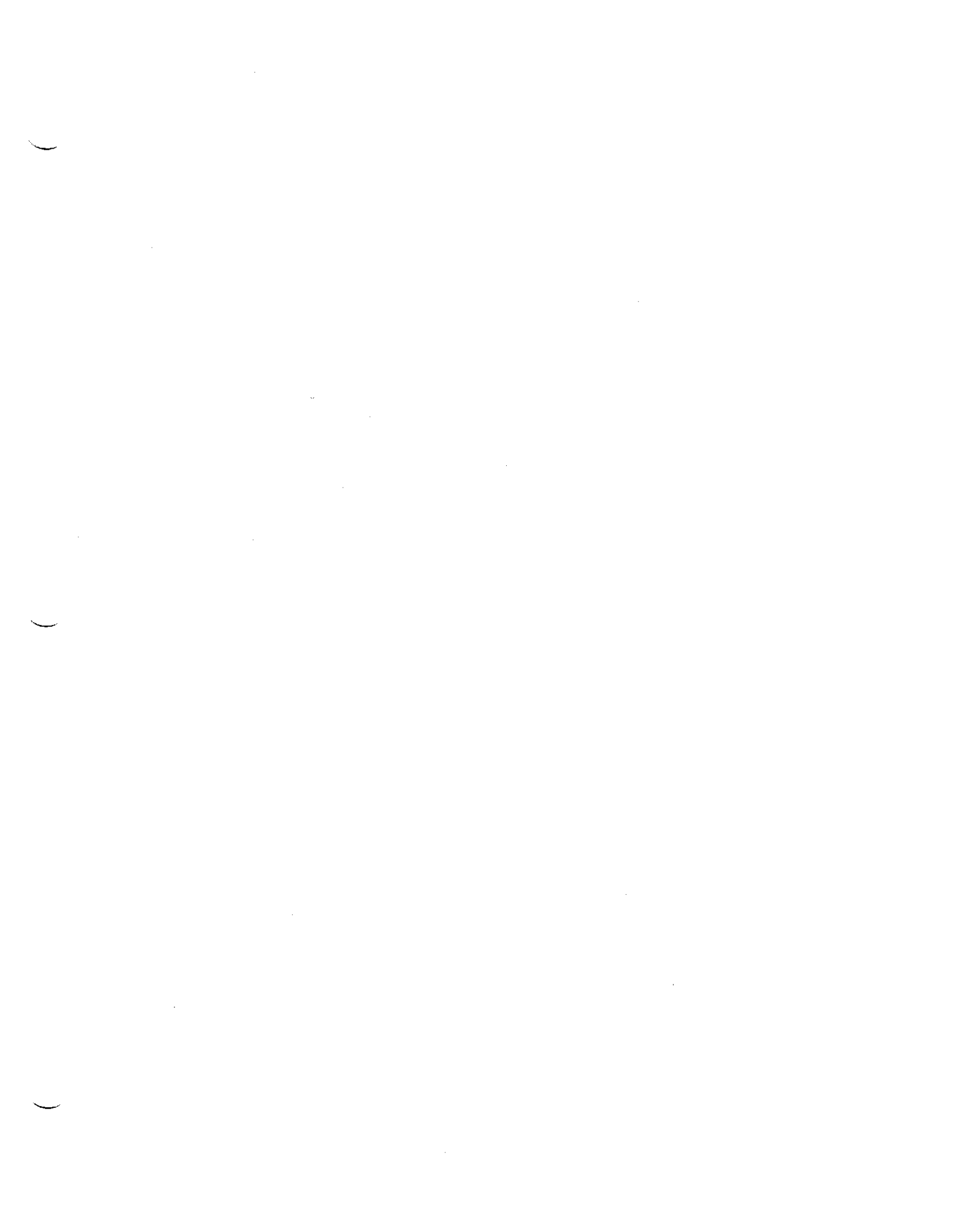
the village have been instituted. It shall be unlawful for any person to fail to comply with any emergency order of the housing inspector finding that an emergency exists which requires immediate action to protect the health and safety of the residents or of the public, he may issue an order citing the existence of an emergency and requiring immediate action to be taken as deemed necessary to meet the emergency. Notwithstanding other provisions of this chapter, such order shall take effect immediately. (Ord. 243, 6-10-2003)



TITLE 10

ZONING

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CHAPTER 1

TITLE AND PURPOSE

SECTION:

10-1-1:	Title
10-1-2:	Purpose
10-1-3:	Nature
10-1-4:	Authority

10-1-1: **TITLE:** This title shall be known as the zoning title of the village. (Ord. 244, 6-10-2003)

10-1-2: **PURPOSE:** The chapters, sections, and use districts created by this title are adopted for the purpose, among others, of:

Promoting the public health, safety, morals, comfort, and general welfare;

Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;

Encouraging such distribution of population, land use, and land development that will facilitate adequate and economic provisions of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;

Lessening or avoiding congestions in the public streets and highways;

Protecting against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare;

Helping to prevent hazards to people and damage to property from the accumulation of runoff storm water;

Helping to ensure that all residential, commercial, and manufacturing structures, as well as other types of structures, will be accessible to firefighting and other emergency equipment;

Prohibiting the formation or expansion of nonconforming uses of land, buildings, and structures adversely affecting the character and value of desirable development in each district;

Promoting the development of residential neighborhoods which are free of noise, dust, fumes, and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;

Helping to prevent land development activities which lead to roadside blight and to minimize the effects of nuisance producing activities;

Conserving the taxable value of land and buildings throughout the village;

Defining and limiting the powers and duties of the administrative officer and bodies as provided herein;

Preserving the architectural features and general architectural character of the village as stated in the Chipman design study and accompanying manual. (Ord. 244, 6-10-2003)

10-1-3: **NATURE:** This title classifies and regulates the use of land, buildings, and structures within the corporate limits of the village of Annawan, Illinois. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the village into zoning districts and regulating the use of land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings and the density of population, and the historic preservation and design of buildings. (Ord. 244, 6-10-2003)

10-1-4: **AUTHORITY:** This title is adopted in pursuance of the authority granted by the Illinois Compiled Statutes and the Illinois historic preservation act¹. (Ord. 244, 6-10-2003)

1. 65 ILCS 5/11-48.2-1 et seq.

CHAPTER 2
DEFINITIONS

SECTION:

- 10-2-1: Interpretation
10-2-2: Words Defined

10-2-1: **INTERPRETATION:** For the purpose of this title and in order to carry out the provisions contained herein, certain words, terms, and phrases are to be interpreted as defined herein.

Words used in the present tense shall include the future tense; the singular number includes the plural and the plural number the singular. The word "lot" includes the word "plot" or "parcel". The word "shall" is mandatory and the word "may" is permissive.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this regulation. Terms not herein defined shall have the meanings customarily assigned to them. (Ord. 244, 6-10-2003)

10-2-2: **WORDS DEFINED:** Whenever the following words or terms are used in this title, they shall have such meaning as ascribed to them below unless the context specifically indicates otherwise:

<p>ACCESSORY BUILDING, STRUCTURE, OR USE:</p>	<p>A subordinate building, structure, or use which is customary and incidental to the principal building or use and which is located on the same lot or parcel of land with the principal building or use. Parking lots or spaces shall not be considered as accessory uses under this definition. Accessory buildings shall not be used for dwelling purposes.</p>
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**ADMINISTRATIVE
OFFICER:**

The individual designated by this title to administer the provisions of this zoning title.

ADULT BOOKSTORE:

An establishment having any portion of its stock in trade, books, magazines, films, or other electronically recorded material for sale or viewing on premises by use of motion picture device or any other means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities" including instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

**ADULT LIVE
ENTERTAINMENT:**

Any activity involving the presentation of live models displaying lingerie, or otherwise presenting live artistic modeling with said modeling displaying the human body in a nude or seminude state, distinguished or characterized by an emphasis of "specific anatomical areas" for observation by patrons therein and including, but not limited to, topless dancers, strippers, male or female impersonators, or similar entertainment.

**ADULT MINI-MOTION
PICTURE THEATERS:**

An enclosed building with a capacity for less than fifty (50) persons, predominately used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified anatomical areas" or "specific sexual activities" for observation by paying patrons therein. "Predominately" shall mean all presentations.

**ADULT MOTION
PICTURE THEATERS:**

An enclosed building with a capacity for fifty (50) or more persons, predominately used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific anatomical areas" or "specific sexual activities" for observation by paying patrons therein. "Predominately" shall mean all presentations.

ADVERTISING DEVICE:	Banners affixed on poles, wires, or ropes; and streamers, wind operated devices; flashing lights; and other similar devices.
ALLEY:	A trafficway dedicated to public use which affords a secondary means of vehicular access to the back side of properties otherwise abutting a street.
ALTERATION:	Any appreciable change in the external architectural features of any structure or building, visible from a public way or from adjoining property.
APARTMENT:	A room or suite of rooms in a multiple- or two-family dwelling or where more than one living unit is established above nonresidential uses, intended or designed for use as a residence by a single family, as defined herein, and providing essential housekeeping facilities, kitchen and cooking facilities, bath and sleeping quarters.
APARTMENT HOUSE:	See definition of Dwelling, Multiple-Family.
AUTO LAUNDRY:	A building, or portion thereof, containing facilities for washing automobiles using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of such automobiles whether by operator or by customer.
AUTO PARTS RECYCLER:	A person who is in the business of acquiring previously owned vehicles for parts for the primary purpose of disposing of vehicles' parts for reuse, in a manner other than by shredding or melting.
AUTOMOBILE SERVICE STATION:	One or more buildings or premises where gasoline, oil, and grease may be supplied and dispensed at retail and incidental repair, batteries, tires, accessories, and maintenance

may be obtained. Uses permissible at a service station do not include major mechanical and body work, straightening or replacement of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving greater than normally found in service stations. A service station is not a repair garage or a body shop. All activities incidental to the sale of gasoline or oil shall be conducted within a building and there shall be no storage or accumulation of equipment or motor vehicles outside of the principal structure.

- 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 the purpose of height measurement.
- BED AND BREAKFAST HOUSE:** An operator occupied building providing accommodations for a charge to the public and by prearrangements for definite periods. Only one meal, breakfast, shall be served to guests.
- BILLBOARD:** A type of sign having more than fifty (50) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
- BOARD OF APPEALS:** The zoning board of appeals of the village.
- BUILDING:** Any structure having a roof supported by columns or walls built for support, shelter or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicles, trailer, or mobile home (with or without wheels), or any movable device such as furniture, machinery or equipment, or portable hog houses.
- BUILDING HEIGHT:** The vertical distance from the average grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean

	height level between eaves and ridge for gable, hip, and gambrel roofs.
BUILDING SETBACK LINE:	A line within a lot or other parcel of land so designated on the plat or as required by this title which denotes the area between such line and the adjacent street right of way line where structures are prohibited, except those that are permitted by the zoning title.
BULK STORAGE:	As set forth in the rules and regulations of the Illinois state fire marshal.
CELLAR:	A story having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurements.
CHILDCARE CENTER:	Any licensed place, home, or institution which receives three (3) or more children under the age of sixteen (16) years and not of common parentage for care apart from their natural parents, legal guardian, or custodians when received for regular periods of time for compensation.
CLINIC:	An establishment used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons (those who are in need of medical, psychiatric, chiropractic, or surgical attention, but who are not provided with board or room or kept overnight on the premises). A clinic may include an apothecary, pharmacy, or drugstore as an integral part of the clinic.
CLUB OR LODGE, PRIVATE:	Building and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
COMMUNITY DEVELOPMENT BOARD:	The community development board of the village.

**DRIVE-IN
RESTAURANT OR
REFRESHMENT
STAND:**

Any licensed place or premises principally used for the sale, dispensing, or serving food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.

DWELLING:

A building, or portion thereof, designed or used exclusively for residential occupancy, but not including home trailers, mobile homes, hotels, motels, boarding and lodging homes, tourist courts or tourist homes.

**DWELLING,
MULTIPLE-FAMILY:**

A residential building designed for occupancy by four (4) or more families.

**DWELLING,
SINGLE-FAMILY:**

A detached residential dwelling unit other than a mobile home designed for occupancy by one family only.

**DWELLING,
TWO-FAMILY:**

A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families (duplex).

DWELLING UNIT:

Residential living area which consists of one or more rooms which are arranged, designed, or used as living quarters for one family only.

EASEMENT, ACCESS:

The vested right to use property for the purpose of access by abutting property, such right being held by someone other than the owner who holds title to the land over which the easement of access is granted.

**ESSENTIAL
SERVICES:**

Includes the erection, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical communications, supply or disposal systems, retention ponds, including poles, wires, mains, drains, sewers, pipes, conduits, cables, 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.

**EXTERIOR
ARCHITECTURAL
FEATURE:**

The architectural style, color, and general arrangement of the exterior of the structure, including the type and texture of building materials, all windows, doors, lights, signs, and other fixtures appurtenant thereto.

FAMILY/HOUSEHOLD:

One or more persons occupying a premises and living as a single housekeeping unit, related to each other by blood, adoption, or marriage. Unrelated groups consisting of not more than five (5) persons occupying a premises and living as a single housekeeping unit shall be known as a household. These are distinguished from a boarding house, lodging house, or "hotel", as defined herein.

FARM:

An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain and their storage on the area, as well as for raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep (in accordance with applicable village ordinance). The term "farming" includes the operation of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities. A "farm" shall contain an area of five (5) acres or more.

FARMSTEAD:

The buildings and adjacent service areas of a farm, including one dwelling unit whose occupants earn a substantial part of their livelihood from the farm operation, plus a second dwelling unit if used by farm help whose livelihood is

- derived in substantial part from the farm operation.
- FENCE:** Structure which is a barrier used to mark a boundary or as a means of protection, confinement, screening, or decoration.
- FLOODPLAIN OR SPECIAL FLOOD HAZARD AREA (SFHA):** Those lands within the jurisdiction of the village that are subject to inundation by the flood having a one percent (1%) probability of being equaled or exceeded in any given year (also known as the 100-year flood).
- FRONTAGE:** All property on one side of the street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead ended, then all of the property abutting on one side between an intersection street and the dead end of the street.
- GARAGE, PRIVATE:** An accessory building housing motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located and not more than one of the vehicles may be a commercial vehicle of not more than three (3) ton capacity. Space may be rented for the occupancy of a private vehicle in accordance with this definition.
- GARAGE, PUBLIC:** Any building or premises except those used as a private or storage garage used for equipping, hiring, selling, or storing motor driven vehicles.
- GARAGE, STORAGE:** Any building or premises used for housing only motor driven vehicles other than trucks and commercial vehicles pursuant to previous arrangements and not to transients and at which automobile fuels and oils that are not sold and motor driven vehicles are not equipped, repaired, hired or sold.
- GASOLINE:** As set forth in the rules and regulations of the Illinois state fire marshal.

- GRADE:** The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any nonconforming wall approximately parallels and is not more than five feet (5') from a road line, then the elevation of the road at the corner of the wall adjoining the road shall be the grade.
- GUESTROOM:** A sleeping room intended to serve no more than two (2) guests per night.
- HOME OCCUPATION:** Any occupation or activity incidental to residential use when carried on in the main building by immediate family residing on the premises in connection with which there is used not other than a nonilluminated name plate not more than one square foot in area and no display used that will indicate from the exterior that the building is being used for any purpose other than that of a dwelling. No person is employed other than a member of the immediate family residing on the premises.
- HOTEL:** A building in which lodging and possible food services are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to the boarding house or multiple-family dwelling as herein separately defined.
- INSTITUTION:** A building occupied by a nonprofit corporation or nonprofit establishment for public use.
- JUNKYARD:** A lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of waste, paper, rags, scrap metal, or discarded materials or for the collection, storage, dismantling and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof. The term "junkyard" shall include auto wrecking yards.

KENNEL:	Any lot or premises on which are kept two (2) or more dogs more than six (6) months of age for compensation, sale, or personal use.
LAUNDROMAT:	An establishment providing home type washing, drying, or ironing machines for hire to be used by customers on the premises.
LIQUEFIED PETROLEUM GAS:	As set forth in the rules of the Illinois state fire marshal.
LODGING AND ROOMING HOUSE:	Operator occupied building providing accommodations for a charge to the public and by prearrangement for definite periods; meals are not provided for guests, not open to transient guests in contradistinction to hotels, motels, and camps, which are open to transient guests.
LOT:	A parcel of land occupied or intended for occupancy by a use permitted in this title, including one main building together with its accessory buildings, the open spaces and parking spaces required by this title, and having its principal frontage upon a street or upon an official approved place.
LOT AREA:	The total horizontal area included within lot lines.
LOT, CORNER:	A lot abutting upon two (2) or more streets at their intersection.
LOT, DEPTH OF:	The mean horizontal distance between the front and rear lot lines.
LOT, DOUBLE FRONTAGE:	A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
LOT, FRONTAGE:	That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
LOT, INTERIOR:	Any lot other than a corner lot with only one frontage street.

- LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the office of the recorder of deeds for Henry County, Illinois, prior to June 13, 1972.
- LOT WIDTH:** The distance between straight lines connecting front and rear lot lines at each side of the lot. Where side lot lines are not continuously parallel or at right angles to the abutting street, the average of the rear and front widths shall be used.
- MOBILE HOME:** A portable or mobile living unit (either single or double width) used or designed for human occupancy on a permanent basis. A travel trailer is not to be considered a mobile home.
- MOBILE HOME PARK:** A parcel of land under single ownership which has been designed or improved or is intended to be used or rented for occupancy by one or more mobile homes or house trailers on a relatively permanent basis and in contradistinction to a transient or camper park.
- MOTEL:** A building primarily for transients traveling by motor driven vehicles with parking space on the premises for each lodging unit and with access to each such unit directly from the outside.
- NEIGHBORING STRUCTURE:** Any existing structure or any structure for which a building permit has been issued which is situated on any one of the following lots:
- A. Any lot within one lot on the same side of the street on either side of the proposed construction, without regard to intersecting street lines; or
 - B. Any lot within one lot of the property directly across from the proposed construction on the opposite side of the street, without regard to intersecting street lines; or

C. Any lot within one lot of the proposed construction providing such lot is abutting a street intersecting the street upon which the proposed construction will be located and that the front elevations of the subject structures will be approximately ninety degrees (90°) to each other.

**NONCONFORMING
USE, ILLEGAL:**

Buildings or premises whose use is changed after the adoption date hereof for purposes which do not meet the requirements of the district in which said building or premises are located. Such nonconforming uses are violations of this zoning title (see chapter 14 of this title).

**NONCONFORMING
USE, LEGAL:**

Continued use of buildings or premises for purposes which, prior to the adoption date hereof, do not meet the requirements of the zoning district in which such building or premises are located.

**NURSING HOME
INCLUDING CON-
VALESCENT HOME,
REST HOME AND
HOME FOR THE AGED:**

An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted persons in which not less than three (3) persons live or are kept or provided for on the premises for compensation excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment, or care of the sick or injured.

**OPERATOR
OCCUPIED:**

The owner or the owner's manager of an establishment who is required to reside within the main building of the establishment.

OVERLAY DISTRICT:

The districts do not change the zoning of the underlying area, but impose additional regulations because of location in the floodplain and historic preservation district or grant relief from certain zoning requirements for mutual benefit of the village and development for a planned unit development (PUD).

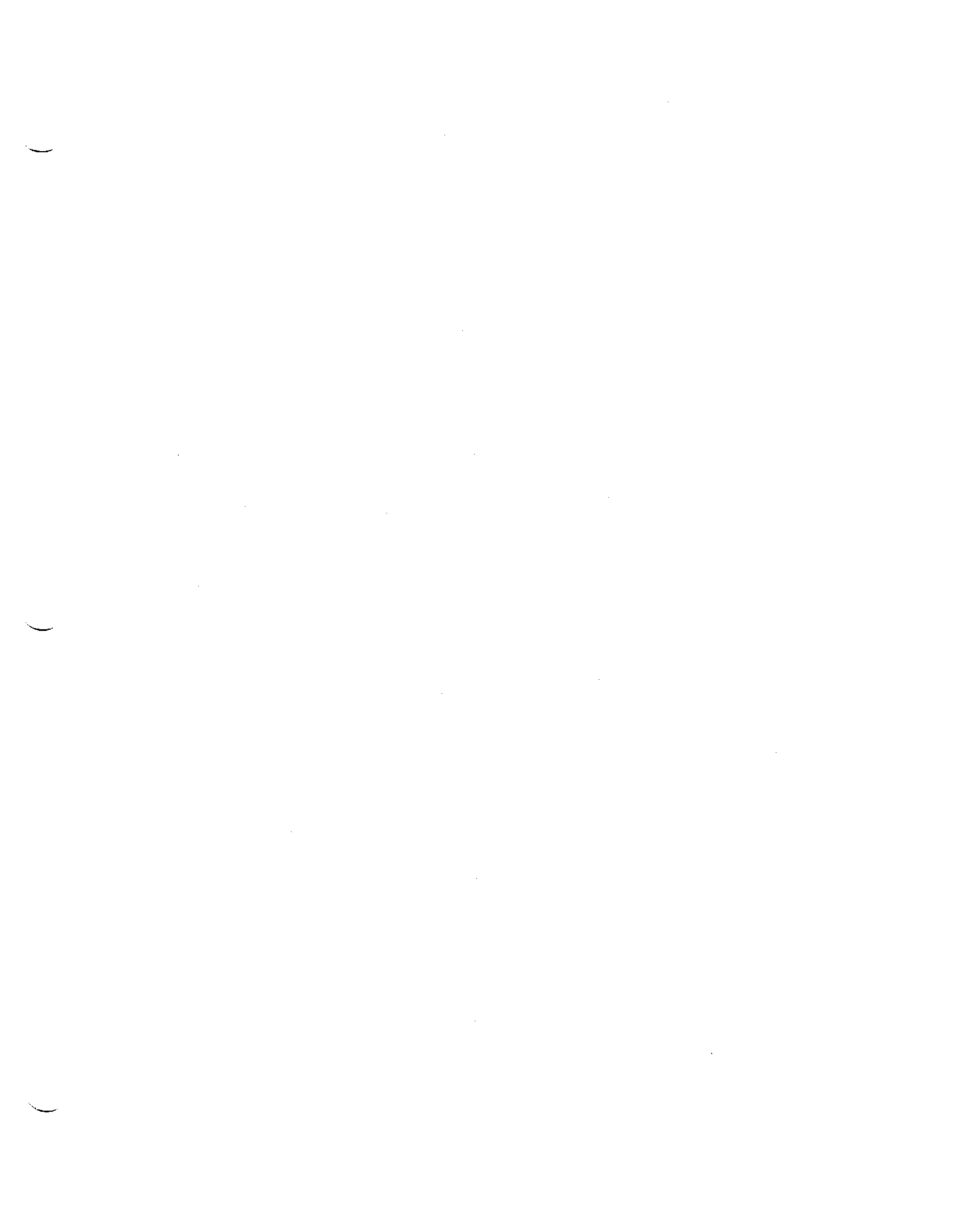
- PARKING LOT:** An enclosed area providing space for the storage or parking of two (2) or more automobiles with the necessary access driveways and aisle space to permit ingress and egress of automobiles to the lot and individual designated parking spaces without moving other automobiles. Each parking space therein shall be at least eleven feet (11') wide and contain one hundred seventy six (176) square feet per parking space. The same shall be paved in accordance with subsection 10-7-1F of this title.
- PARKING SPACE:** A durably surfaced area enclosed in the main building, in an accessory building, or enclosed, sufficient in size to store one standard automobile and, if the space is unenclosed, comprising an area of not less than one hundred seventy six (176) square feet, exclusive of a driveway, connecting the parking space with the street or alley and permitting satisfactory ingress and egress of any automobile.
- PLANNED UNIT DEVELOPMENT:** A development which may involve the creative location and intermixing of various types of residential housing and a limited amount of business use, if desired, on one tract of land.
- PREMISES:** A lot, together with all buildings and structures thereon.
- PRINCIPAL BUILDING, STRUCTURE, OR USE:** A building, structure, or use which comprises the main or primary occupation and focus of a lot. Although the size of a building shall be a factor in determining whether it is the principal building, size shall be considered in conjunction with all other factors, including the actual use and intent of the occupant in making the determination.
- ROADSIDE STAND:** A licensed, temporary structure with a floor area of not more than four hundred (400) square feet enclosed and so designed and constructed that is easily portable and can be readily removed.

- SATELLITE DISH:** A signal receiving device characteristically shaped like a saucer or dish, the purpose of which is to receive communication or other signals from orbiting satellites.
- SERVICE STATION:** See definition of Automobile Service Station.
- SIGN:** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution, or business.
- SIGN AREA:** The total area of the space to be used for advertising matter, including the spaces between open type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double faced sign shall have twice the total area of a single faced sign.
- SIGN, FRONTAGE:** The dimension and feet off the ground floor level of a building front or of a side which faces the street which a business occupies. A single building can have more than one sign frontage; corner sites must have separate frontages.
- SIGN, GROUND:** Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building; includes billboards.
- SIGN, MARQUEE:** Any sign affixed to a marquee over the entrance to a building and supported from the building.
- SIGN, OFF SITE:** A sign other than an on site sign.
- SIGN, ON SITE:** A sign relating in its subject matter to the premises on which it is located or to products, accommodation services, or activities on the

- premises. On site signs do not include billboards.
- SIGN, PORTABLE:** Any ground sign which is not affixed or imbedded into the ground and is capable of being moved or transported from one site to another.
- SIGN, ROOF:** Any sign erected, constructed, or maintained upon the roof of any building.
- SIGN, WALL:** Any painted sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building.
- SIGN, WINDOW:** A sign placed inside a building next to a window so as to be visible to the outside of the building.
- 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 feet (12'), each twelve feet (12') or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story, which may be fifteen feet (15') 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 five feet (5') above the floor of such story; provided, however, that any partial story used for residential purposes shall be deemed a full story. A half story may be used for occupancy only in conjunction with the occupancy of the story immediately below.
- STREET:** A general term used to describe a public right of way which provides designated improved areas for vehicular and pedestrian movement and may provide for vehicular and pedestrian access to properties adjacent to it and which may also

	provide space for the location of utilities (both above and below ground).
STREET LINE:	The line separating the public right of way from property abutting thereon.
STREET, MAJOR:	A trafficway connecting communities or connecting to limited access trafficways which, in turn, connect to other communities.
STREET, THOROUGHFARE:	A limited access trafficway connecting two (2) or more communities.
STRUCTURAL ALTERATION:	Any changes that would prolong the life of the supporting members of a building or structure such as the bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other chapters.
STRUCTURE:	Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including, but not limiting, the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.
TOURIST OR TRAILER CAMPS:	An area designated or designed and equipped to accommodate two (2) or more trailers, tents, or other temporary living or dwelling units and intended to service automobile transients in contradistinction to a mobile home park or court, which is intended for a more permanent occupancy.
TRAVEL TRAILER:	A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet (8').
VOLATILE OILS:	As set forth in the rules and regulations of the Illinois state fire marshal.

- YARD:** Require open space at-grade unoccupied and unobstructed by any structure or portion of a structure other than projections of uncovered steps, uncovered balconies or uncovered porches; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height and visibility requirements. In measuring a yard for the purposes of determining the width of side yard, depth of a front yard or rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
- YARD, FRONT:** Any open space extending the full width of a lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- YARD, REAR:** An open space extending the full width of a lot between a building and the rear lot lines, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- YARD, SIDE:** An open space extending 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.
- ZONING DISTRICT:** Any area or areas within the limits of the village for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.
- ZONING MAP:** See chapter 3 of this title. (Ord. 244, 6-10-2003)



CHAPTER 3

ZONING DISTRICTS; MAP

SECTION:

- 10-3-1: Establishment Of Districts
- 10-3-2: Zoning Map
- 10-3-3: Rules For Interpretation Of District Boundaries
- 10-3-4: Annexed Territory

10-3-1: **ESTABLISHMENT OF DISTRICTS:** In order to classify, regulate and restrict the location of trades, businesses, industries, residences and other land uses and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit the intensity of the use of lot areas and to regulate and determine the areas of yards, courts and other open spaces within and surrounding such buildings, the incorporated area of the village is hereby divided into the following zoning districts:

A Agricultural district

Residential districts:

- OTR-1 Old town residential district
- R-1 Residential district (single-family)
- R-2 Residential district (2 or less units)
- R-3 Residential/multi-family district

Business districts:

- B-1 Business district (restricted)
- B-2 Business district (nonrestricted)

Industrial districts:

- I-1 Light industrial district
- I-2 Heavy industrial district

Overlay districts:

- F Floodplain overlay district
- PUD Planned unit development overlay district
- Wireless communication facility overlay district 1
- Wireless communication facility overlay district 2

(Ord. 314, 3-23-2009)

10-3-2: **ZONING MAP:** The location and boundaries of the zoning districts established by this chapter are set forth on the map entitled "zoning map" which is herein and hereby made a part of this title. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this title as though fully set forth and described herein. (Ord. 244, 6-10-2003)

10-3-3: **RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:** Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

- A. Boundaries shown as following or approximately following streets, highways, or alleys shall be constructed to follow the centerlines of such streets, highways, or alleys.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be constructed to be the lot lines and, where the districts are bounded approximately by lot lines, lot lines shall be constructed to be the boundary of such districts unless said boundaries are otherwise indicated on the zoning map.
- C. Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.
- D. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be constructed as following the channel centerline of such watercourses taken at a mean low watermark.

- E. Boundaries shown as following or closely following the village limits shall be constructed as following such limits.
- F. In unsubsidized property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on the zoning map.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the zoning board of appeals in accordance with provisions contained in chapter 11 of this title. (Ord. 244, 6-10-2003)

10-3-4: **ANNEXED TERRITORY:** All territory which may hereafter be annexed to the village shall be classified automatically as being in an agriculture district until such classification shall have been changed by amendment of this chapter as provided hereafter or as provided in a preannexation agreement. (Ord. 244, 6-10-2003)

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CHAPTER 4

GENERAL PROVISIONS**SECTION:**

- 10-4- 1: Zoning Affects Every Structure And Use
- 10-4- 2: Lot Requirements
- 10-4- 3: Accessory Buildings
- 10-4- 4: Required Yard Cannot Be Reduced Or Used By Another Building
- 10-4- 5: Conversion Of Dwellings
- 10-4- 6: Traffic Visibility
- 10-4- 7: Mobile Homes
- 10-4- 8: Validity Of Existing Building Permits
- 10-4- 9: Residential Use Of Basements And Cellars
- 10-4-10: Flood Hazard And Obstruction Of Watercourse Channels
- 10-4-11: Fences
- 10-4-12: Adult Live Entertainment
- 10-4-13: Severability

10-4-1: **ZONING AFFECTS EVERY STRUCTURE AND USE:** Except as hereinafter provided, no building, structure, or land shall be erected, constructed, reconstructed, occupied, moved, altered, repaired, or used except in conformity with the regulations hereinafter specified for the class of district in which it is located. (Ord. 244, 6-10-2003)

10-4-2: **LOT REQUIREMENTS:**

- A. Minimum Street Frontage: No lot shall be created after the adoption date hereof unless it abuts on a public street and has access thereto of that minimum frontage set forth by section 10-6-3 of this title.
- B. Lot Of Record: In any residential district on a lot of record at the time of enactment of this title, one single-family dwelling may be established regardless of the size or width of the lot, provided all other requirements of this title are complied with.

- C. **Number Of Buildings On A Lot:** Except in the case of planned unit developments, motels, or mobile home parks, not more than one principal detached 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.
- D. **Lots Unserved By Sewer And/Or Water:** In any district where neither central water supply nor central sewerage system is available within two hundred feet (200') of the proposed lot, one single-family detached dwelling may be constructed, provided the otherwise specified lot area and width requirements shall be a minimum of one acre and two hundred feet (200') respectively. (Ord. 244, 6-10-2003)

10-4-3: ACCESSORY BUILDINGS:

- A. **Time Of Construction:** No accessory buildings, structures, or uses shall be permitted on any lot prior to the time of construction of the principal building to which it is accessory.
- B. **Percentage Of Yard Occupied:** No detached accessory building or buildings shall occupy more than fifty percent (50%) of the area of a side or rear yard.
- C. **Height Of Accessory Building:** No detached accessory building or structure shall be exceeding ninety percent (90%) of the height of the principal building or structure or seventeen feet (17'), whichever is less.
- D. **Size Of Accessory Buildings:** A lot may contain more than one accessory building, as long as the terms of this and all other sections of the zoning ordinance are complied with. No single accessory building larger than nine hundred sixty (960) square feet of ground or floor area shall be permitted in the R-1 through R-2 districts, except private garages may be provided four hundred eighty (480) square feet per unit on multi-family lots.
- E. **Location On Lot:** No accessory building shall be erected in any front yard. Accessory buildings shall be no closer than eight feet (8') from all lot lines adjoining lots which are in any residential district and at least fifteen feet (15') from alley lines. It shall not encroach upon the required side yard. No accessory building is permitted on easement areas. (Ord. 244, 6-10-2003)

10-4-4: **REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING:** No lot, yard, or other open space shall be reduced in area or dimension as to make any such area or dimension less than the minimum required by this chapter and, if already less than the minimum required, it shall not be further reduced. (Ord. 244, 6-10-2003)

10-4-5: **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 this title 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 space, and off street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the chapter applying to such districts. (Ord. 244, 6-10-2003)

10-4-6: **TRAFFIC VISIBILITY:** In a residential district, no fence, structure, or planting which obstructs vehicular visibility shall be erected or maintained within a required front yard setback area. (Ord. 244, 6-10-2003)

10-4-7: **MOBILE HOMES:** All uninhabited mobile homes or house trailers shall be located in a mobile home court or park that has received a conditional use permit as required by chapter 11 of this title. No mobile home or house trailer outside an approved mobile home court or park shall be connected to utilities except those mobile homes or house trailers being offered for sale by a licensed dealer or manufacturer and not inhabited which may be connected to electrical outlets on the dealer's sales lot. (Ord. 244, 6-10-2003)

10-4-8: **VALIDITY OF EXISTING BUILDING PERMITS:** Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated uses of any development, building structure or part thereof for which the official approvals and required building permits have been granted before the enactment of this title, the construction of which, conforming with such plans, shall have been started prior to the effective date of this title and the 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. (Ord. 244, 6-10-2003)

10-4-9: RESIDENTIAL USE OF BASEMENTS AND CELLARS: The residential use of buildings or structures consisting solely or primarily of a basement or cellar which is part of a conventionally designed building shall comply with all other applicable building, health, fire, safety, and housing regulations. (Ord. 244, 6-10-2003)

10-4-10: FLOOD HAZARD AND OBSTRUCTION OF WATERCOURSE CHANNELS:

- A. Flood Hazard: In any district which is subject to flood hazard, a building permit of any structure shall be issued only when the construction meets the requirements of the floodplain regulations.
- B. Obstruction Of Watercourse Channel: To prevent encroachment upon or construction in river or creek channels and thereby avoid obstruction to the natural conveyance of water flow in such rivers, creeks, and other natural watercourses, there shall not be placed, erected, or located within the designated floodplain of such watercourses any building or structure, pier, or marina, retaining or revetment wall, except authorized bridges or dams. In addition, there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill, except as provided by the Annawan flood control regulations. (Ord. 244, 6-10-2003)

10-4-11: FENCES:

- A. Definition: A "fence" is a structure which is a barrier used to mark a boundary or as a means of protection, confinement, screening, or decoration.
- B. Fences In Residential Yards: Fences, walls, hedges, and other plantings are permitted in residential yards under the following restrictions:
 - 1. Front yard and side yard to the rear of the house shall be no more than three feet (3') in height. From the rear of the house no more than six feet (6'), up to the front boundary of the yard. No hedges,

fence or other plantings (or any portion thereof) will exceed three feet (3') in height within three feet (3') of any street or sidewalk.

2. All other fences, walls, hedges, and other plantings shall not exceed six feet (6') in height above the natural grade level in any yard. No such fence, wall, hedge, or other planting shall be permitted to obstruct traffic visibility on corner lots or other alley or driveway entrances, and hedges, fence and other planting shall be maintained.

3. All fences, walls, hedges, and other plantings shall specifically comply with any state statues regarding height and positioning along roads, streets, and highways within the jurisdiction of the state of Illinois.

- C. **Security Fences:** Security fences are permitted in nonresidential yards up to the property line of a lot with a one foot (1') setback. Such fences shall not exceed ten feet (10') in height. No such fences shall be permitted which would obstruct traffic visibility on corner lots or other alley or driveway entrances.
- D. **Barbed Wire Fences:** No fence consisting or made of barbed wire, or of which barbed wire is a part, or any wire which is charged with electrical current, shall be built or used in residential zones. In business and industrial zones, barbed wire may be placed seven feet (7') or more above the ground when placed in conjunction with a woven wire security fence.
- E. **Swimming Pools:** Every person who owns or is in possession of any premises on which there is situated a swimming pool, either inground or aboveground, with a filtration system, which has a water depth of eighteen inches (18") or more in any portion thereof, shall maintain on the lot or premises upon which such swimming pool is situated a fence, wall, or other adequate structure completely surrounding the pool and constructed so as to make it inaccessible to small children. The fence, wall or other structure must be not less than four feet (4') in height, with no openings large enough to admit a child except through doors or gates. However, this minimum height requirement shall not be constructed to permit swimming pool fences with a maximum height higher than six feet (6'), as set forth in this title. All doors and gates in fences surrounding swimming pools shall be of such a size to completely fill any opening in the fence, wall, or other structure and shall be equipped with self-closing and self-latching devices capable of keeping such gate or door securely closed. The closing or latching devices shall be located not less than

four feet (4') above grade or be otherwise inaccessible from the outside to small children. In lieu of self-closing and self-latching devices, the doors and gates must be equipped with locks which shall be kept locked at all times when the pool is not in actual use.

- F. **Nonapplicable Provisions:** The provisions of this section shall not be applicable to fences, walls, hedges, or other plantings which are in existence when this title is adopted, unless the building inspector of the village of Annawan determines that such fence, wall, hedge, or other planting constitutes a danger to public health or safety. The determination of the building inspector shall be in writing and set forth the reasons the fence, wall, hedge, or other planting constitutes such a danger. A copy of written determination shall be mailed to the owner of the premises on which the fence, wall, hedge, or other planting is situated. Such owner may appeal the determination in accordance with the provisions of chapter 11 of this title. (Ord. 244, 6-10-2003)

10-4-12: **ADULT LIVE ENTERTAINMENT:** No establishment or business shall permit adult live entertainment nor conduct business as an adult mini-motion picture theater or adult motion picture theater within the boundaries of the village of Annawan. (Ord. 244, 6-10-2003)

10-4-13: **SEVERABILITY:** If any provisions or part of this title should be held unenforceable by a court of competent jurisdiction, the remainder of the provisions herein contained shall be deemed to continue in full force and effect. (Ord. 244, 6-10-2003)

CHAPTER 5

ZONING DISTRICTS; USE OF PREMISES**SECTION:**

- 10-5- 1: Uses
- 10-5- 2: A Agricultural District
- 10-5- 3: OTR-1 Old Town Residential District
- 10-5- 4: R-1 Residential District
- 10-5- 5: R-2 Residential District
- 10-5- 6: R-3 Residential/Multi-Family District
- 10-5- 7: Business Districts
- 10-5- 8: B-1 Business District; Restricted
- 10-5- 9: B-2 Business District; Nonrestricted
- 10-5-10: I-1 Light Industrial District
- 10-5-11: I-2 Heavy Industrial District
- 10-5-12: F Floodplain Overlay District
- 10-5-13: PUD Planned Unit Development Overlay District
- 10-5-14: Nonconforming Uses

10-5-1: USES:

- A. **Permissive Uses:** Those uses permitted in a particular zoning district without any special action or approval.
- B. **Conditional Uses:** Those uses in a particular zoning district which may be recommended by the zoning board of appeals and granted by the village board in accordance with the procedures and other conditions set forth in chapter 11 of this title.
 - 1. **Granting A Conditional Use:** When a conditional use permit is granted by the village board, the usage for which the conditional use was sought shall begin within one year of the meeting date or be null and void unless a different date is specified in the permit. All permits granted under the provisions of the previous chapters shall fall under the provisions of this subsection B with the meeting date being the date of passage of this title.

2. **Discontinuance Of A Conditional Use:** No building or premises used in whole or part under a conditional use permit which remains idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used for that purpose unless a new permit be granted. Temporary buildings for construction purposes are permitted in any district during periods of construction.

3. **Conditional Use Contingent On License:** The village shall not be obliged to grant a conditional use for a lodging and rooming house, boarding house, or bed and breakfast house merely because the owner has obtained a license from the Henry County health department, but shall consider all pertinent factors as set forth in the Annawan zoning ordinance with relation to conditional uses. However, a conditional use may be granted to an owner who has not yet obtained a license from the Henry County health department, subject to such a license being obtained within a reasonable time approved by the village, not to exceed two (2) weeks from the granting of the conditional use. In the event that the owner does not obtain the license within the required period or any extension thereof granted by the village, or in the event the owner's license is revoked by the Henry County health department for any reason, the conditional use shall be automatically revoked and terminated. (Ord. 244, 6-10-2003)

10-5-2: A AGRICULTURAL DISTRICT:

A. **Intent:** This district is intended to preserve a rural setting of very low density and high quality for "estate" or gentleman's farm type development, while providing also for the continuance of commercial agriculture on properties of sufficient area to permit compatibility with surrounding residential development, in areas not served or immediately intended to be served by municipal services, such as sewer and water systems.

B. **Permissive Uses:**

Cemetery.

Controlled uses of agricultural or farming nature.

Farm of not less than five (5) acres in size.

Farmstead.

Plant nursery and greenhouse.

Publicly owned or operated park or playground.

Roadside stand offering for sale only farm products on the premises, which stand shall be removed during any period when not in use or not in season after appropriate permits and licenses are obtained.

C. Height, Yard, Lot Width And Area Regulations: In accordance with chapter 6 of this title.

D. Off Street Parking And Loading Regulations: In accordance with chapter 7 of this title.

E. Conditional Uses:

Church and school, including college and junior college.

Country club or golf courses, except miniature golf course or golf driving range for commercial purposes.

Home occupation.

Hospital, nursing home, and educational, licensed religious and philanthropic institution on sites of not less than five (5) acres, provided not more than twenty percent (20%) of the site area may be occupied by the buildings and, provided further, that the buildings shall be set back from all required yard lines an additional two feet (2') for each foot of building height above that required of the A agricultural district.

Privately operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court, and golf course, provided they are located on sites of five (5) acres or more.

Railroad trackage.

Single-family dwelling.

Veterinary hospital or clinic provided that any building or enclosure so used shall be located not less than one hundred feet (100') from any street or lot line or residential district. (Ord. 244, 6-10-2003)

10-5-3: OTR-1 OLD TOWN RESIDENTIAL DISTRICT:

A. Intent: The principal use of land is for single-family dwellings. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

B. Permissive Uses:

Accessory building or use as follows:

Private garage and parking areas for the sole use of the occupants.

Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential use.

Vegetable and flower garden.

Farm of not less than five (5) acres in size.

Single-family dwelling.

C. Height, Yard, Lot Width And Area Regulations: In accordance with chapter 6 of this title.

D. Off Street Parking And Loading Regulations: In accordance with chapter 7 of this title.

E. Conditional Uses:

Any residential business shall be allowed as a conditional use after public hearing of the zoning board of appeals as provided under this chapter, and only after licenses have been obtained.

Barber or beauty shop.

Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.

Church or temple.

Community center.

Home occupation.

Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.

Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.

Publicly owned or operated park or playground. (Ord. 244, 6-10-2003)

10-5-4: R-1 RESIDENTIAL DISTRICT:

A. Intent: The principal use of land is for single-family dwellings. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

B. Permissive Uses:

Accessory building or use as follows:

Private garage and parking areas for the sole use of occupants.

Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses accessory to residential use.

Vegetable and flower garden.

Single-family dwelling.

C. Height, Yard, Lot Width And Area Regulations: In accordance with chapter 6 of this title.

D. Off Street Parking And Loading Regulations: In accordance with chapter 7 of this title.

E. Conditional Uses:

Home occupation.

Publicly owned or operated park or playground. (Ord. 244, 6-10-2003)

10-5-5: **R-2 RESIDENTIAL DISTRICT:**

A. Intent: The principal use of land may range from single-family to medium density multi-family units. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

B. Permissive Uses:

Accessory building or uses as follows:

Private garage and parking areas for the sole uses of the occupants.

Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.

Vegetable and flower garden.

Duplex dwelling not to exceed two (2) units. Village meeting of adjoining property owners within five hundred feet (500') with a seventy five percent (75%) majority necessary.

Single-family dwelling.

C. Height, Yard, Lot Width And Area Regulations: In accordance with chapter 6 of this title.

D. Off Street Parking And Loading Regulations: In accordance with chapter 7 of this title.

E. Conditional Uses:

Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.

Childcare center, not to exceed five (5) children.

Church or temple.

Community center.

Country club with golf course, swimming pool, tennis court, and similar recreational uses, provided that any principal building or swimming pool shall be located not less than one hundred feet (100') from any lot in any residential district.

Home occupation.

Hospital, clinic, nursing home, housing for the elderly, and educational, philanthropic, and licensed religious institution, provided not more than fifty percent (50%) of the site area may be occupied by buildings.

Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.

Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.

Publicly owned or operated park or playground. (Ord. 244, 6-10-2003)

10-5-6: R-3 RESIDENTIAL/MULTI-FAMILY DISTRICT:

A. Intent: The principal use of land may range from single-family to medium density multi-family units. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities.

B. Permissive Uses:

Accessory building or uses as follows:

Private garage and parking areas for the sole use of the occupants.

Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential use.

Vegetable and flower garden.

Farm of not less than five (5) acres in size.

Multi-family dwelling no less than four (4) units per building.

Single-family dwelling.

C. Height, Yard, Lot Width And Area Regulations: In accordance with chapter 6 of this title.

D. Off Street Parking And Loading Regulations: In accordance with chapter 7 of this title.

E. Conditional Uses:

Barber or beauty shop in accordance with the provisions of section 10-5-3 of this chapter.

Bed and breakfast house, in accordance with the provisions of section 10-5-4 of this chapter.

Boarding house, in accordance with the provisions of section 10-5-4 of this chapter.

Branch telephone exchange, transformer station, and booster or pressure regulating station, without service yard storage.

Cemetery.

Childcare center.

Church or temple.

Civic theater.

Community center.

Country club with golf course, swimming pool, tennis courts, and similar recreational uses, provided that any principal building or

swimming pool shall be located not less than one hundred feet (100') from any lot in any residential district.

Greenhouse, florist shop, and nursery.

Home occupation.

Hospital; clinic; nursing home; housing for the elderly; and educational, philanthropic, and religious institution, provided not more than fifty percent (50%) of the site area may be occupied by buildings.

Lodging and rooming house, in accordance with the provisions of section 10-5-4 of this chapter.

Parking area accessory to a use in an adjoining less restricted district when abutting or directly across an alley, subject to the applicable conditions contained herein and such further conditions as may be stipulated by the zoning board of appeals.

Physicians' and dentists' office and private clinic for human care; professional office of architects, engineers, lawyers and the like; office devoted to real estate, insurance, management, and similar enterprises when not displaying or handling merchandise on the premises. The buildings permitted under this use shall be of a design and location compatible with the permitted residential use.

Private club or lodge, except those whose chief activity is a service customarily carried on as a business, provided any building is located not less than twenty feet (20') from any lot in any residential district.

Public library and similar public culture uses, located not less than twenty feet (20') from any side lot line in any residential district.

Public school or school offering general educational courses the same as ordinarily given in a public school, private preschool, play, special, and other private school.

Publicly owned or operated park or playground.

Studio including, but not limited to, artist, photographer, sculptor, or musician.

The conversion of existing older and large single-family dwellings shall be subject to providing a minimum of six hundred (600) square feet of living space per apartment and each apartment shall contain sleeping, cooking (kitchen), toilet, and bathing facilities and comply with the current uniform housing code. Off street parking shall be provided in accordance with chapter 7 of this title.

Two-family dwelling (duplex). (Ord. 244, 6-10-2003)

10-5-7: BUSINESS DISTRICTS:

A. General: The following districts are intended to provide for a wide range of commercial and light industrial uses. However, any commercial or industrial use shall observe the following environmental performance standards:

1. Noise: All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness, and, as measured at any property line, shall not exceed the most current noise regulations adopted by the Illinois pollution control board.

2. Smoke: The emission of smoke by any use shall be controlled so to be less dark in shade than that designated as no. 2 on the Ringelmann chart, published and used by the United States bureau of mines; provided, however, that smoke of a density equal to that designated as no. 2 on the Ringelmann chart may be permitted for not more than eight (8) minutes during any thirty (30) minute period and smoke of a density not exceeding that designated as no. 3 on the Ringelmann chart may be permitted for not more than six (6) minutes during any eight (8) hour period while starting or cleaning a fire.

3. Dust And Other Particulate Matter: The emission of dust, fly ash, and other particulate matter shall not exceed eighty five one hundredths (0.85) pound per one thousand (1,000) pounds of flue gas, measured at a convenient point in the stack and under conditions not exceeding fifty percent (50%) of excess air. The amount of solids in such gases shall be determined according to the test for dust separation apparatus of the American Society of Mechanical Engineers, revised and amended to date.

4. Odor: The emission of odorous matter in such quantity as to be offensive at a point along or outside any lot line shall not be permitted. In determining such quantities of offensive odors, table III

(odor thresholds) in chapter 5 of the "Air Pollution Abatement Manual" (copyright 1951 by Manufacturing Chemists Association, Inc., Washington, DC) shall be used as a guide.

5. Glare And Heat: Any operation producing intense heat and glare shall be conducted within an enclosed building or with other effective screening in such manner as to be completely imperceptible from any point along or outside the lot lines. (Ord. 244, 6-10-2003)

10-5-8: B-1 BUSINESS DISTRICT; RESTRICTED:

A. Intent: This district is intended to provide for individual or small groups or retail and customer service establishments serving primarily the convenience of an individual residential neighborhood and the character, appearance, and operation of which are compatible with the character of the surrounding neighborhood. It is further intended to be incidental to the neighborhood in which located.

B. Permissive Uses:

Accessory use of buildings as follows:

Parking lot.

Apothecary and pharmacy.

Bakery whose products are sold at retail on the premises.

Bank and savings and loan institutions.

Barbershop and beauty parlor.

Bed and breakfast house, adequate parking necessary.

Cleaner and laundry.

Florist and greenhouse as a retail business.

Mortuary or funeral home.

Movie theater.

Physicians' and dentists' office and clinic for human care; professional office of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises.

Repair shop for household items, including clothing.

Store for sale of goods and products at retail.

Studio including, but not limited to, photographer, sculptor, or musician.

- C. Height And Yard Regulations: In accordance with chapter 6 of this title.
- D. Off Street Parking And Loading Regulations: In accordance with chapter 7 of this title.
- E. Conditional Uses:

Restaurant, except drive-in restaurants. (Ord. 244, 6-10-2003)

10-5-9: **B-2 BUSINESS DISTRICT; NONRESTRICTED:**

- A. Intent: This district is intended to provide for the total service needs of the motoring public using the major highway system through and adjacent to Annawan and to require adequate space provisions to accommodate peculiar needs of the motorists. It is further intended to provide areas in close proximity to the major highway network and discourage through traffic on minor, local residential streets within the village.

- B. Permissive Uses:

Accessory use of buildings as follows:

Incidental storage and light industrial use of buildings; provided, however, that these uses do not exceed forty percent (40%) of the floor space.

Parking lot.

Apothecary and pharmacy.

Bakery whose products are sold at retail on the premises.

Bank and savings and loan institutions.

Barbershop and beauty parlor.

Boarding house.

Bowling alley, dance hall, skating rink, and other commercial recreational uses.

Civic theater.

Cleaner and laundry.

Farm implement sales, storage, and repair.

Florist and greenhouse as retail business.

Mortuary or funeral home.

New and used car sales lot.

Office and office building.

Physicians' and dentists' office and clinic for human care; professional office of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises.

Repair shop for household items, including clothing.

Restaurant.

Store for sale of goods and products at retail.

Store, shop, laundromat, and retail business or service.

Studio including, but not limited to, artist, photographer or musician.

Theater and assembly hall.

- C. Height And Yard Regulations: In accordance with chapter 6 of this title.

- D. **Off Street Parking And Lot Regulations:** In accordance with chapter 7 of this title. (Ord. 244, 6-10-2003)

10-5-10: I-1 LIGHT INDUSTRIAL DISTRICT:

- A. **General Description:** This industrial district is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution. It is the intent that permitted uses are conducted so that noise, odor, dust and glare of each operation is completely confined within an enclosed building or structure. Although these industries may require direct access to transportation routes, the size and volume of the raw materials or finished products involved should not produce the volume of freight generated by the use of the heavy industrial districts. These regulations are intended to prevent friction between uses within the district and protect nearby A or R districts.
- B. **Permitted Uses:** Property and buildings in an I-1 light industrial district shall be used only for the following purposes:
1. Any use, except dwellings, permitted in the B-1 business district and B-2 business district. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-1 light industrial district.
 2. Those uses which employ more than ten (10) employees on the premises, such as: bakeries, dry cleaning and commercial laundries, lumber supply houses, printing establishments and plumbing shops.
 3. Freighting or trucking yard or terminal.
 4. The following uses when conducted within a completely enclosed building:
 - a. The manufacturing, compounding, assembling, or treatment of articles prepared from bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, leather, paper, plastic, stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.
 - b. The manufacture of pottery and similar ceramic products.

c. The manufacture and maintenance of electric and neon signs, light sheet metal products including heating and ventilating ducts and similar products.

d. Automobile assembling, painting, upholstering, rebuilding, reconditioning body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.

e. Machine shop.

f. Foundry casting lightweight nonferrous metal not causing noxious fume or odors.

g. Assembly of electrical appliances, electronic instruments and devices, radio and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and similar such equipment.

5. Buildings, structures, and uses accessory and customarily incidental to any of the above uses.

6. Warehouse and storage buildings, including feed and seed stores.

7. Frozen food locker.

The uses permitted under this subsection shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

C. Height Regulations: No building shall exceed three (3) stories or forty feet (40') in height except as herein provided.

D. Area Regulations: All buildings within the I-1 light industrial district shall comply with the following yard requirements:

1. Intensity Of Use: No building or buildings shall cover more than eighty percent (80%) of the lot area.

2. Front Yard: All buildings shall be set back from the street or highway right of way a depth of not less than ten feet (10').

3. Side Yard: No side yard shall be required, except if an I-1 light industrial district abuts an R or A district in which case a side yard of not less than ten feet (10') shall be required on the side abutting the R or A district.

4. **Rear Yard:** No rear yard shall be required, except if an I-1 light industrial district abuts an R or A district or a building is to be serviced from the rear in which case a rear yard of twenty five feet (25') shall be required. If a rear yard is required, this area may be used for an alley or service court if an adequate maneuvering area can be provided.

When a rear or side yard is required because an I-1 light industrial district abuts an R or A district, a screening fence of not less than four (4) nor more than six feet (6') maintained in good condition shall be required, or a screening hedge or other landscaping of not less than four (4) nor more than six feet (6') maintained in good condition shall be required.

- E. **Off Street Parking Requirements:** All buildings within the I-1 light industrial district shall provide off street parking spaces of not less than one hundred eighty (180) square feet for every three (3) employees on any one working shift. In addition to these spaces, adequate area for trucks and vehicles used in the conduct of the enterprise shall be provided.
- F. **Off Street Loading Requirements:** All buildings within the I-1 light industrial district shall provide off street loading spaces of not less than twelve feet (12') wide, thirty five feet (35') in length and have a minimum vertical clearance of fourteen feet (14') and may occupy all or part of any required yard. One such loading space shall be provided for the first ten thousand (10,000) square feet of gross floor area, and one additional loading space for each additional fifteen thousand (15,000) square feet or fraction thereof. (Ord. 314, 3-23-2009)

10-5-11: I-2 HEAVY INDUSTRIAL DISTRICT:

- A. **General Description:** This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established in this title. The intensity and type of use makes it most desirable that the uses in the I-2 heavy industrial district be separated and/or located downwind from residential and commercial uses.
- B. **Permitted Uses:** Property and buildings in an I-2 heavy industrial district may be used for any of the following:

Any use, except dwellings, permitted in the I-1 light industrial district. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-2 heavy industrial district.

Petroleum or its products, refining and bulk storage of.

Ready-mix cement plant.

The manufacturing, compounding, storage or treatment of such products as dairy products and foodstuffs. This shall include grain elevators and related uses.

- C. **Uses Permitted On Review:** The following uses may be permitted upon review by the zoning board of appeals in accordance with the provisions of this chapter:

Acid manufacture.

Adult bookstores, except that no such establishment shall be permitted within one thousand feet (1,000') of any church, school, public park or other adult bookstore.

Any use not otherwise authorized by this title.

Distillation of bones and glue manufacture.

Explosives manufacture and storage.

Fat rendering and fertilizer manufacture.

Garbage, offal, or dead animals, reduction or dumping of.

- D. **Height Regulations:** No building shall exceed three (3) stories or forty feet (40') in height.

- E. **Area Regulations:** All buildings within the I-2 heavy industrial district shall comply with the following yard requirements:

1. **Intensity Of Use:** No building or buildings shall cover more than eighty percent (80%) of the lot area.

2. **Front Yard:** All buildings shall be set back from the street or highway right of way a depth of not less than ten feet (10').

3. Side Yard: No side yard shall be required, except if an I-2 heavy industrial district abuts an R or A district in which case a side yard of not less than ten feet (10') shall be required on the side abutting the R or A district.

4. Rear Yard: No rear yard shall be required, except if an I-2 heavy industrial district abuts an R or A district or a building is to be serviced from the rear in which case a rear yard of twenty five feet (25') shall be required. If a rear yard is required, this area may be used for an alley or service court if an adequate maneuvering area can be provided.

When a rear or side yard is required because an I-2 heavy industrial district abuts an R or A district, a screening fence of not less than four (4) nor more than six feet (6') maintained in good condition shall be required, or a screening hedge or other landscaping of not less than four (4) nor more than six feet (6') maintained in good condition shall be required.

- F. Off Street Parking Requirements: All buildings within the I-2 heavy industrial district shall provide off street parking spaces of not less than one hundred eighty (180) square feet for every three (3) employees on any one working shift. In addition to these spaces, adequate area for trucks and vehicles used in the conduct of the enterprise shall be provided.
- G. Off Street Loading Requirements: All buildings within the I-2 heavy industrial district shall provide off street loading spaces of not less than twelve feet (12') wide, thirty five feet (35') in length and have a minimum vertical clearance of fourteen feet (14') and may occupy all or part of any required yard. One such loading space shall be provided for the first ten thousand (10,000) square feet of gross floor area, and one additional loading space for each additional fifteen thousand (15,000) square feet or fraction thereof. (Ord. 314, 3-23-2009)

10-5-12: F FLOODPLAIN OVERLAY DISTRICT:

- A. Intent: This district is intended to provide a direct link between the zoning ordinance and the flood control regulations by identifying those areas subject to flood hazard because of their location within the 100-year flood year.

- B. **Permissive Uses:** Any use permitted in the underlying zone provided it complies with the Annawan flood control regulations.
- C. **Conditional Uses:** Any conditional use permitted in the underlying zone provided it complies with the Annawan flood control regulations. (Ord. 244, 6-10-2003; amd. Ord. 314, 3-23-2009)

10-5-13: PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT:

- A. **General Requirements:** Whenever optional methods of residential land development are created which are more imaginative in design, allowances in requirements may be granted if the following provisions are fulfilled:

No planned unit development, including single-family or mixed single- and multiple-family dwellings, shall be established to occupy less than five (5) acres. Multiple-family unit developments may be established in zoning districts of not less than four (4) acres. In no case shall either type of planned unit development be allowed which does not provide either a public or private sewage system approved by the state of Illinois department of public health.

- B. **Permitted Principal And Accessory Uses And Structures:**

Community facilities such as churches and other religious institutions and nonprofit organizations.

Educational uses.

Multiple-family dwellings.

Recreational uses. Recreational uses may include community center, swimming pools, parks, playgrounds, and related uses not of a strict commercial nature. Any structure erected for recreational use shall not be located closer than twenty five feet (25') to all property lines.

Single-family attached and detached dwellings.

Two-family dwellings.

- C. **Uses Permitted On Review:** Any uses permitted on review in a planned development area shall coincide with those uses permitted on review in the R-1 and R-2 residential districts.
- D. **Area Regulations:** All buildings shall be set back from street right of way lines and periphery of the project to comply with the following requirements:
1. **Front Yard:** There shall be a front yard of a depth not less than twenty five feet (25') for any single-family dwelling. Front yard requirements for multiple-family dwellings shall be determined by the administrative officer.
 2. **Periphery Boundary:** All buildings shall have a setback requirement from the periphery boundary of not less than twenty five feet (25').
 3. **Lot Area And Frontage:** In no case shall a lot for a single-family dwelling be created with an area of less than four thousand five hundred (4,500) square feet or a frontage of less than fifty feet (50') at the front building line.
- E. **Off Street Parking:** The requirements for off street parking shall be the same as those required in the R-1 or R-2 districts depending on the type of development.
- F. **Administrative Procedure:**
1. The developer of any tract of land suitable for a planned development area may submit an application to the administrative officer. The development plan shall be referred to the board of appeals by the administrative officer for study and report and public hearing. The board of appeals, following the public hearing, shall make recommendations to the village board, said recommendations shall be accompanied by a statement that the proposed planned unit development meet the following conditions:
 - a. The application must be accompanied by an overall development plan showing use or uses, dimensions, and locations of proposed streets, parks, playgrounds, school sites, and other open spaces, with the pertinent information as may be necessary to determine the contemplated arrangement or use which makes it desirable to apply regulation requirements different from those ordinarily applicable under this title.

b. The proposed development plat shall be prepared by a registered professional engineer.

c. That property adjacent to the area included in the plan will not be adversely affected.

d. The plan is consistent with the intent and purpose of this title to promote public health, safety and welfare.

e. The buildings shall be used only for single-family or multiple-family dwellings and the usual accessory uses such as garages, open spaces, educational and other community facilities.

f. The tract or parcel of land involved must be either in one ownership or the subject of an application filed jointly by the owners of all the property included or filed by any governmental agency.

2. The village board shall take action on the approval or disapproval of a proposed planned unit development following the receipt of the board of appeals recommendation on said planned unit development.

3. If the village board approves the plans for a planned development, certificates of occupancy may be issued in accordance with the plan even though the use of land and the location of the buildings to be erected in the area, and the yards and open spaces provided in the plan do not conform in all respects to the district regulations of the district in which it is located.

4. Upon abandonment of a particular project authorized under this section or upon the expiration of three (3) years from the issuance of a planned development authorization which has not been completed (or commenced and an extension of time for completion granted), the authorization shall expire and the area allotted for a planned development shall revert to the zoning district which governed prior to the planned development authorization. The land and structures thereon may be used without such approval for any other lawful use permissible within the use, height, and area district regulations of the previous district.

5. Failure to file an application for review and approval of the planned unit development within one year of the planned development authorization shall render such authorization null and void and the area so authorized shall return to its prior district classification. (Ord. 313, 3-12-2009; amd. Ord. 314, 3-23-2009)

10-5-14: NONCONFORMING USES:

- A. **Intent:** If within the districts established by this code or amendments that may later be adopted, there exist lots, structures, uses of land or structures, and characteristics of use which were lawful before this title was passed or amended but which would be prohibited, regulated, or restricted, it is the intent of this title to permit these nonconformities to continue until they are removed but not to encourage their survival under the terms of this title. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided.

Nonconforming uses are declared by this title to be incompatible with permitted uses in the districts involved. A nonconforming use of structure and land in combination shall not be extended or enlarged after the passage date hereof by attachment on a building or by the addition of other uses of a nature which would be prohibited generally in the district involved, except as provided.

- B. **Nonconforming Lots Of Record:** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on a lot of record which becomes nonconforming as to lot area or lot width or both by the adoption or subsequent amendment of this title or in any other residential district a building and customary accessory buildings may be erected on a lot of record which becomes nonconforming as to lot width by the adoption of subsequent amendment of this title, provided that the building, housing, mechanical, electrical, plumbing, and other construction standards and requirements can be met and provided further that if such nonconforming lot of record is at the time of adoption of this title or hereafter vacant and has contiguous lots of record which are in common ownership or unified control, then such contiguous lots of record or at least such portion thereof as is necessary to meet or exceed the minimum lot area and width requirements of the district in which they are located shall be used and developed only as a single lot. Any person who conveys property or terminated the unified control of such contiguous lots of record so as to frustrate the purpose of the foregoing provision shall be deemed to have violated the provisions of this title.
- C. **Nonconforming Uses Of Land:** Where at the time of passage of this title or subsequent more restrictive amendment thereto, a lawful use of land exists which would not be permitted by the regulations

imposed, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date hereof.

2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date hereof.

3. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) consecutive days, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.

4. No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land.

D. **Nonconforming Structures:** Where a lawful structure exists at the effective date hereof that could not be built under the terms of this title by reasons of restrictions on the area, lot coverage, height, yards, its location on the lot or other zoning requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than fifty percent (50%) of its fair cash market value prior to the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.

3. Should such nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. **Nonconforming Uses Of Structures:** If a lawful use involving individual structures with a fair cash market value cost one thousand dollars (\$1,000.00) or more, or of structure and land in combination, exists at the effective date hereof that would not be allowed in the

district under the terms of this chapter, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which is manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building.

3. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impeded access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

4. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose of this subsection E4 is defined as damage to an extent of more than fifty percent (50%) of the fair cash market value at the time of destruction.

F. Nonconforming Off Street Parking And Loading Areas:

1. In any district where off street parking or loading areas or four (4) or more spaces are provided, such areas and private drives or accessways from the public right of way to or through these parking areas, shall be required to fully comply with the design and construction requirements of this title for off street parking and loading.

2. In any residential zoning district, all off street parking areas of three (3) or fewer spaces and private drives or accessways from the public right of way to or through these parking areas, shall be required to comply with the design, construction, and maintenance standards provided in this title, but only in the event a building permit is required for alteration of an existing garage or construction of a

new garage accessory to the residential uses. This subsection is subject to the common drive.

- G. **Repairs And Maintenance:** On any nonconforming structure or portion of a structure containing a nonconforming use, ordinary repairs, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may be made to an extent not exceeding fifty percent (50%) of the fair cash market value of the nonconforming structure provided that the cubic content existing when it became nonconforming shall not be expanded. (Ord. 244, 6-10-2003; amd. Ord. 313, 3-12-2009; Ord. 314, 3-23-2009)

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CHAPTER 6

HEIGHT, YARD, LOT AND AREA REQUIREMENTS

SECTION:

- 10-6-1: Title
10-6-2: Exceptions
10-6-3: General Requirements

10-6-1: **TITLE:** The following height, yard, lot and area requirements must be observed in addition to those shown in section 10-6-3 of this chapter:

- A. On lots fronting on two (2) nonintersecting streets, a front yard must be provided on both streets.
- B. On corner lots there must be a front yard on both streets in accordance with setback requirements.
- C. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- D. In the B districts there may be more than one commercial or industrial building on a lot provided that the required yards be provided around the group of buildings.
- E. Where two (2) or more related multi-family, hotel, motel, or institutional buildings are permitted on a lot, the required yards must be maintained around the group of buildings and buildings that are parallel or that are within forty five degrees (45°) of being parallel must be separated by a horizontal distance that is at least equal to the height of the highest building.
- F. Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered.

- G. In any district not requiring a front yard, a loading dock shall be set back sufficiently so that a truck backed in for loading or unloading shall not obstruct traffic on any sidewalk or street area. (Ord. 244, 6-10-2003)

10-6-2: **EXCEPTIONS:** The following exceptions may be made to the height, yard, lot and area requirements:

- A. On lots of record, a property owner may reduce his rear yard to not less than twenty percent (20%) of the lot depth.
- B. Prior to the effective date hereof where forty percent (40%) or more of a frontage was occupied by two (2) or more lots upon which buildings are situated, then the front yard setback is established in the following manner:
1. Where the building farthest from the street provides a front yard setback not more than ten feet (10') deeper than the building closest to the street, then the front yard setback for the frontage is and remains an average of the then existing front yard.
 2. Where subsection B1 of this section is not the case and a lot is within one hundred feet (100') of a building on each side, then the front yard setback is a line drawn from the closest front corners of these two (2) adjacent buildings.
 3. Where neither subsection B1 nor B2 of this section is the case and a lot is within one hundred feet (100') of an existing building on one side only, then the front yard setback is the same as that of the existing building.
- C. Notwithstanding the foregoing provisions, a front yard setback greater than the minimum as set forth in section 10-6-3 of this chapter for residential zones shall be required where sixty percent (60%) or more of a frontage is occupied by two (2) or more lots upon which buildings are situated. In that event, the front yard setback is and remains an average of the then existing front yards.

This section shall not apply to any subdivision, the plat of which sets forth specific front yard setback lines and which has been approved by the village under the subdivision ordinance. In that event, the restrictions of the subdivision plat shall be controlling.

- D. Sills, belt course, cornices, and ornamental features may project not more than one foot (1') into a required yard.
- E. No side yards are required for residential occupancy above commercial and industrial buildings.
- F. Any accessory building erected within ten feet (10') of a main building shall be considered part of the main building and shall be provided with the same yards required of the main building.
- G. Any accessory building more than ten feet (10') from the main building shall be considered a separate building and may be erected no closer than eight feet (8') from a yard line, but must be located at least sixty feet (60') back from the front yard line.
- H. Where an unattached garage is entered from an alley, it must be kept fifteen feet (15') from the alley line.
- I. Wherever a B district adjoins an R district, the final development plan shall provide for a suitable fence, wall, or evergreen shrub border at least five feet (5') high.
 - 1. Grain elevators, silos, barns, and other farm buildings are exempt from these requirements.
 - 2. Required residential yard spaces have to be provided for residential uses.
 - 3. Required residential yard spaces required for the abutting district are to be provided for those yards abutting residentially zoned property.
 - 4. All lots served by an individual subsurface sewerage treatment facility shall have a minimum width of two hundred feet (200') and minimum area of one acre per residential unit. All lots served by individual water supply wells shall have a minimum area of one acre.
 - 5. Church steeples exempt. (Ord. 244, 6-10-2003)

10-6-3: GENERAL REQUIREMENTS:

District	Minimum Lot Area	Minimum Area Per Residential Unit	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Height In Stories And Feet
A agricultural	5 acres	n/a	300 feet	80 feet from centerline	20 feet	50 feet	2 1/2 stories 35 feet
OTR-1 district	7,200 square feet	n/a	60 feet	25 feet	8 feet	30 feet	2 1/2 stories 35 feet
R-1 residential district (single-family)	9,000 square feet	n/a	75 feet	25 feet	8 feet	30 feet	2 1/2 stories 35 feet
R-2 residential district (single-family and duplex)	9,000 square feet	7,200 square feet per unit	75 feet	25 feet	8 feet	30 feet	2 1/2 stories 35 feet
R-3 residential district (multi-family)	10,000 square feet	3,000 square feet per unit	100 feet	25 feet	10 feet	30 feet	2 1/2 stories 35 feet
B-1 business district (restricted)			50 feet	25 feet		30 feet	2 stories 25 feet

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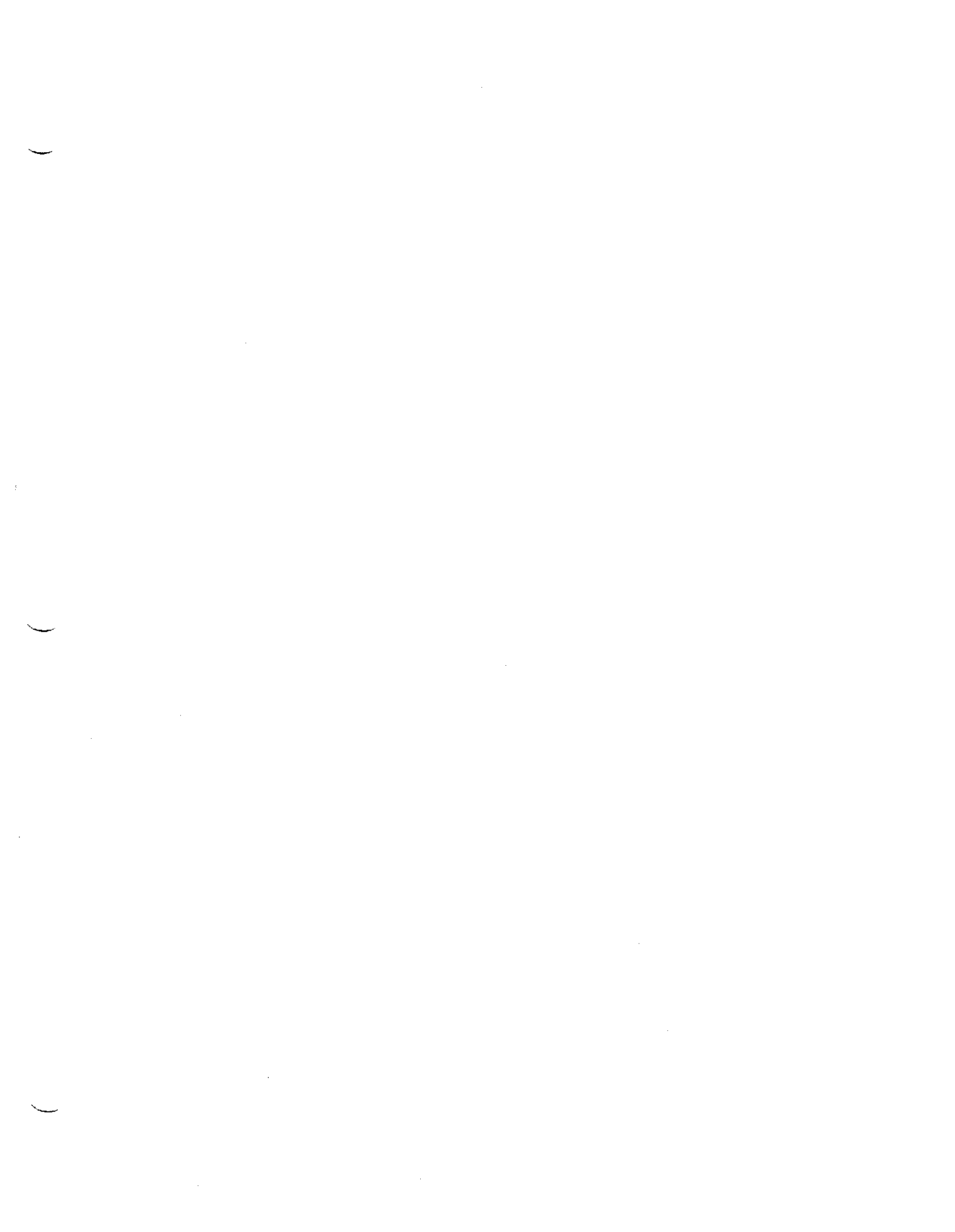
10-6-3

District	Minimum Lot Area	Minimum Area Per Residential Unit	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard	Minimum Rear Yard	Maximum Height In Stories And Feet
B-2 business district (nonrestricted)			50 feet	70 feet	15 feet		3 stories 50 feet

(Ord. 244, 6-10-2003)

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CHAPTER 7

OFF STREET PARKING AND LOADING SPACES

SECTION:

- 10-7-1: Off Street Parking Spaces
- 10-7-2: Off Street Loading Spaces
- 10-7-3: Urban Section Street Standards

10-7-1: **OFF STREET PARKING SPACES:** In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, off street parking for all vehicles in accordance with the following:

- A. Parking areas, whether open or enclosed, shall in residential districts be on the premises intended to be served.
- B. Adequate access to a public street shall be provided for each parking space and driveways shall be a minimum of eleven feet (11') wide.
- C. Size of each parking space shall be a minimum of one hundred seventy six (176) square feet.
- D. Curbs or barriers shall be installed where necessary to prevent parked vehicles from extending over any lot lines.
- E. Existing buildings not complying with parking requirements may be remodeled, repaired, and structurally altered, but any increase in floor area, number of employees, dwelling units, or seating capacity shall provide the number of spaces required by the change.
- F. All spaces shall be graded, drained, and paved with a surface equal to the following minimum standards:
 - 1. Areas for carrying passenger cars only shall have three inches (3") of bituminous concrete on a six inch (6") base of IDOT CA6 crushed stone; or concrete five inches (5") thick.

2. Areas for carrying loaded trucks shall have four inches (4") of bituminous concrete on an eight inch (8") base of IDOT CA6 crushed stone; or concrete six inches (6") thick.

3. Areas for storage only of vehicles shall have an IDOT A2 asphalt surface on a six inch (6") base of IDOT CA6 crushed stone.

- G. In the R districts no off street parking shall be permitted in the front yard. In the B-1 and B-2 districts, twenty percent (20%) of the required front yard shall be reserved and devoted to permanent landscaping and no off street parking spaces or off street loading spaces shall be permitted within this landscaping area.
- H. Recreational vehicles and trucks shall not be parked or stored on any lot occupied by a dwelling or any lot in any residential district except in accordance with the following provisions:
1. Recreational Vehicles: No more than two (2) of the following types of vehicles shall be permitted for each family living on a lot: campers, recreational vehicles, housecars, recreational trailers, travel hauling trailers, boats on or off trailers, and private coaches. Such vehicles shall further conform to the following regulations:
 - a. They shall conform to all length, height and width restrictions imposed by the statute of the state of Illinois, as they may hereafter be amended.
 - b. No part of their length or width shall extend past the front yard building setback line.
 - c. They shall not be occupied for a period longer than fifteen (15) days per year while they are so parked or stored.
 - d. They shall not be in such a state of disrepair as to constitute a danger to the public health or safety, nor shall they violate any of the terms of any ordinance relating to abandoned vehicles.
 - e. They shall not be parked or stored within the minimum side and/or rear yard applicable to the zoning district in which they are situated for a period longer than ten (10) consecutive days, nor for a total period longer than fifty (50) days per year, except as authorized by a variance granted by the zoning board of appeals.
 - f. They shall not be parked or stored so as to block or be on the public right of way unless the Annawan police department grants its

consent. The police department shall have discretion as to the length of time and the location of such parking or storage on the public right of way.

2. Trucks: No truck exceeding one and one-half (1^{1/2}) ton capacity shall be parked or stored in any residence district.

- I. Where fractional spaces result, the parking spaces required shall be constructed to be the next whole number.
- J. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- K. The parking requirements for a use not specifically mentioned herein shall be the same as required for a use of a similar nature.
- L. The number of parking spaces required is shown in the following table:

<u>Use</u>	<u>Parking Spaces Required</u>
Barbershop	2 spaces for each chair plus 1 space for each 2 employees on duty at the same time.
Beauty shop	1 space for each dryer plus 1 space for each 2 employees on duty at the same time.
Bed and breakfast	1 space per guestroom and parking space must be at least 5 feet from property line, plus parking space as required for either residential districts or business districts, whichever is applicable.
Boarding house	1 space per guestroom and parking space must be at least 5 feet from property line, plus parking space as required for either residential districts or business districts, whichever is applicable.
Bowling alley	6 spaces for each alley.

<u>Use</u>	<u>Parking Spaces Required</u>
Commercial, except those uses otherwise listed	1 space for each 100 square feet of floor area plus 1 space for each 2 employees on duty at the same time.
Dwelling	2 spaces for each dwelling unit.
Funeral home	6 spaces per chapel room or parlor or 1 space for every 50 square feet of floor area used for services, whichever is less.
Furniture or appliance store	1 space for each 500 square feet of floor area, plus 1 space for each 2 employees at work at the same time.
Home occupation	1 space in addition to that required for the family residence.
Hotel and motel	1 space for each sleeping unit, plus 1 space for each 2 employees on duty at the same time.
Laundry and/or dry cleaning establishment	1 space for each 3 washers and/or cleaning machines, plus 1 space for each 2 employees at work at the same time.
Lodging and rooming house	1 space per guestroom and parking space must be at least 5 feet from property line, plus parking space as required for either residential districts or business districts, whichever is applicable.
Manufacturing and industrial	1 space for each 400 square feet of floor space of the main building or 1 space for each 2 employees on the maximum work shift, whichever is greater.
Medical or dental clinic	3 spaces for each doctor plus 1 space for each 2 employees.

<u>Use</u>	<u>Parking Spaces Required</u>
Public and semipublic building and institution, except those uses listed below:	1 space for each 500 square feet of floor area.
Hospital	1 space for each 2 employees on the maximum work shift, plus 1 space for each medical staff member, plus 1 space for each hospital bed, plus 3 spaces for each emergency treatment room and/or clinic examining room.
Nursing home for extended care	1 space for each 3 beds plus 1 space for each 2 employees on the maximum shift.
Public assembly with fixed seating, including auditoriums, churches, theaters, and stadiums	1 space for each 50 square feet in the main fixed auditorium or stadium.
Public assembly without fixed seating, including meeting halls, clubs, lodges, and organizations	1 space for each 50 square feet of floor area in the main assembly area.
School and college	1 space for each classroom, plus 1 space for each 4 students over 16 years of age.
Restaurant	1 space for each 4 seats plus 1 for each 2 employees on duty at the same time.
Tavern or bar	1 space for each 2 seats, plus 1 for each 2 employees on duty at the same time.
Wholesale	1 space for each 4 employees on the maximum work shift.

(Ord. 244, 6-10-2003)

10-7-2: **OFF STREET LOADING SPACES:** Off street loading spaces shall be provided as follows:

- A. Spaces shall be located and designated as to accommodate trucks without blocking streets, sidewalks, or other trafficways.
- B. No building requiring off street loading shall be increased in floor area unless off street loading space is provided to service the increase in floor area.
- C. Each space shall be a minimum of fourteen feet (14') wide, forty feet (40') in length, and fourteen feet (14') in height, exclusive of access and turning areas.
- D. The number of spaces required are as follows:

<u>Use</u>	<u>Loading Spaces Required</u>
Office building, hotels, and public buildings receiving deliveries by truck	1 space for each 50,000 square feet of floor area up to 200,000 square feet, plus 1 space for each 75,000 square feet above 200,000 square feet.
Retail, service, wholesale, manufacturing, or industrial use	1 space for the first 20,000 square feet of floor area, plus 1 space for each additional 20,000 square feet up to 100,000 square feet, plus 1 space for each 75,000 square feet above 100,000 square feet.

(Ord. 244, 6-10-2003)

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10-7-3: URBAN SECTION STREET STANDARDS:

<u>Street Type</u>	<u>ROW To Be Indicated (In Feet)</u>	<u>ADT</u>	<u>Pavement Width - C+G - Sidewalks</u>
Primary (arterial streets):			
4-lane divided with shoulders	120	10,000 plus	48 feet, 4-12 foot lanes, 20 foot median, 8 foot shoulder
4-lane not divided	100	10,000 plus	67 feet, B-B, 4-12 lanes, 14 foot bidirectional
2-lane	80	6,000 plus	33 feet, B-B, 2-14 foot lanes
Secondary (collector) streets:			
Industrial	66	3,500	2-8 foot parking lanes, 4 foot sidewalk 31 feet, B-B, no parking, 5 foot sidewalk
Minor streets:			
1,000 feet or more in length for single-family development and in all multi-family, commercial, and industrial development	66	1,000	39 feet, B-B, 11 foot lanes, 2-8 foot parking, 1-8 foot parking lanes, 4 foot sidewalk
Less than 1,000 feet in length in single-family development and in all multi-family development, cul-de-sac streets and frontage streets	60	400	31 feet, B-B, 2-11 foot lanes, 1-8 foot parking lanes, 4 foot sidewalk
Alleys	25	100	20 feet

Note: Parkways shall be a minimum of 9 feet exclusive of a 4 or 5 foot sidewalk as indicated.

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<u>Street Type</u>	<u>Minimum To Maximum Gradient</u>	<u>Minimum Structural Design Number</u>	<u>Minimum Horizontal Curve</u>	<u>Minimum Vertical Curve</u>	<u>Minimum Soil Support (IBR)</u>
Primary	0.50 percent to 5.0 percent	4.0	500 feet	300 feet	3.0
Secondary (collector)	0.50 percent to 5.0 percent	2.9	300 feet	200 feet	3.0
Industrial	0.50 percent to 5.0 percent	3.2	300 feet	200 feet	3.0
Minor					
1,000 feet or more	0.40 percent to 7.0 percent	2.5	200 feet	100 feet	3.0
Less than 1,000	0.40 percent to 7.0 percent	2.5	200 feet	100 feet	2.2
Cul-de-sac	0.40 percent to 7.0 percent	2.5	200 feet	100 feet	2.2
Access roads	0.40 percent to 7.0 percent	2.5	200 feet	100 feet	3.0
Alleys	0.40 percent to 7.0 percent	2.5	200 feet	100 feet	2.0

(Ord. 244, 6-10-2003)

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CHAPTER 8

SIGNS**SECTION:**

- 10-8-1: General Provisions
- 10-8-2: Residence Districts
- 10-8-3: Nonresidential Districts
- 10-8-4: A Agricultural District
- 10-8-5: B Districts
- 10-8-6: Additional Sign Regulations

10-8-1: GENERAL PROVISIONS:

- A. No sign shall be erected or maintained at any location where by reasons of its position, wording, illumination, size, shape, or color it may impair, obstruct, obscure, or be confused with any authorized traffic control sign, signal, or device, or obstruct traffic visibility.
- B. No off site sign or billboard having flashing, intermittent, or animated illumination shall be permitted within three hundred feet (300') of property in any residence district unless such sign is not visible from such property.
- C. No off site sign or billboard shall be erected or placed within one hundred feet (100') of any residence district.
- D. Advertising signs of no more than four (4) square feet in area shall be permitted in any district provided they comply with subsections A and B of this section. These signs shall be removed within five (5) days following the event to which they pertain. (Ord. 244, 6-10-2003)

- 10-8-2: **RESIDENCE DISTRICTS:** In any residence district the following regulations shall apply:

- A. Nonilluminated identification sign not exceeding one square foot in area shall be permitted for each dwelling unit. Such sign shall indicate nothing other than name and/or address of the occupants.
- B. One temporary, nonilluminated, on site sign not to exceed six (6) square feet in area for the sale of real estate, which sign shall be removed within ten (10) days after sale of the real estate.
- C. Announcement of church, school, or other public buildings or uses, where permitted bulletin boards or identification signs shall be permitted, not exceeding twelve (12) square feet in area.
- D. Signs corresponding to that normal use permitted in the zoning district for uses given conditional uses.
- E. All other signs are prohibited in residence districts. (Ord. 244, 6-10-2003)

10-8-3: **NONRESIDENTIAL DISTRICTS:** The following signs are allowed in nonresidential districts:

- A. Temporary signs not exceeding twelve (12) square feet in area advertising the sale or lease of real property when located on the property to which the sign refers and when not located closer than ten feet (10') to a lot line, which sign shall be removed within ten (10) days of the sale or lease of the property.
- B. Temporary ground signs advertising future use of development or property of which such signs are located may be maintained subject to provisions of this section, provided such signs do not exceed two hundred fifty (250) square feet in area or remain longer than six (6) months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed forty eight (48) square feet in area or remain more than ninety (90) days after the building is completed and when located not closer than ten feet (10') to a lot line.
- C. Church or public building bulletin boards not exceeding twelve (12) square feet in area. (Ord. 244, 6-10-2003)

10-8-4: **A AGRICULTURAL DISTRICT:** The following signs are permitted in the agriculture district:

- A. Ground signs pertaining to activities conducted on the premises.
- B. Ground or post signs, not exceeding one hundred (100) square feet in area, advertising activities conducted within twelve (12) miles of the sign or providing information of direct interest to the traveling public, including points of interest, recreation, and scenic areas, places for camping, lodging, eating, sale of farm supplies, and vehicular service and repair. (Ord. 244, 6-10-2003)

10-8-5: **B DISTRICTS:** In the B districts there may be any sign allowed in subsection 10-8-4B of this chapter, and roof signs, wall signs, projecting signs, and awning signs when displaying no advertising matter, except pertaining to the business conducted in the building or on the premises on which such sign is placed. The total square foot area of roof signs, wall signs, projecting signs, marquee signs, and awning signs shall not exceed one-fifth ($\frac{1}{5}$) of the total square foot area of the face of the building on which they are placed. There shall not be more than one ground sign for each one hundred feet (100') of street frontage. No ground sign shall extend closer than ten feet (10') to a lot line. In addition to the foregoing provisions, portable signs are permitted by permit only. Only one such permit shall be issued per business site during the calendar year and such permit shall be valid for a period not to exceed thirty (30) days. Permits for portable signs shall be issued by the village clerk. (Ord. 244, 6-10-2003)

10-8-6: **ADDITIONAL SIGN REGULATIONS:** The following additional sign regulations shall be observed:

- A. **Ground Signs:** No ground sign shall be, at any point, over twenty five feet (25') above ground level and shall have any open space of at least three feet (3') between the lower edge of such sign and the ground level, fifty percent (50%) of which may be filled in with a platform and decorative latticework of light construction. Every ground sign shall be stoutly constructed in a secure and substantial manner. The ends of all such ground signs shall be at least six feet (6') distant from any wall or fence or any obstruction that would prevent a clear passage around the end and shall be at least ten feet (10') distant from any lot line. Notwithstanding any other provision herein, hotels or motels located in a B-2 zoning district and having property frontage along a state or federal highway may have a ground sign not to exceed fifty feet (50') in height above ground level.

- B. **Wall Signs:** No wall sign shall extend beyond the building more than twelve inches (12"). No wall sign shall be erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.
- C. **Projecting Signs:** Projecting signs may extend not more than four feet six inches (4'6") from the building into the front yard.
- D. **Marquee Signs:** Marquees may extend eight feet (8') into a front yard. Marquees shall be not less than eleven feet (11') above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three feet (3') above or one foot (1') below such marquee, but shall be at least eight feet (8') above grade.
- E. **Portable Signs:** In addition to the portable signs allowed by permit pursuant to section 10-8-5 of this chapter, there may be such portable signs on parking lots as permitted by the building inspector as being necessary to satisfactory operation of the lot and except that each filling station may have one portable sign not exceeding twelve (12) square feet of total sign area restricted solely to stating the price of gasoline.
- F. **Paper Posters And Certain Signs Or Devices Prohibited:** Paper posters applied directly to the wall or building or pole or other support and letters or pictures in the form of advertising printed or applied directly on the wall of a building are prohibited. Temporary signs may be displayed in or attached to the inside of the show or display windows provided the total sign area does not exceed twenty percent (20%) of the show or display window area. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting clocks.
- G. **Signs Required By Statute:** Traffic or county signs, railroad crossing signs, danger, safety, temporary, emergency, nonadvertising, community service, or decorative signs as may be required by statute, and authorized by the building inspector. (Ord. 244, 6-10-2003)

CHAPTER 9

WIRELESS COMMUNICATION FACILITIES

SECTION:

- 10-9- 1: Purpose
- 10-9- 2: Certain Uses Not Covered By This Chapter
- 10-9- 3: Interpretation And Definitions
- 10-9- 4: Districts Established And General Requirements
- 10-9- 5: Allowable Uses/Development Criteria
- 10-9- 6: Review Process
- 10-9- 7: Approval Process
- 10-9- 8: Shared Facilities And Collection Policy
- 10-9- 9: Removal Of Abandoned Wireless Communication Facilities
- 10-9-10: Nonconforming Wireless Communication Facilities
- 10-9-11: Revocation Of Tower Use Permits
- 10-9-12: Penalty
- 10-9-13: Annual Review
- 10-9-14: Jurisdiction

10-9-1: **PURPOSE:** The village of Annawan recognizes that the village of Annawan desires to encourage the orderly development of wireless communication technologies for the benefit of the village of Annawan and its citizens. The village of Annawan also recognizes the character of the communities of the village.

As a matter of public policy the village of Annawan aims to encourage the delivery of new wireless technologies throughout the village while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity, and general welfare of persons living in Annawan, Illinois.

Specifically, this wireless communication facility telecommunications overlay districts chapter is designed to achieve the following:

- A. Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed within the village of Annawan, Illinois;
- B. Encourage collocation and site sharing of new and existing wireless communication facilities;
- C. Provide a range of locations for wireless communication facilities in various zoning districts;
- D. Control the type of tower facility constructed, when towers are permitted;
- E. Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;
- F. Protect residential, and scenic corridors from the uncontrolled development of wireless communication facilities by requiring reasonable siting conditions;
- G. Promote the use of suitable sites (public and private) for the location of wireless antennas, towers, and/or wireless communication facilities;
- H. Ensure the harmonious, orderly and efficient growth and development of the village of Annawan;
- I. Stabilize the economy of the village of Annawan through the continued use of the village's suitable public resources;
- J. Provide overlay districts in which the zoning regulations permit the development of wireless communication facilities which are consistent with the requirements of the telecommunications act of 1996 and in the best interest of the future of the village of Annawan, Illinois;
- K. Provide clear performance standards addressing the siting of wireless communication facilities; and
- L. Streamline and expedite the permitting procedures to effect compliance with the federal telecommunications act of 1996. (Ord. 244, 6-10-2003)

10-9-2: CERTAIN USES NOT COVERED BY THIS CHAPTER:

Nothing in this chapter shall reduce any of the permitted uses of any zoned property within the village of Annawan. Nothing in this chapter shall affect the right of a property owner to use or develop their property consistent with existing zoning regulations. Nothing in this chapter shall affect the right of a property owner to continue any legal nonconforming use. (Ord. 244, 6-10-2003)

10-9-3: INTERPRETATION AND DEFINITIONS: To the extent this chapter conflicts with any other ordinance of the village of Annawan, this chapter shall control.

For the purposes of this chapter, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended" or arranged to be used or occupied; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

For the purpose of this chapter, certain words, phrases, and terms used herein shall be interpreted as stated in this section. The zoning administrator shall define any word, phrase, or term not defined herein. The interpretation shall be based upon its common and ordinary usage in the region.

For the purposes of this chapter, all definitions defined herein are in addition to all definitions defined in this title.

ANTENNA ARRAY: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.

ATTACHED WIRELESS COMMUNICATION FACILITY: An antenna array that is attached to an existing building or structure (attachment structure), which structures shall include, but not be limited to, utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (attachment device) which attaches the antenna

array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside the attachment structure.

**COLLOCATION/
SITE SHARING:**

Use of a common wireless communication facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of a wireless communication facility on a structure owned or operated by a utility or other public entity.

EQUIPMENT FACILITY:

Any structure used to contain ancillary equipment for a wireless communication facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

FAA:

Federal aviation administration.

FCC:

Federal communications commission.

FTA:

Federal telecommunications act of 1996.

HEIGHT:

When referring to a wireless communication facility, height shall mean that distance measured from ground level to the highest point on the wireless communication facility, excluding the antenna array.

SETBACK:

The required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet where applicable, or, in the case of guywire supports, the guy anchors.

**SUPPORT
STRUCTURE:**

A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guywire support tower and other similar structures. Any device (attachment device)

which is used to attach an attached wireless communication facility to an existing building or structure (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

**TEMPORARY
WIRELESS
COMMUNICATION
FACILITY:**

A wireless communication facility to be placed in use for ninety (90) or fewer days.

**TOWER USE PERMIT
(TUP):**

A permit issued by the village of Annawan specifically for the location, construction and use of a wireless communication facility subject to an approved site plan and any special conditions determined by the zoning administrator to be appropriate under the provision of this chapter.

**WIRELESS
COMMUNICATION
FACILITY:**

Any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

**WIRELESS
COMMUNICATIONS:**

Any personal wireless services as defined in the telecommunications act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist. (Ord. 244, 6-10-2003)

10-9-4: DISTRICTS ESTABLISHED AND GENERAL REQUIREMENTS: The village of Annawan shall be divided into two (2) wireless communication facility overlay districts. Said districts shall include all lands situated within the village of Annawan.

Wireless communication facility overlay district 1 shall include only those areas designated by the village and any areas subsequently added thereto

less any areas subsequently deleted therefrom. Attached wireless communication facilities with support structure shall be permitted as provided herein in the wireless communication facility overlay district 1.

Wireless communication facility overlay district 2 shall consist of all lands not included in the wireless communication facility overlay district 1 which are located within the village of Annawan. Attached wireless communication facilities shall be permitted as set out herein in the wireless communication facility overlay district 2. Wireless communication facilities with support structure shall not be permitted under this chapter in the wireless communication facility overlay district 2.

- A. **Permit Required:** No person, firm, or corporation shall install or construct any wireless communication facility unless and until a tower use permit (TUP) has been issued pursuant to the requirements of this chapter.
- B. **Preexisting Wireless Communication Facility:** Wireless communication facilities for which a permit has been issued prior to the effective date hereof shall be considered a nonconforming use and shall not be required to meet the requirements of this chapter.
- C. **Amateur Radio Exclusion:** This chapter shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. Such installations shall comply with any other applicable provisions of the zoning code.
- D. **Relationship To Other Ordinances:** This chapter shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of wireless communication facilities.
- E. **Airport Zoning:** Any wireless communication facility located or proposed to be located in airport areas governed by the federal aviation administration shall also comply with the provisions of all applicable local, state and federal airport regulations.
- F. **Building Codes:** Construction of all wireless communication facilities shall comply with the requirements of the Annawan, Illinois building codes and permitting process in addition to the requirements of this chapter. (Ord. 244, 6-10-2003)

10-9-5: ALLOWABLE USES/DEVELOPMENT CRITERIA: Allowable uses, subject to the limitations within each overlay district, will include the underlying zoning district plus wireless communication facilities in compliance with the following development criteria:

A. Height Standards: The following height standards shall apply to all wireless communication facility installations:

1. Attached Wireless Communication Facilities: Attached wireless communication facilities shall not add more than twenty feet (20') to the height of the existing building structure to which it is attached (attachment structure). However, antenna attachments to existing communication towers shall not increase the height of the tower above the maximum permitted height of that tower.

2. Wireless Communication Facilities With Support Structures: Wireless communication facilities with support structures shall have a maximum height as set out in appendix A, on file with the village clerk, in wireless communication facility overlay district 1.

B. Setback Standards: The following setback standards shall apply to all wireless communication facility installations:

1. Attached Wireless Communication Facilities: Attached wireless communication facilities shall meet the setback provisions of the zoning district in which they are located. However, an attached wireless communication facility antenna array may extend up to thirty inches (30") horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.

2. Wireless Communication Facilities With Monopole Support Structures: Wireless communication facilities with monopole support structure shall meet the setback requirements for principal structures of the underlying zoning districts in which they are located.

C. Landscaping: The following landscaping requirements shall apply to all wireless communication facility installations:

1. New Construction: New wireless communication facilities with support structures and attached wireless communication facilities with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance that may now or hereafter be adopted.

2. **Land Form Preservation:** Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed.
 3. **Existing Vegetation:** Existing vegetation on a wireless communication facility site may be used in lieu of required landscaping where approved by the zoning administrator.
- D. **Aesthetics, Placement, Materials, And Colors:** Wireless communication facilities shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the wireless communication facility, the use of compatible or neutral colors, or camouflage technology.
- E. **Lighting And Signage:** The following lighting and signage requirements shall apply to all wireless communication facility installations:
1. **Artificial Illumination:** Wireless communication facilities shall not be artificially illuminated, directly or indirectly, except for:
 - a. Security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and
 - b. Such illumination of the wireless communication facility as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences; and
 - c. Unless otherwise required by the FAA or other applicable authority, the required light shall be red and shielded upward.
 2. **Signage:** Wireless communication facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state, or federal regulations governing wireless communication facilities.
- F. **Fencing:** Wireless communication facilities with support structures shall be enclosed by an opaque fence (excluding slatted chainlink) not less than six feet (6') in height. Security features may be incorporated into the buffer and landscaping requirements for the

site. Nothing herein shall prevent fencing that is necessary to meet requirements of state or federal agencies.

- G. **Radio Frequency Emissions/Sound:** The following radio frequency emissions standards shall apply to all wireless communication facility installations:
1. **Radio Frequency Impact:** The FTA gives the FCC jurisdiction of the regulation of radio frequency (RF) emissions, and wireless communication facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.
 2. **FCC Compliance:** In order to provide information to its citizens, copies of ongoing FCC information concerning wireless communication facilities and RF emissions standards may be requested. Applicants for wireless communication facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.
 3. **Sound Prohibited:** No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.
- H. **Structural Integrity:** Wireless communication facilities with support structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 revision F standard entitled "Structural Standards For Steel Antenna Towers And Antenna Support Structures" (or equivalent), as it may be updated and amended. Each support structure shall be capable of supporting multiple antenna arrays.
- I. **Collocation Agreement:** All applicants for wireless communication facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other wireless communication facility uses. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The collocation agreement shall be considered a condition of issuance of a TUP (tower use permit). A TUP shall not be issued unless the applicant complies with the collocation policy outlined in section 10-9-8 of this chapter. (Ord. 244, 6-10-2003)

10-9-6: REVIEW PROCESS:

- A. **Development Criteria:** The applicable development criteria referred to herein are those set forth in section 10-9-5 of this chapter.
- B. **Permitting Procedures:** Attached wireless communication facilities with or without new building construction that meet the development criteria may be permitted by administrative review in all zoning districts except as hereinafter specified. All monopole type (or other tower types, if any, specified in appendix A, on file with the village clerk) wireless communication facilities with support structures that meet the development criteria and that are located on properties in wireless communication facility overlay district 1 (listed in appendix A, on file with the village clerk), may be permitted by administrative review except hereinafter specified. All others, regardless of type or location shall be subject to the community development board hearing process and may not be approved by the administrative review process. Any wireless communication facility (attached or with a support structure), regardless of type to be located within an established historic area, historic district, or other designated overlay district will be subject to review by the appropriate district commission and the community development board. Review by a district commission shall be in accordance with that district's ordinance's administrative procedures for a certificate of appropriateness. All wireless communication facility applications that do not conform to the development criteria or are otherwise not eligible for administrative review shall be subject to community development board review process.
- C. **Wireless Communication Facilities As A Part Of Coordinated Development Approval:** Wireless communication facilities as part of a proposed residential or nonresidential subdivision, planned unit development, site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through those processes.
- D. **Wireless Communication Facilities For Temporary Term:** Temporary wireless communication facilities may be permitted by administrative approval for a term not to exceed ninety (90) days. Once granted, a temporary wireless communication facility permit may be extended for an additional ninety (90) days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the administrative review shall be expedited to the extent feasible. (Ord. 244, 6-10-2003)

10-9-7: APPROVAL PROCESS:

A. **Application Submission:** All applicants for a tower use permit, regardless of wireless communication facility type, shall submit an application in accordance with the requirements of this subsection.

1. **Application Contents:** Each applicant requesting a TUP under this chapter shall submit a sealed complete set of drawings prepared by a licensed architect and engineer that will include a site plan, elevation view, and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communication facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communication facility shall include a radio frequency intermodulation study with their application.

2. **Submission Requirements:** Application for a TUP shall be submitted to the zoning administrator on forms prescribed by the village of Annawan. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. If community development board review is required; the application and site plan shall be placed on the next available board agenda in accordance with the agenda deadlines established by the board.

3. **Application Fees:** A plan review fee of five hundred dollars (\$500.00) and a radio frequency intermodulation study review fee of five hundred dollars (\$500.00) (collocation applicants only) shall accompany each application. These fees may be used by the village of Annawan to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and radio frequency intermodulation study (if required).

4. **Technical Assistance:** In the course of its consideration of an application, the village of Annawan, the zoning administrator, the community development board or the village board may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the village of Annawan in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the village of Annawan not to exceed one thousand five hundred dollars (\$1,500.00) for the technical

review and recommendation shall be reimbursed by the applicant prior to the final hearing on the TUP.

B. Administrative Review: The following administrative review process shall apply to all wireless communication facility applications eligible for administrative review:

1. **Review Authority:** Review of wireless communication facility under this subsection B shall be conducted by the zoning administrator or his designee and the village's consultant upon filing a wireless communication facility application.

2. **Review Criteria:** Each application shall be reviewed for compliance with the development criteria specified in section 10-9-5 of this chapter.

3. **Timing Of Decision:** The zoning administrator shall render a decision on the wireless communication facility application by written response to the applicant within thirty (30) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant. Any application that is not reviewed within thirty (30) business days shall be submitted to the planning and review board.

4. **Deferral:** The zoning administrator may defer administrative approval of wireless communication facilities for any reason. Deferral of administrative approval shall require submission to the planning and review board.

5. **Application Denial:** If administrative approval is not obtained or is denied due to noncompliance with the development criteria, the applicant may appeal the denial by applying for planning and review board review.

6. **Application Approval:** If the TUP application is in compliance with the development criteria and otherwise meets the requirements of this section, the zoning administrator shall issue a tower use permit.

C. Community Development Board Review: The following shall apply to all tower use permit applications requiring submission to the community development board:

1. **Review Authority:** The planning and review board shall be the review authority for TUP applications not eligible for administrative review or otherwise referred to the commission.

2. Notice: Notice of the application and the public hearing by the planning and review board shall be accomplished in the same manner as set forth by 65 Illinois Compiled Statutes 5/11-13-1.1.

3. Hearing: The planning and review board shall review and consider the TUP application at a public hearing. At the hearing, interested persons may appear and offer information in support of or opposition to the proposed application. The planning and review board shall consider the following in reaching a decision:

a. Development Criteria: The tower use permit application shall be reviewed for compliance with the development criteria set forth in section 10-9-5 of this chapter; provided that the applicable development criteria may be amended or waived so long as the approval of the wireless communication facility meets the goals and purposes of this chapter. The planning and review board may recommend alternative development criteria by specific inclusion in a motion for approval.

b. Tower Siting Conditions: The planning and review board may impose conditions and restrictions on the application or on the premises benefited by the TUP as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communication facility with the surrounding property, in accordance with the purposes and intent of this chapter. The violation of any condition shall be grounds for revocation of the TUP. The planning and review board may recommend such conditions in addition to the development criteria upon the following findings:

(1) The wireless communication facility would result in significant adverse visual impact on nearby residences.

(2) The conditions are based upon the purpose and goals of this chapter.

(3) The conditions are reasonable and capable of being accomplished.

c. Action: Following the public hearing and presentation of evidence, the planning and review board shall take one of the following actions:

(1) Recommend the application as submitted;

(2) Recommend the application with conditions or modifications;

(3) Defer the application for additional information or neighbor input; or

(4) Deny the application in writing.

4. Findings: All decisions rendered by the planning and review board concerning a tower use permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record.

5. Timing Of Decision: The planning and review board shall render its decision within sixty (60) days or less of the final submission of all required application documents and technical review, however, this time may be increased due to deferrals by either the applicant or the planning and review board.

6. Appeals: The decision of the planning and review board may be appealed to a hearing panel appointed by the village board consisting of three (3) members of the village board, none of whom is a member of the planning and review board. This hearing panel shall conduct the hearing in conformance with the Illinois administrative review law¹, under the following circumstances:

a. An appeal shall be filed no later than thirty (30) days after the final action by the zoning administrator or the planning and review board. Only the applicant and those who registered an objection to the TUP in the record of the planning and review board shall have standing to appeal.

b. Only such evidence or testimony in support of or in opposition to the issuance of the TUP which was provided to the planning and review board may be presented to the hearing panel appointed by the village board unless the hearing panel, by majority votes, decides to hear new information.

c. Notice of appeal shall be accomplished by the appellant in the same manner as set forth by 65 Illinois Compiled Statutes 5/11-13-1.1.

1. 735 ILCS 5/3-101 et seq.

d. Any further appeals shall conform to the requirements of the Illinois administrative review law. (Ord. 244, 6-10-2003)

10-9-8: SHARED FACILITIES AND COLLOCATION POLICY:

- A. Collocation: All new wireless communication facilities shall be engineered, designed, and constructed to be capable of sharing the facility with other providers, to collocate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities. A TUP shall not be issued until the applicant proposing a new wireless communication facility shall demonstrate that it has made a reasonable good faith attempt to locate its wireless communication facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.

All wireless communication facilities with support structure up to a height of one hundred fifty feet (150') shall be engineered and constructed to accommodate at least three (3) antenna array. All wireless communication facilities with support structures up to a height of more than one hundred fifty feet (150') shall be engineered and constructed to accommodate at least four (4) antenna array. (Ord. 244, 6-10-2003)

10-9-9: REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES: Any wireless communication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the village of Annawan, at its election, may require the wireless communication facility owner to remove the wireless communication facility within ninety (90) days after notice from the village of Annawan to remove the wireless communication facility. If the abandoned wireless communication facility is not removed within ninety (90) days, the village of Annawan may remove it and recover its costs from the wireless communication facility owner. If there are two (2) or more users of a single wireless communication facility, this provision shall not become effective until all providers cease to use the wireless communication facility. If the owner of an abandoned wireless communication facility cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the wireless communication facility is located. (Ord. 244, 6-10-2003)

10-9-10: NONCONFORMING WIRELESS COMMUNICATION FACILITIES: Wireless communication facilities in existence on the adoption date hereof which do not comply with the requirements of this chapter (nonconforming wireless communication facility) are subject to the following provisions:

- A. **Expansion:** Nonconforming wireless communication facilities may continue to be in use for the purpose now used, but may not be expanded without complying with this chapter except as further provided in this section.
- B. **Additions:** Nonconforming wireless communication facilities may add additional antennas (belonging to the same provider or other providers) subject to administrative review under this chapter.
- C. **Repairs Or Reconstruction:** Nonconforming wireless communication facilities which become damaged due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to the provisions of this chapter; provided however, that if the damage to the wireless communication facility exceeds fifty percent (50%) of replacement cost, said wireless communication facility may only be reconstructed or repaired in compliance with this chapter.
- D. **Abandonment:** Any wireless communication facility not in use for six (6) months shall be deemed abandoned and all rights as a nonconforming use shall cease. (Ord. 244, 6-10-2003)

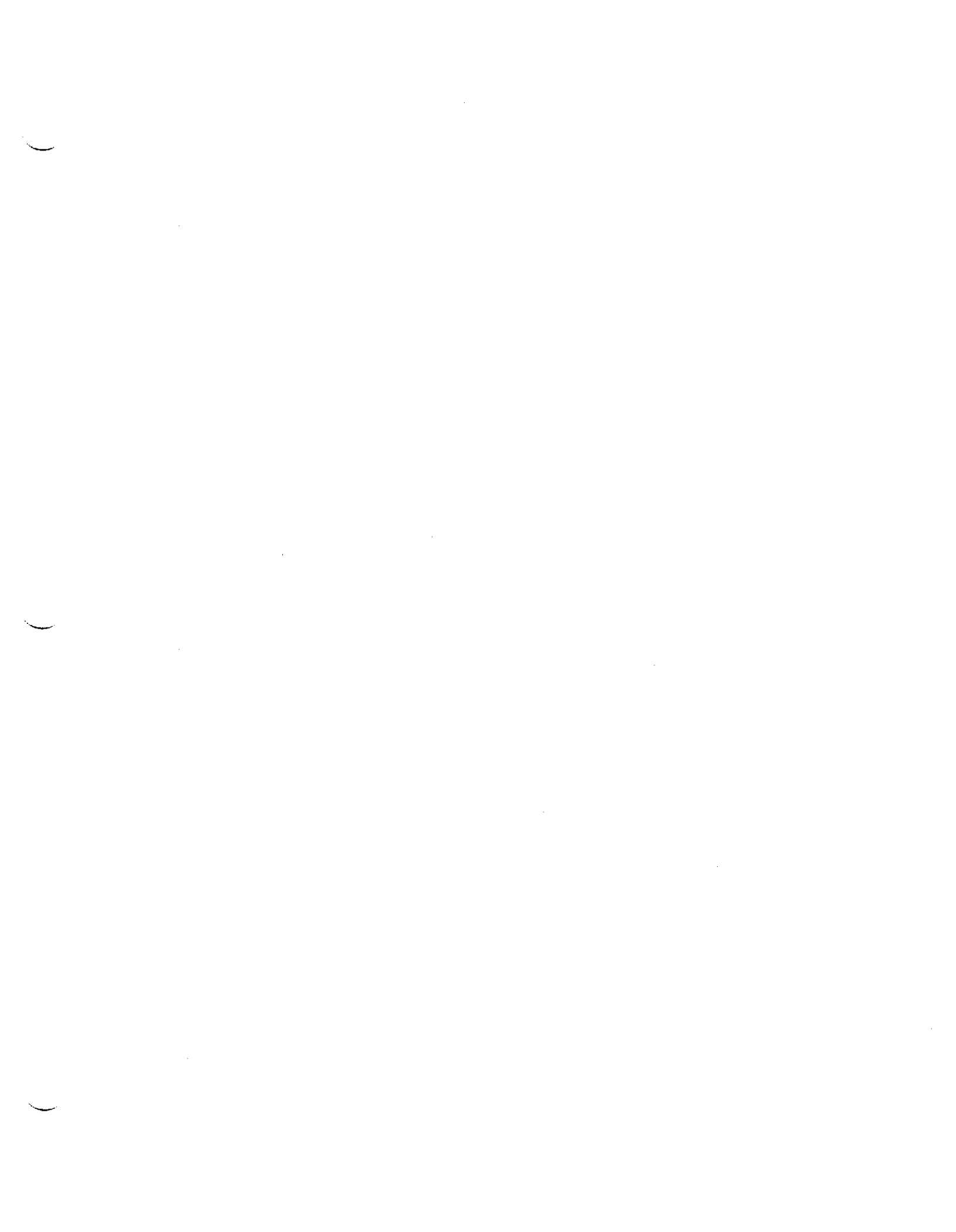
10-9-11: REVOCATION OF TOWER USE PERMITS: Any tower use permit issued pursuant to this chapter may be revoked after a hearing as provided hereinafter. If the zoning administrator finds that any permit holder has violated any provision of this chapter or has failed to make good faith reasonable efforts to provide or seek collocation, the zoning administrator shall notify the permit holder in writing that the TUP is revocable due to the permit holder's noncompliance with the conditions of the permit and the zoning administrator shall convene a meeting with the permit holder no later than thirty (30) days from the date of the letter. The zoning administrator may require the permit holder to correct the violation within a reasonable amount of time or the zoning administrator may recommend to the village of Annawan that the tower use permit be revoked. After the appropriate public hearing, the president and village board may revoke the tower use permit (TUP) upon such terms and conditions, if any, that the president and village board determine. Prior to initiation of

revocation proceedings, the zoning administrator shall notify the permit holder, in writing, of the specific areas of noncompliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed sixty (60) days. The permit holder shall provide the zoning administrator with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the president and village board shall convene a public hearing to consider revocation of the tower use permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the village of Annawan not less than ten (10) days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross examine opposing witnesses. Other interested persons may comment. The president and village board may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, those stenographic services, if desired, shall be provided by the requesting party at that party's expense. (Ord. 244, 6-10-2003)

10-9-12: **PENALTY:** The fine or penalty for violating any provisions of this chapter shall, upon conviction in the municipal court, not exceed one hundred dollars (\$100.00) for any one specific offense of violation. Further, that if a thing prohibited or rendered unlawful is, in nature, continuous in respect to time, the fine or penalty for allowing the continuous thereof in violation of this chapter shall not exceed one hundred dollars (\$100.00) for each day that it may be unlawfully continued. (Ord. 244, 6-10-2003)

10-9-13: **ANNUAL REVIEW:** The president and village board may review this chapter on an annual basis and shall alter or amend the same as required in the manner provided by law. (Ord. 244, 6-10-2003)

10-9-14: **JURISDICTION:** This agreement shall be interpreted and enforceable under the laws of the state of Illinois. (Ord. 244, 6-10-2003)



CHAPTER 10

NONCONFORMING USES (BUILDINGS AND LAND)

SECTION:

10-10-1: Nonconforming Uses Regulated

10-10-1: **NONCONFORMING USES REGULATED:**

- A. **Nonconforming Use Of Land:** In the R districts where open land is being used as a nonconforming use and such use or uses in the principal use or uses and not accessory to the main use conducted in a building, such use shall be discontinued not later than five (5) years from the passage date hereof. During the five (5) year period, such nonconforming use or uses shall not be extended or enlarged either on the same or adjoining property. Any building incident and subordinate to such use or uses of land, such as a shed, tool house, storage building is so constructed as to permit the issuance of a permit for a use not excluded from the district, such building may remain as a conforming use; thereafter, both land and building shall be used only as conforming uses. Such nonconforming uses of open land shall specifically include, but not be limited to, billboards, poster boards, automobile wrecking yards, scrap from and junk storage, trailer camps (unless they receive a conditional use permit), auction yards, contractor's yards, racetracks, stockyards, golf driving ranges, and miniature golf courses.
- B. **Nonconforming Use Of Buildings:** Except as otherwise provided herein, the lawful use of a building existing at the effective date hereof may be continued, although such use does not conform to the provisions hereof. If no structural alteration is made, a nonconforming use of a building may be changed to another restricted classification. Whenever a nonconforming use has been changed to a less restricted use, the nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this title.

- C. **Discontinuance Of Nonconforming Uses:** No building or portion thereof used in whole or in part for a nonconforming use in an R district which remains idle or unused for a continuous period of two (2) years, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the R district in which it is located.
- D. **Destruction Of A Nonconforming Use:** No building which has been damaged by any cause whatsoever shall be restored except in conformity with the regulations of this title. If a building is damaged it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.
- E. **Intermittent Use:** The casual intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use on a part of a lot or tract and shall not be construed to establish a nonconforming use on the entire lot or tract.
- F. **Existence Of Nonconforming Use:** Whether a conforming use exists shall be a question of fact and shall be decided by the zoning board of appeals after public notice and hearing and in accordance with the rules of the board.
- G. **Nonconforming Uses Not Validated:** A nonconforming use in violation of a provision of ordinance which this title repeals shall not be validated by the adoption of this title.

Nonconforming uses may be extended or expanded only after public hearing before the zoning board of appeals and where such expansion would result in a nonconforming use being sought closer to conformance. Such expansions or extensions would include the addition to a building to provide accessory storage, where said storage was unenclosed on the premises and off street parking either on the same lot or adjoining lots, where such off street parking would meet the parking requirements of this title for said nonconforming use if it were conforming and where such off street parking would eliminate, or reduce substantially, a serious traffic hazard in the streets abutting such nonconforming use. Expansion or extension of a nonconforming use shall not be granted if the only reason for such extension or expansion is for the sole purpose of perpetuating the nonconforming use. (Ord. 244, 6-10-2003)

CHAPTER 11

ZONING BOARD OF APPEALS

SECTION:

- 10-11-1: Board Created
- 10-11-2: Members; Term Of Office
- 10-11-3: Oath
- 10-11-4: Organization
- 10-11-5: Duties
- 10-11-6: Duties Of The Village Clerk's Office
- 10-11-7: Minutes And Records Kept
- 10-11-8: Compensation
- 10-11-9: Conflict Of Interest By Members

10-11-1: **BOARD CREATED:** There is hereby created and established and shall hereafter be maintained and recognized in and for the village of Annawan a zoning board of appeals, and said board shall be under the jurisdiction of the village board. (Ord. 244, 6-10-2003)

10-11-2: **MEMBERS; TERM OF OFFICE:** The board shall consist of seven (7) members as stated below:

- A. The seven (7) members of the board shall be citizens of the village who are not members of the village board. The seven (7) citizen members shall be appointed by the president and approved by the village board. Said members shall serve a term office of five (5) years each from the first village board meeting in April of the year they are appointed or until such time as their successors take office. The term for which each said member is appointed shall be designated in his appointment. At the April village board meeting of each year, the member shall be appointed for a five (5) year term to succeed the member whose term expired in said month.
- B. Members shall be eligible for reappointment and it is desirable that members rendering good service be reappointed in order that the

zoning board of appeals may have the benefit of their experience and that there may be a continuity policy. If any member should during the term of his office die, move from the village, or for any reason be unable to act, the vacancy so created shall be filled in the same manner as an original appointment and shall be for the remainder of the unexpired term. (Ord. 244, 6-10-2003)

10-11-3: **OATH:** All citizen members of the board do not have to take an oath. (Ord. 244, 6-10-2003)

10-11-4: **ORGANIZATION:** The board shall organize as soon as possible after the appointment and qualification of its members, by the election of one of its members as chairman, said chairman to be elected yearly by a majority of said board members.

All hearings conducted by said board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case, and the reasons for recommending approval or denial of the request shall be specified. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the board shall be filed within ten (10) days in the office of the village clerk and shall be public record. The board shall adopt its own rules and procedures not in conflict with the ordinances or with the Illinois statutes in such case made and provided. (Ord. 244, 6-10-2003)

10-11-5: **DUTIES:**

A. **Powers And Duties:** The powers and duties of the board are:

1. To hold public hearings and recommend to the village board approval of conditional use permits.
2. To hold public hearings and grant variances and expansions of nonconforming uses.
3. To hold public hearings and decide upon requests for determination of the existence of a nonconforming use and request for the extension of a nonconforming use.

4. To hear and decide appeals where it is alleged there is an error in an order, requirement, decision, or determination made by the building inspector in the enforcement of the zoning ordinance or the building code and fee schedule.

5. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of passage of the zoning ordinance.

6. To interpret the provisions of the zoning ordinances in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this title where the street layout on the ground varies from the layout as shown on the map aforesaid.

B. Granting Variances: The board may grant the following variances:

1. Vary the yard regulations where there is an exception or unusual physical condition on a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this title would prevent a reasonable or sensible arrangement of buildings on the lot. Applicants for a side or rear yard variance must be able to show the distance of the proposed improvement from the lot line by way of lot corner stakes in the neighborhood. Notwithstanding the foregoing, a variance may be granted for the parking or storage of recreational vehicles in side yards. Before granting such a variance, the board shall consider such factors as the closeness of neighboring buildings, adequate light, sunshine and airspace and fire hazard potential.

2. Vary the parking regulations where an applicant demonstrated conclusively that the specific use of a building would make unnecessary the parking spaces required by this title, but providing that such a reduction not be more than fifty percent (50%) of the usual requirement.

3. Use of premises for public utilities and railroad purposes (other than track right of way) or for radio and television tower or broadcasting station.

4. Vary the parking regulations for parking in the R districts for churches, temples, public schools, public libraries, community centers, public parks, and public playgrounds. In the R districts twenty percent (20%) of the required front yard shall be reserved and devoted to permanent landscaping and no off street parking spaces

or off street loading spaces shall be permitted within this landscaping area.

- C. **Conditional Use Permits:** The zoning board of appeals shall conduct public hearings and make recommendations to the village board upon applications for conditional permits, specifically listed in the district regulations of this title. Conditional uses of areas to be annexed shall be detailed in an annexation agreement. A public hearing on the conditional use and annexation agreement shall be conducted by the planning and review board. In such cases it shall be the planning and review board rather than the zoning board of appeals which shall make recommendations to the village board. No recommendation for a conditional use permit shall be forwarded to the village board within the same week as the public hearing is completed. Before recommending approval of such a conditional use permit, the board shall satisfy itself that the conditional use requested will meet conditions that will, with the board's judgment, ensure that:
1. The establishment, maintenance, or operation of a conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 2. The conditional use will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purpose already permitted nor substantially diminish and impair property values within the neighborhood.
 3. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property uses permitted in the district.
 4. Adequate utilities, access roads, drainage, and other necessary facilities will be provided.
 5. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestions in the public streets.
 6. Duration of conditional uses shall be for that period of time as set forth.
- D. **Appeals To The Board:** An appeal may be taken to the zoning board of appeals by a person or by an officer, department, board or bureau of the village affected by a decision of the building inspector.

An appeal shall state all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the zoning board of appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent 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 zoning board of appeals or by a court of record on application, on notice to the building inspector, and on due cause shown.

The board shall select a reasonable time and place for the hearing of the appeal and give fifteen (15) days' notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appeal and testify at the hearing, either in person or by duly authorized agent or attorney.

- E. Appeals From Decision Of The Board: Any review of the decisions of the zoning board of appeals shall be subject to the Illinois administrative review act. (Ord. 244, 6-10-2003)

10-11-6: DUTIES OF THE VILLAGE CLERK'S OFFICE: For conditional uses, variances, and extension or expansions of nonconforming uses, or for the determination of the existence of a nonconforming use, the village clerk's office shall:

- A. Obtain the name of the property owners within a radius of five hundred feet (500') of the property of the stated case and notify each property owner of the public hearing by a letter.
- B. Have the legal notice published in the official newspaper fifteen (15) days prior to the public hearing.
- C. Have recorded in the Henry County recorder's office all conditional uses, variances, and expansions of nonconforming uses, including any restrictions thereof.
- D. Receive a fee of one hundred fifty dollars (\$150.00) with applications for conditional uses, variances, and expansions of nonconforming uses. No fee shall be received with applications for other meetings or hearings of the zoning board of appeals. (Ord. 244, 6-10-2003)

10-11-7

10-11-9

10-11-7: **MINUTES AND RECORDS KEPT:** The board shall keep full and accurate minutes of its proceedings. The village clerk shall designate a member of his staff to be present to take full and accurate minutes. All records of the board shall be kept at the village hall and shall be open to the public. (Ord. 244, 6-10-2003)

10-11-8: **COMPENSATION:** Each citizen member of the board shall serve without compensation for his service. (Ord. 244, 6-10-2003)

10-11-9: **CONFLICT OF INTEREST BY MEMBERS:** No member of the board shall be interested, directly or indirectly, in any contract or job for work, or material or any work for himself or family, or the profits therefrom, or services to be furnished or performed in the carrying out of the Annawan zoning code. (Ord. 244, 6-10-2003)

CHAPTER 12
ENFORCEMENT OF TITLE

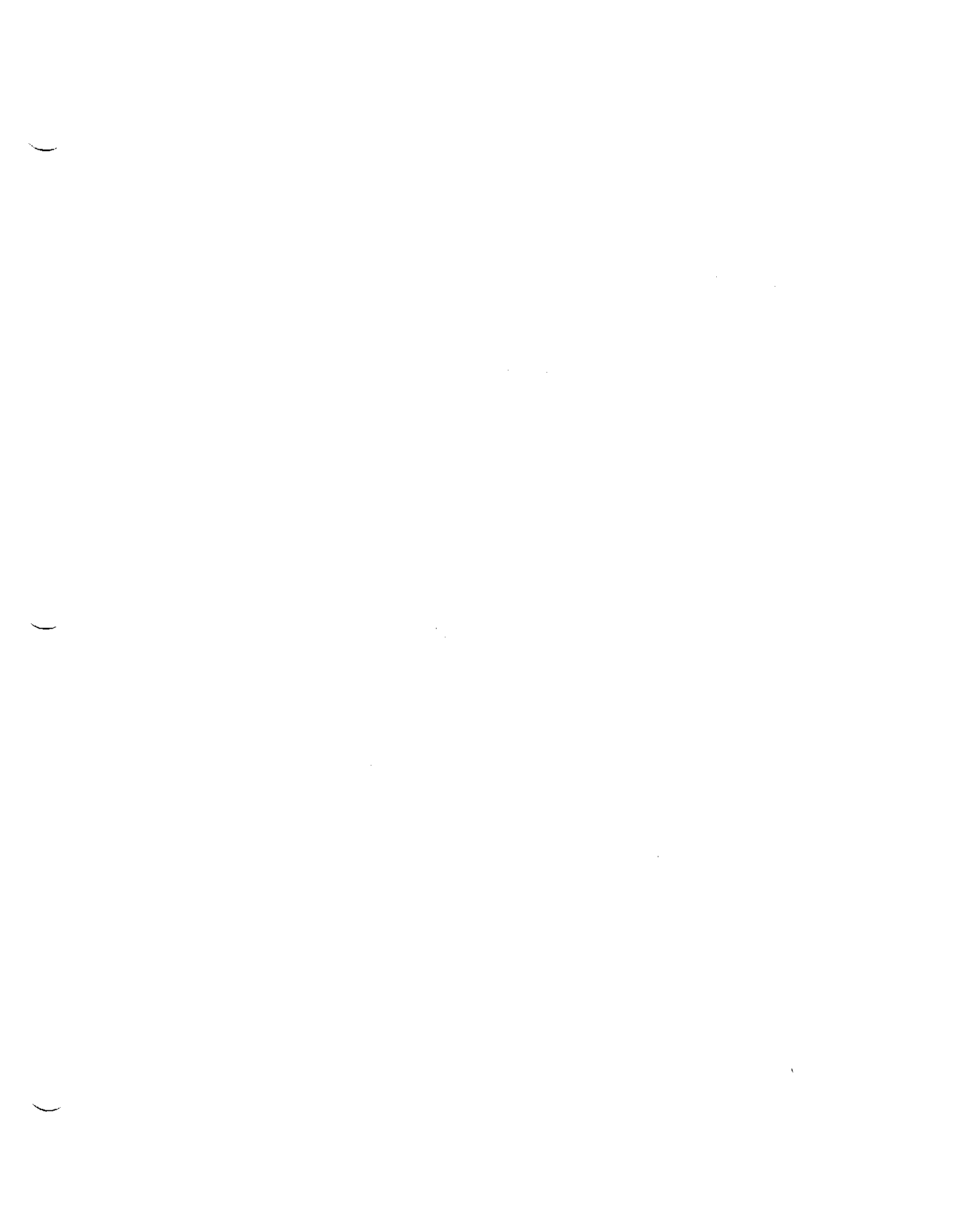
SECTION:

10-12-1: Administrative Officer

10-12-2: Appeals; General

10-12-1: **ADMINISTRATIVE OFFICER:** The administrative officer shall enforce this title in accordance with the penalties and remedies set forth in this title. (Ord. 244, 6-10-2003)

10-12-2: **APPEALS; GENERAL:** Any appeals which may be made from the actions of the administrative officer shall be taken to the zoning board of appeals in accordance with chapter 11 of this title. (Ord. 244, 6-10-2003)



CHAPTER 13
AMENDMENTS

SECTION:

- 10-13-1: Amendment Of Zoning Regulations
10-13-2: Administrative Or Procedural Changes

10-13-1: AMENDMENT OF ZONING REGULATIONS:

- A. Procedure: The village board may from time to time amend this title in the manner prescribed by the statutes of the state. No such amendment shall be made until it shall have been referred to the planning and review board and a report received from said board of the effect of said amendment upon the village and the welfare of the inhabitants thereof. The planning and review board shall hold one public hearing upon such amendment as required by law and is hereby designated as the body to hold such hearings. If no report is received from the planning and review board in sixty (60) days, said board has approved the amendment. No report for an amendment shall be forwarded to the village board within the same week as the public hearing is completed.
- B. Meetings Of The Board: All meetings of the planning and review board shall be at the call of the chairman and at such other times as the board may determine. An application of any type of amendment to this title must be submitted to the village clerk's office three (3) weeks prior to the scheduled planning and review board meeting.
- C. Duties Of The Village Clerk's Office: For amendments to the zoning district boundaries, the village clerk's office shall:
1. Obtain the names of property owners within a radius of five hundred feet (500') of the property of the stated case and notify each property owner of the public hearing by letter.

2. Have the legal notice published in the official newspaper fifteen (15) days prior to the public hearing.
3. Receive a fee of one hundred fifty dollars (\$150.00) from the party or parties proposing or recommending a change in the district regulations or district boundaries. (Ord. 244, 6-10-2003)

10-13-2: ADMINISTRATIVE OR PROCEDURAL CHANGES:

- A. The village board of the village of Annawan, Illinois shall have the power to make any administrative or procedural changes to the Annawan zoning ordinance without first submitting such change to a public hearing held by the planning and review board.
- B. "Administrative or procedural changes" as set forth in the above paragraphs shall mean any of the following changes:
 1. The name of any board, committee, commission, or individual.
 2. The composition of any board, committee, commission, or position including, but not limited to, the number of members, length of term, or proportionment by residential location or other category.
 3. The transfer of duties between board, committee, or commission. (Ord. 244, 6-10-2003)

CHAPTER 14

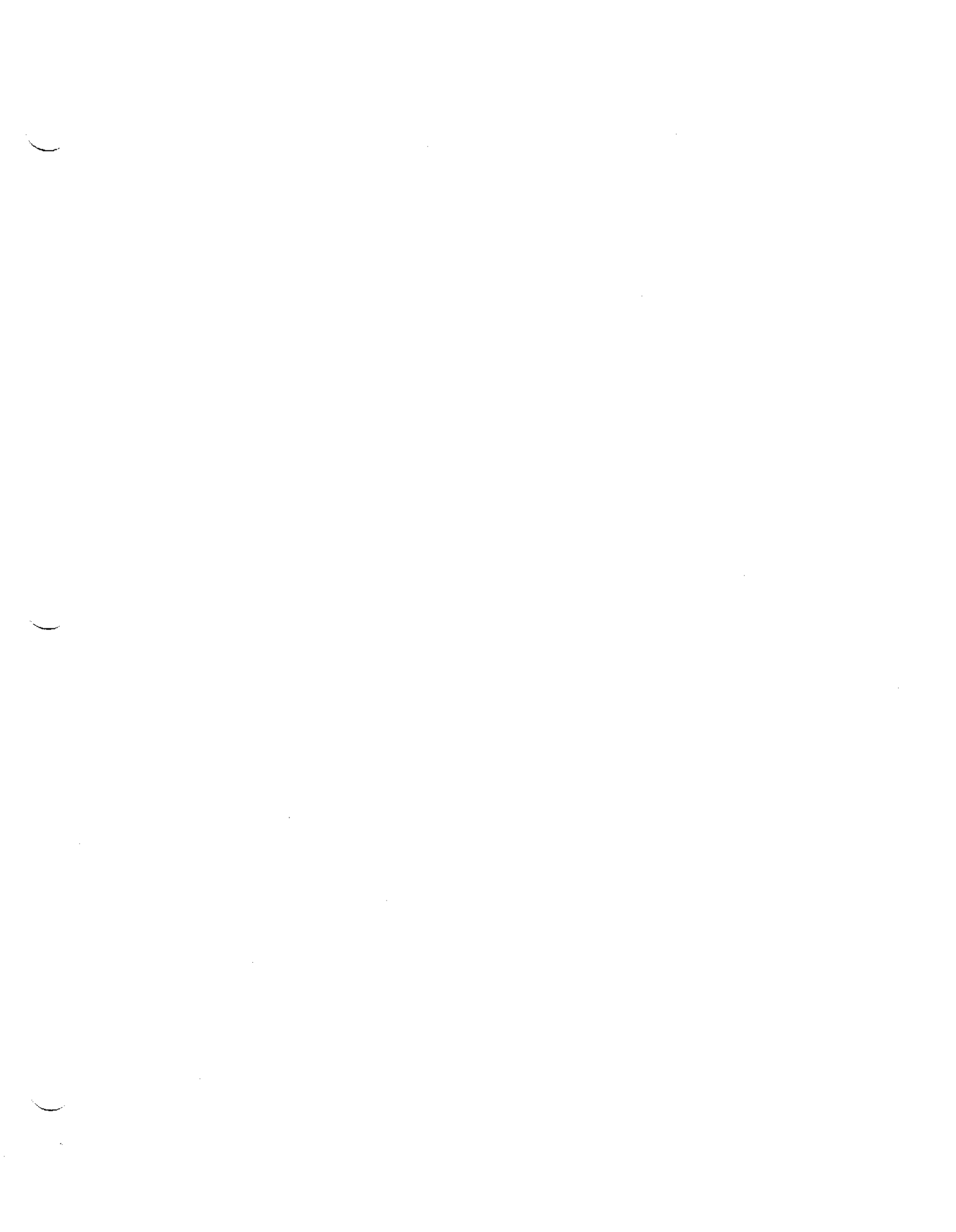
VIOLATION AND PENALTY

SECTION:

- 10-14-1: Zoning Violations And Penalty
10-14-2: Remedies

10-14-1: **ZONING VIOLATIONS AND PENALTY:** The owner or agent of a building or premises in or upon which a violation of any provision of this title has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part in, or assists in any violation or who maintains any building or premises in or upon which such violation shall exist shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one hundred dollars (\$100.00). Each and every day that such violation continues may constitute a separate offense. (Ord. 244, 6-10-2003)

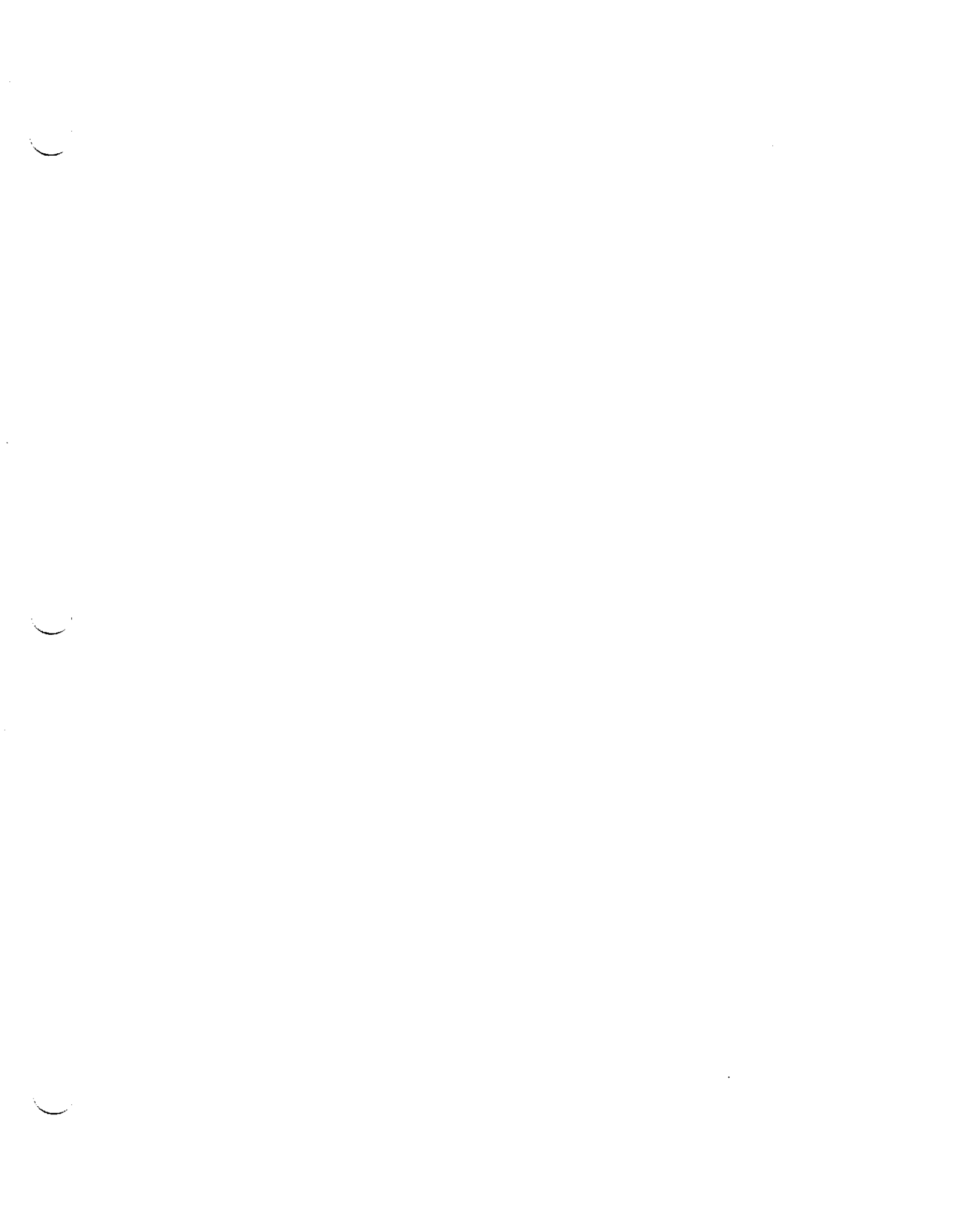
10-14-2: **REMEDIES:** In the event that any building or structure is or is sought to be erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is sought to be used in violation of this title, the administrative officer or the village board, in addition to other remedies, shall have the power to withhold or revoke any necessary permit and shall institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land. (Ord. 244, 6-10-2003)



TITLE 11
SUBDIVISIONS¹

Subject	Chapter
General Provisions	1
Definitions	2
Public Act	3
Preliminary Plat	4
Final Plat	5
Public Improvements	6
Related Provisions	7

1. See also Section 3-1-8 of this Code.



CHAPTER 1
GENERAL PROVISIONS

SECTION:

11-1-1:	Short Title
11-1-2:	Authority
11-1-3:	Jurisdiction
11-1-4:	Restrictions
11-1-5:	Separability
11-1-6:	Amendments
11-1-7:	Repealer
11-1-8:	Effective Date

11-1-1: **SHORT TITLE:** This Title shall be known as the *ANNAWAN SUBDIVISION ORDINANCE*. (Ord. 226, 2-11-2000)

11-1-2: **AUTHORITY:** This Title was recommended by the Zoning Board of the Village and serves as a functional part of the Village's Comprehensive Plan. (Ord. 226, 2-11-2000)

11-1-3: **JURISDICTION:** This Title governs the division of land within the corporate limits and contiguous territory of the Village. (Ord. 226, 2-11-2000)

11-1-4: **RESTRICTIONS:**

- A. Whenever this Title conflicts with any Village, State, or Federal laws and regulations regarding the recording of plats or public improvements, the more stringent restrictions imposed shall prevail.
- B. Whenever the subject matter is the same, contiguous territories governed by this Title are exempt from less restrictive regulations of ordinance(s) adopted by the County Board of Henry County. (Ord. 226, 2-11-2000)

11-1-5: **SEPARABILITY:** The provisions of this Title shall be separable and the invalidity of any provision shall not affect the validity of the remaining provisions of this Title. (Ord. 226, 2-11-2000)

11-1-6: **AMENDMENTS:** This Title may be amended by the Village Board provided no amendment shall be adopted that has not been submitted to the Zoning Board and for which a public hearing has not been held. The amendment procedure shall be as follows:

- A. The Village Board shall submit a request for amendment to the Zoning Board which shall make a report and recommendation within ninety (90) days from the date of the request.
- B. The Zoning Board shall schedule a public hearing and publish a public notice in a newspaper of general circulation of the Village. The public notice must give the time and place of the informal hearing and be published not less than fifteen (15) days prior to the hearing. The public notice must inform the public of the purpose of the hearing and that interested persons may submit their statements orally, in writing, or both.
- C. No later than ninety (90) days after the conclusion of the public hearing the Zoning Board must submit its report and recommendation to the Village Board. The Village Board may adopt, in whole or in part, any of the amendment or reject the entire amendment. An amendment must be enacted by an ordinance.
- D. If the Zoning Board fails to make a report and recommendation within ninety (90) days of Village Board's request, Village Board may proceed to consider its request and schedule a public hearing.
- E. If the Village Board fails to take action after ninety (90) days of the adjournment of a public hearing, no action shall be taken without again holding a public hearing. (Ord. 226, 2-11-2000)

11-1-7: **REPEALER:** This Title repeals Ordinance 144, as amended. (Ord. 226, 2-11-2000)

11-1-8: **EFFECTIVE DATE:** This Title shall be in full force after its passage, approval, and due publication required by law. (Ord. 226, 2-11-2000)

CHAPTER 2
DEFINITIONS

SECTION:

11-2-1: Word Usage And Definitions

11-2-1: **WORD USAGE AND DEFINITIONS:** The words or group of words, unless the context otherwise requires, shall have their usage applicable only to this Title and to mean or to include:

APPROPRIATE VILLAGE OFFICIAL: Includes the officer, employee, or hired consultants of the Village designated to assist with the administration or enforcement of the "Annawan Subdivision Ordinance".

COLLECTOR STREET: A street which carries traffic of average volume between minor streets and other sections of the Village, or between minor streets and major streets.

CONTIGUOUS TERRITORY: Land situated not more than one and one-half (1½) miles beyond the corporate limits and not included in any municipality.

CUL-DE-SAC: A minor street terminated at one end with a permanent turnaround and an open end being the only means of access to a collector street.

DIVISION OF LAND: The separation of land into two (2) or more parts, any of which is less than five (5) acres by tracts, parcels, lots, or blocks; and the land is under one ownership.

EASEMENT: A grant or donation by an owner for the use of a strip of land by the general public, a

	corporation, or a certain person or persons for a specific purpose or purposes.
FINAL PLAT:	The plat and information or documents required within the "Annawan Subdivision Ordinance".
LOT:	A part of the division of land intended for the transfer of ownership.
MAJOR STREET:	A street which carries traffic of high volume between sections of the community and connects the Village to rural areas and to other communities. All streets under the jurisdiction of the State and Federal government are major streets.
MINOR STREET:	A street intended primarily as access to abutting properties.
OWNER:	An individual, firm, corporation, partnership, or any other legal entity or agent thereof having the legal control of the land.
PLAT:	A survey of the division of land, prepared by an Illinois registered land surveyor, which describes and sets forth all public improvements and public service and utility easements.
PRELIMINARY PLAT:	The plat and information or documents required within the "Annawan Subdivision Ordinance" and serves as an introduction of the proposed subdivision and is subject to change after review, thereby not qualifying for recording.
PUBLIC IMPROVEMENTS:	Public streets, highways, alleys, curbs, gutters, sidewalks, streetlights, parks, playgrounds, storm water drainage system, water supply and distribution system, sewage collection and treatment, sanitary sewers, or any other facility necessary for the general use of the public.
PUBLIC SERVICE:	Includes the Village services of electricity supply and distribution, water supply and distribution, sewage collection system and

sewage treatment, storm water drainage system, or any other utility offered by the Village.

- REPLAT:** A division of land along a public street which involves altering a platted block or lot and does not involve: a) the dedication of land for public improvements or for public service and utility easement, or b) the opening, widening, closing, or extension of any street or alley, or c) any construction of public improvements.
- SUBDIVISION:** A division of land along a public street which involves natural land or developed land and involves the dedication of land for public improvements and for public service and utility easements; the construction of public improvements, public service and utilities; and the opening, widening, closing, or extension of any street or alley.
- UTILITY:** Includes the supply of gas, oil, steam, telephone, telegraph, cable television, transportation lines or other commodity or service by publicly or privately owned businesses.
- VILLAGE ENGINEER:** Includes the person or engineering firm or engineering hired consultant designated to act in the review of engineering data.
- ZONING BOARD:** The duly created Board of the Village of Annawan assigned the duty to make recommendations regarding the development of the Village. (Ord. 226, 2-11-2000)

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CHAPTER 3
PUBLIC ACT

SECTION:

- 11-3-1: Owner Restrictions
- 11-3-2: Exceptions
- 11-3-3: Minor Subdivision
- 11-3-4: Preexisting Plats
- 11-3-5: Enforcement
- 11-3-6: Penalty

11-3-1: **OWNER RESTRICTIONS:** Except as provided in Section 11-3-2 of this Chapter, no owner within the corporate limits and contiguous territory shall:

- A. Record any plat at the office of the Recorder of Deeds of Henry County until the plat has been approved by the Village Board as prescribed in this Title;
- B. Sell, or offer to sell, or lease for any time exceeding five (5) years any part of land before which all the requirements of this Title have been complied;
- C. Construct upon land conveyed for public use in fee simple by the recording of a plat at the office of the Recorder of Deeds of Henry County any public improvements until the required information or documents of the final plat have been approved by the Village Board. (Ord. 226, 2-11-2000)

11-3-2: **EXCEPTIONS:** The act shall not apply to, and no plat is required to be approved by the Village Board for, division of land:

- A. That is exempted from the Illinois Plat Act, provided the division of land meets the requirements of the Village's Zoning Ordinance; and

- B. That does not involve any public improvements or public service and utility easements, or egress or ingress, or extension or connection of Village services. (Ord. 226, 2-11-2000)

11-3-3: **MINOR SUBDIVISION:** The final plat of any proposed subdivision of a parcel of land under one ownership and that does not involve any public improvements or public service and utility easements, or egress or ingress, or extension or connection of Village services, and which results in creating no more than three (3) lots, may be submitted in the first instance to the Administrative Officer for their examination. In such case, no preliminary plat need be filed and no charge or filing fee levied. If the Administrative Officer is satisfied that the proposal is not contrary to applicable platting, subdividing or zoning regulations, they may approve said plat by affixing their signature thereto. Such approval shall be effective for all purposes and shall entitle said plat to be recorded. Following recording, the owner or developer shall furnish a Mylar copy of the plat containing all signatures and recording data to the appropriate Village official. (Ord. 226, 2-11-2000)

11-3-4: **PREEXISTING PLATS:** The provisions of this act do not affect the validity of any plat recorded at the office of the Recorder of Deeds of Henry County prior to the effective date hereof. Construction and acceptance of public improvements of such plats shall be approved by the Village Board as prescribed in this Title. (Ord. 226, 2-11-2000)

11-3-5: **ENFORCEMENT:** The enforcement of this Title shall consist of:

- A. No building, electrical, plumbing, excavation, or occupancy permits will be issued until all public improvements have been accepted by the Village Board.
- B. No Village services will be offered, extended, or connected to any building or structure within a subdivision until all public improvements have been accepted by the Village Board.
- C. Any lawful action to prevent or remedy any violation or to require compliance to this act, such as the issuance of a stop order, application to the Circuit Court for an injunction requiring compliance, etc. (Ord. 226, 2-11-2000)

11-3-6

11-3-6

11-3-6: **PENALTY:** Any owner violating any provision of this act shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) and each day that a violation continues shall be considered a separate offense. (Ord. 226, 2-11-2000)

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CHAPTER 4
PRELIMINARY PLAT

SECTION:

- 11-4- 1: Application Required
- 11-4- 2: Board Review
- 11-4- 3: Requirements
- 11-4- 4: Preliminary Plat Standards
- 11-4- 4-1: Plat Layout Requirements
- 11-4- 4-2: Subdivision Layout Requirements
- 11-4- 4-3: Public Street And Alleyway Layout Requirements
- 11-4- 4-4: Public Service And Utility Service Easements Layout Requirements
- 11-4- 5: Supportive Maps
- 11-4- 6: Reports And Studies
- 11-4- 7: Submittal Of Preliminary Plat
- 11-4- 8: Review
- 11-4- 9: Action
- 11-4-10: Possible Cause For Disapproval
- 11-4-11: Status Of Approved Preliminary Plat

11-4-1: **APPLICATION REQUIRED:** An owner desiring to subdivide and record a plat must present a preliminary plat to the Zoning Board. The preliminary plat consists of an application, plat, supportive maps, and reports or studies. (Ord. 226, 2-11-2000)

11-4-2: **BOARD REVIEW:** The Zoning Board and the appropriate Village official are granted the authority to request any change of the proposed subdivision or additional information from the owner. This authority is granted to assist in the review whenever unique circumstances are not known until after a complete preliminary plat has been submitted. Changes of the subdivision proposed or additional information may include, but is not limited to:

- A. Soil boring data and/or seepage test.

- B. Reservation of land for parks, schools, or public grounds.
- C. Additional rights of way to provide adequate earth slopes.
- D. Additional public service and utility easements.
- E. Buffer zones. (Ord. 226, 2-11-2000)

11-4-3: **REQUIREMENTS:** The applicant must, at minimum, include:

- A. The name, address, and phone number of the owner.
- B. The name, address, and phone number of the Illinois registered land surveyor and the Illinois registered professional engineer whose services were engaged by the owner.
- C. The legal description of the land, the property tax ID number, and the most current assessed valuation.
- D. The name of the proposed subdivision.
- E. The type of subdivision, i.e., residential, retail commercial, industry, or any combination.
- F. The number of acres to be subdivided, the number of acres to be dedicated for public use, and the number of lots.
- G. The types, number of each, and total estimated construction cost for houses, for multi-family dwellings, and for nonresidential buildings.
- H. The types of businesses that will be encouraged to locate within the proposed subdivision.
- I. The estimated time and cost to complete the total construction of public improvements (estimated cost includes engineering, surveying, and inspection fees).
- J. The width and name of each proposed street.
- K. An estimate of annual gallons of water and an estimate of annual kilowatts of electricity that will be required within the subdivision.
- L. The proposed zoning.

- M. A brief description of natural barriers, flood plain boundaries, or environmental concerns which may require special attention or prevent development of the land in accordance to this Title.
- N. On a separate page, a sketch (to scale, north point, and $\frac{1}{4}$ section line references) showing the external boundaries with dimensions of the proposed subdivision and showing existing public improvements, natural features, zoning classification, and land development within a quarter mile.
- O. A statement assuring that the application is complete and true and that the owner possesses a copy of the "Annawan Subdivision Ordinance".
- P. The signature of the owner, date signed, and signature notarized. (Ord. 226, 2-11-2000)

11-4-4: **PRELIMINARY PLAT STANDARDS:** The plat must be prepared by an Illinois registered land surveyor who surveyed the land. The owner must instruct the surveyor to prepare the plat according to the prescribed layouts. (Ord. 226, 2-11-2000)

11-4-4-1: **PLAT LAYOUT REQUIREMENTS:**

- A. Plat not less than eight and one-half inches by fourteen inches ($8\frac{1}{2}$ " x 14") and not more than thirty inches by thirty six inches (30" x 36").
- B. Location and dimensions of proposed and existing parks, school grounds, or other public grounds (dimensions to the nearest one-tenth of a foot).
- C. Angular and linear data along the exterior boundaries of the subdivision, and all radii, internal angles, parts of curvatures, tangents, bearing, and length of all curves must be shown (dimensions to the nearest one-tenth of a foot).
- D. References to known and permanent monuments, location of surveyor's monuments, and location and references to external boundary monuments.
- E. Quarter section lines and quarter corners, and corporate limit lines.

- F. Meander line of proposed or existing lakes, ponds, streams, creeks, or other bodies of water with distance and bearings given (meander line established at not less than 20 feet back from normal water elevation of a lake or pond or from the bank of a stream, creek, or river; and reference of monuments at all angle points along a meander line).
- G. Date the map was prepared, revision dates, and signature and seal of preparer; and must note the existence of any flood plain areas.
- H. A standard legend; i.e., north point, scale, etc. (a scale less than 1 inch equals 100 feet or larger).
- I. Name of proposed subdivision (proposed name of subdivision which resubdivides or replats an existing plat must make reference to the recorded plat). (Ord. 226, 2-11-2000)

11-4-4-2: SUBDIVISION LAYOUT REQUIREMENTS:

- A. By lots with:
 1. The lots progressively numbered.
 2. The precise dimension of each lot given (to the nearest one-tenth of a foot).
 3. Side lot lines at right angles to straight street's right-of-way lines; at radial to curved street right-of-way lines.
 4. Side lot lines at radial to the center of a cul-de-sac turnaround.
 5. Distance given between the point of intersection of meander lines with lot lines.
- B. A lot must:
 1. Abut a public street with a minimum access to the public street of fifty feet (50').
 2. Not abut two (2) public streets, except corner lots.
 3. Conform to the minimum lot area and dimension of the zoning district in which said subdivision is located (areas under water; on watercourses, drainageways, channels, streams; within the meander

line; or within a flood plain shall not be counted to satisfy minimum zoning requirements).

4. Have setback lines established and the distance of the setback line shall conform to the requirements of the zoning district in which said subdivision is located.

5. Be in reference to not less than two (2) monuments. (Ord. 226, 2-11-2000)

11-4-4-3: PUBLIC STREET AND ALLEYWAY LAYOUT REQUIREMENTS:

- A. No dead-end streets or alleys.
- B. No private streets.
- C. No half-streets or half-alleys.
- D. No alleys in residential-zoned districts.
- E. No more than two (2) streets to intersect at a point.
- F. No street to intersect any other street at less than sixty degrees (60°).
- G. Street and alley rights of way of:

	<u>Residential</u>	<u>Nonresidential</u>
Major streets	80 feet	100 feet
Collector streets	60 feet	80 feet
Minor streets	50 feet	66 feet
Alleys	20 feet	20 feet
Cul-de-sacs, radius	50 feet	60 feet

(Opposite side is zoned nonresidential, then the proposed street's right of way must be nonresidential.)

- H. Right-of-way widths rounded with a radius of ten feet (10') whenever the right of way is less than sixty six feet (66') (comparable cutoffs or chords in place of such rounded corners are permitted).
- I. Rights of way deflecting from each other at any one point by more than ten degrees (10°) must be joined by curves with the inner radius of:
- | | <u>Residential</u> | <u>Nonresidential</u> |
|-------------------|------------------------|-----------------------|
| Major streets | not less than 350 feet | same |
| Collector streets | not less than 250 feet | same |
| Minor streets | not less than 100 feet | same |
- J. No street jogs with center line offsets of less than one hundred twenty five feet (125').
- K. A tangent or portion of a right of way in straight alignment and of not less than one hundred feet (100') in length must be introduced between reverse curves on proposed major and collector streets.
- L. Name of all proposed public streets, subject to approval by the Village, and existing streets.
- M. The length of a proposed cul-de-sac, excluding the turnaround, must not exceed five hundred feet (500').
- N. The width, course, and extent of all proposed public streets and alleys given (dimension to nearest one-tenth of a foot). (Ord. 226, 2-11-2000)

11-4-4-4: PUBLIC SERVICE AND UTILITY SERVICE EASEMENTS LAYOUT REQUIREMENTS:

- A. Storm water and/or drainage easements must conform substantially with the watercourse whenever the land is traversed by a watercourse or channel or stream or natural drainage.
- B. Public service and utility easements located along the rear and/or side of lots.

- C. No public service and utility easement jogs with center line offset of less than one hundred twenty five feet (125').
- D. Lot easement width of:
 1. Twenty feet (20') when located on the rear of a lot and the lot does not abut the rear of another lot.
 2. Ten feet (10') when located on the rear of a lot and the lot abuts the rear of another lot such that the total of abutting lots incorporate a width of twenty feet (20').
 3. Twelve feet (12') when located on the side of a lot and the lot does not abut the side of another lot.
 4. Six feet (6') when located on the side of a lot and the lot abuts the side of another lot such that the total of abutting lots incorporate a width of twelve feet (12'). (Ord. 226, 2-11-2000)

11-4-5: **SUPPORTIVE MAPS:** Supportive maps must be prepared, sealed, and signed by an Illinois registered land surveyor or an Illinois registered professional engineer, whomever prepared the supportive map. Each supportive map must be prepared in such a manner as will permit the supportive map to be used as an overlay to the plat.

- A. A topographical map showing the topography and profile of the elevation of the land (at vertical intervals of not more than 2 feet) prior to the commencement of any change in elevation.
- B. A topographical map showing the topography and profile of the elevation of the land (at vertical intervals of not more than 2 feet) and the flow of surface water after the commencement of any change in elevation.

(Note: This map is only required if it is contemplated that elevations or flow of surface water from the development of the proposed subdivision will be changed as a result of development.)

- C. A water distribution map showing the location of the proposed water supply distribution system within the subdivision, the connection to the existing water supply distribution system, and the location of water service lines to each lot.

- D. A sanitary sewer map showing the location of the proposed sanitary sewer system within the subdivision, the connection to existing sanitary sewer system, and the location of sanitary sewer service lines to each lot.
- E. A storm water drainage system map showing the location of the proposed storm sewer system within the subdivision and the connection to existing storm sewer system or outfall or retention area, the location of watercourses, marshes or any other body of water to be used for outfall.

(Note: Retention areas are acceptable but are not encouraged; if a retention area is to be located within the subdivision, sufficient data, dimensions, depth, cross section, and description of purpose must be provided with the storm water drainage system.) (Ord. 226, 2-11-2000)

11-4-6: **REPORTS AND STUDIES:** Reports or studies must be prepared, sealed, and signed by an Illinois registered land surveyor or an Illinois registered professional engineer, whomever prepared the report or study.

- A. A profile study explaining the topographic map(s) submitted. The profile study must explain proposed changes in the elevations and proposed changes in the flow of surface water from the land if the development of the land will or may cause any changes to elevations or flow of surface water. The profile study must have attached a signed statement of the registered professional engineer, and the owner or a duly authorized attorney, that states if such water surface will not change:

to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof,

or,

if such surface water drainage will be changed:

To the best of their knowledge and belief reasonable provision has been made for collection and diversion of such surface waters into public areas or drains, which the owner of land has a right to use, and that such surface waters will be planned for in accordance with

generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

- B. A report or study regarding the effectiveness, need, and design of retention area(s). (Ord. 226, 2-11-2000)

11-4-7: **SUBMITTAL OF PRELIMINARY PLAT:** The owner must submit a complete application; seven (7) full-sized copies of the plat; ten (10) photocopies, eleven inches by seventeen inches (11" x 17") in size; and seven (7) copies of all supportive maps and reports required to the Village Clerk. The Village Clerk shall distribute copies of the application as follows: two (2) copies to the Mayor, one copy each to the superintendents of the electric utility, Water and Sewer Department, Street Department, and Village Engineer (or engineering consultant), and one copy to the chair of the Zoning Board. No preliminary plat review shall be undertaken until all required information or documents of the preliminary plat have been submitted by the owner. (Ord. 226, 2-11-2000)

11-4-8: **REVIEW:** Within fifteen (15) days from the date of submittal of the preliminary plat or from the date the last required part of the preliminary plat was submitted, the Village Clerk, superintendents of the electric utility, Water and Sewer Department, Street Department, and Village Engineer (or engineering consultant) shall make a report of findings relevant to their areas of responsibility to the Mayor and the Zoning Board. The report must provide the Mayor and Zoning Board with at least:

- A. Does the preliminary plat meet the design standards set forth in this Chapter?
- B. Does the subdivision conflict with applicable zoning district requirements in which said subdivision is located?
- C. Are there any sufficient concerns regarding the development of the subdivision such as flood plain, natural barriers, storm water drainage, possible erosion or sediment damage to connecting developed or natural land, or the environment in general?
- D. Do the proposed streets connect properly with existing streets and are the proposed streets and alleys laid out to serve the subdivision, surrounding area, and future development of the surrounding area?

- E. Do the proposed easements connect properly with existing easements and are the public service and utility easements laid out to serve the subdivision, surrounding area, and future development of the surrounding area?
- F. Are Village services, such as snow plowing, water pumping, sewage treatment, electrical output, storm water outlets, recreational facilities, etc., capable of the additional demand required of this subdivision?
- G. Any other information or data to assist in the review of the preliminary plat. (Ord. 226, 2-11-2000)

11-4-9: **ACTION:** Within ninety (90) days from the date of submittal of the preliminary plat or from the date the last required part of the preliminary plat was submitted, the Zoning Board shall take one of the following actions:

- A. **Approval Of Preliminary Plat:** Upon approval, the Zoning Board must submit the plat to the Village Board. The Zoning Board must also attach to the plat a statement that it is the Board's belief that the proposed subdivision:
 1. Coordinates with existing streets and provides continuity of extension of streets to surrounding area.
 2. Relates to adjoining property.
 3. Will not place a financial burden upon the Village and additional revenue expected to be generated from the subdivision or resubdivision may be adequate to provide Village services.
 4. Coordinates with the long and short range development plans of the Village.
- B. **Disapproval Of Preliminary Plat:** Upon disapproval, the Zoning Board must submit the preliminary plat to the Village Board. The Zoning Board must attach to the plat a statement stating the reason for disapproval, particularly specifying the aspects in which the plat fails to conform and the recommended action(s) that must be taken.
- C. **Notification:** The Village Board, within thirty (30) days after its next regularly scheduled meeting following the action of the Zoning Board, shall accept or reject the plat. If rejected, the Village Clerk

must send a letter by certified mail to the owner within ten (10) days setting forth the cause(s) of the disapproval and the remedial action(s) that must be taken before the preliminary plat will be reconsidered. (Ord. 226, 2-11-2000)

11-4-10: POSSIBLE CAUSE FOR DISAPPROVAL: The preliminary plat may be disapproved for any reason, but not limited to:

- A. The documents of the preliminary plat or application contained a false statement.
- B. The owner failed to comply with the design standards of the Village, State, or County.
- C. The owner failed to submit requested information or failed to change a layout.
- D. The proposed subdivision did not provide for the future development of adjacent natural or developed land.
- E. Proposed public streets and alleys and/or proposed public service and utility easements are incompatible with existing streets and alleys and/or public service and utility easements.
- F. The plat was disapproved by either the Illinois Department of Transportation, Annawan Road District, Henry County Highway Department, or Henry County Health Department.
- G. The zoning request is not suitable for the area.
- H. The owner failed to formulate methods to protect unsuitable land for development within the proposed subdivision and/or surrounding area.
- I. The owner failed to comply with Federal, State, or County regulations. (Ord. 226, 2-11-2000)

11-4-11: STATUS OF APPROVED PRELIMINARY PLAT: Approval of the preliminary plat only states to the owner that the Village is willing to consider review of a final plat within six (6) months of the date of approval. Preliminary plat approval does not qualify the plat for recording. Failure to submit a final plat within the six (6) month period voids the

11-4-11

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preliminary plat approval and the owner must begin the process again.
(Ord. 226, 2-11-2000)

June 2000

Village of Annawan

CHAPTER 5
FINAL PLAT

SECTION:

- 11-5- 1: Final Plat; Fee Required
- 11-5- 2: Fee Established
- 11-5- 3: Submittal Of Plat
- 11-5- 4: Documents Required
- 11-5- 4-1: Public Improvements
- 11-5- 4-2: Additional Requirements
- 11-5- 4-3: Bonds
- 11-5- 5: Notification Of Submittal
- 11-5- 6: Final Plat Review
- 11-5- 7: Resolution Of Approval
- 11-5- 8: Bond And Insurance
- 11-5- 9: Disapproval
- 11-5-10: Status Of Disapproved Plat
- 11-5-11: Examples Of Certificates And Statements

11-5-1: **FINAL PLAT; FEE REQUIRED:** No plat shall be reviewed by the Village Board unless the owner has submitted a complete final plat and has paid the required fee. (The final plat consists of the plat, plans and specifications of the public improvements, other documents, and bonds.) (Ord. 226, 2-11-2000)

11-5-2: **FEE ESTABLISHED:** The fee shall be paid to the Village Treasurer at the time of submission of the final plat. The established fee is:

A. For Nonresidential Subdivision Or Resubdivision:

<u>Number Of Acres</u>	<u>Fee</u>
Up to and including 10 acres	\$ 25.00
More than 10, to and including 20	50.00

<u>Number Of Acres</u>	<u>Fee</u>
More than 20, to and including 50	\$ 75.00
More than 50, to and including 100	100.00
More than 100, to and including 200	200.00
More than 200	400.00

B. For Residential Subdivision:

<u>Number Of Lots</u>	<u>Fee</u>
1 to 10 lots	\$ 25.00
11 or more lots	25.00 plus \$1.00 for each lot over 10

C. For Nonresidential And Residential Subdivision: A combination of the above fee and the nonresidential area does not equal a lot. (Ord. 226, 2-11-2000)

11-5-3: **SUBMITTAL OF PLAT:** The owner must file with the Village Clerk one Mylar and seven (7) full-sized copies (original signatures on each) and ten (10) reduced copies, eleven inches by seventeen inches (11" x 17") in size, of the plat. The Village Clerk shall distribute copies of the application as follows: two (2) copies to the Mayor, one copy each to the superintendents of the electric utility, Water and Sewer Department, Street Department, Village Engineer (engineering consultant), and one to the chair of the Zoning Board. The plat must be identical to the approved plat of the preliminary plat. The plat must have placed upon it or attached to it as allowed for proper recording, the following:

- A. A statement from a registered land surveyor acknowledged by the owner of land or duly authorized attorney, in the same manner as deeds of land are required to be acknowledged.
- B. The applicable statements of certification and notary (see Section 11-5-11 of this Chapter). (Ord. 226, 2-11-2000)

11-5-4: DOCUMENTS REQUIRED: The owner must file with the Village Clerk seven (7) copies of each of the required documents with original signatures as prescribed or as necessary to meet the intent of the requirement. The Village Clerk shall distribute copies of the required documents as follows: two (2) copies to the Mayor, one copy each to the superintendents of the electric utility, Water and Sewer Department, Street Department, Village Engineer (or engineering consultant), and one to the chair of the Zoning Board. (Ord. 226, 2-11-2000)

11-5-4-1: PUBLIC IMPROVEMENTS: Plans and specifications for all public improvements, except the street lighting and directional sign, to be constructed within or in conjunction with the proposed subdivision must be submitted. These plans and specifications must be signed and sealed by the Illinois registered professional engineer who prepared the plans and specifications. The plans and specifications convey the owner's compliance to this Title and obligate the engineer and the contractor to this Title. The plans and specifications must include:

A. For Street Or Alley Construction:

1. Designed in accordance with the Illinois Department of Transportation design policies stated in the current edition of "Standard Specifications For Road and Bridge Construction".

2. Street name signs shall be installed at the appropriate locations. Nameplates shall be single face, 18 gauge steel with baked-on enamel finish having four inch (4") embossed black characters on a six inch (6") white background with an embossed black border; commonly known in the industry as a B-4P assembly. Signs shall be mounted on a round aluminum 2 1/4 O.D. standard ten foot (10') post. Post shall be set in a minimum one foot (1') diameter by three foot (3') deep hole backfilled with concrete. The Village shall install street name signs with the owner responsible for one hundred percent (100%) of material costs of installation.

B. Minimum Street Improvements: The subdivider shall grade, drain and surface the roadway of all roads and streets within the platted area at his own expense and in accordance with engineering surveys and the following minimum requirements:

1. Surface:

a. Composition; Dimensions: The surface shall be gravel or crushed stone at least twenty two feet (22') in width and eight inches

(8") compacted uniform thickness and shall be centered upon and trenched into the earth grade having a minimum shoulder to shoulder width of at least thirty feet (30') and a total crown from center to shoulder of six inches (6").

b. Side Ditches: The roadway shall have side ditches at least eighteen inches (18") in depth and located at least four feet six inches (4'6") from the shoulder with backslopes not steeper than one and one-half horizontal to one vertical ($1\frac{1}{2}$:1). Ditches are to be sculptured and seeded prior to acceptance.

c. Embankments: Embankments shall have slopes from the shoulder line no steeper than one and one-half horizontal to one vertical ($1\frac{1}{2}$:1).

d. Compaction: The surface material shall be mechanically compacted in place in two (2) equal layers with a pneumatic or tamping roller. Material for surface shall meet the requirements of Illinois State Specifications for No. 7 grade level or No. 8 grade level crushed stone.

e. Surface Materials: The subdivider, at his expense, will apply a minimum bituminous surface equal to Illinois State specification subclass A-1, which shall include one prime coat and one seal coat. Material for surface base and method of compaction shall be as required above. In the event that sufficient moisture is not present in the material for proper compaction, then water shall be added sufficient to provide such compaction.

2. Curb And Gutter: In the event the subdivider elects to construct a curb and gutter street improvement then the following minimum requirements shall apply:

a. Width; Fill Slopes: The minimum width between face of curbs shall be thirty feet (30') and the cut of fill slopes from the top of curbs shall be no steeper than two horizontal to one vertical (2:1).

b. Drainage: The subdivider shall provide adequate and proper drainage along and across all streets and roads in the platted area including extensions to and connections with all existing streets and roads through the installation of ditches, culverts, storm sewers, inlets, or other drainage facilities. The type, size, length, and grade of materials of all such drainage facilities shall be approved, before installation, by the authorities having jurisdiction over the right of way of such roads and streets.

c. Surface: The subdivider, at his expense, will apply a minimum bituminous surface course equal to State specifications subclass A-3, which shall include one prime coat, two (2) cover coats and one seal coat.

3. Entrance Culverts, Crossings: Entrance culverts or crossings or additions to existing entrance culverts or crossings along an existing public road or street where there is a ditch, may be made with the consent of the Village, provided the applicant for such entrance culvert or crossing constructs, at the applicant's expense, a good and sufficient culvert or other convenient crossing of the type and size specified by the Village, which structure shall then become the property of the public.

4. Acceptance: When all of the streets, roads and other facilities above detailed are completed within the platted area in accordance with the above provisions and approved by authorities having jurisdiction, they shall be accepted for maintenance by the Village.

5. Approval Fee: For the approval of any map, plat or subdivision, as is hereinabove required, the subdivider shall pay into the General Corporate Fund of the Village as a fee for such approval, the sum of one dollar (\$1.00), which shall be uniform, for each lot, subplot or tract of land shown upon any such map, plat or subdivision to be so approved; and provided, further, that the minimum fee for the approval of any map, plat or subdivision hereunder, shall not be less than ten dollars (\$10.00).

C. For Water Distribution System Construction:

1. The standard specifications for water and sewer main construction in Illinois shall be complied with.

a. Designed to provide a minimum water pressure of thirty five (35) pounds per square inch in the top floor of every structure or building to be constructed within the subdivision.

b. Construction will not commence until grade is within four inches (4") of final grade.

c. Water mains of ductile iron pipe cement lined, or of PVC SDR 18 (C900).

d. Diameter of water mains not less than six inches (6").

e. All water mains looped.

f. Service lines of one inch (1") type "K" copper.

g. Service line extends from the water main to the lot line of each lot.

h. Service lines of each lot are clearly marked after completion of the improvements.

i. Typical cross section of the water supply and distribution system.

D. For Fire Protection Construction:

1. Designed to provide minimum flow of six hundred (600) gallons/minute at each hydrant.

2. Fire hydrants to include auxiliary valves and valve boxes.

3. Installed at intervals not to exceed four hundred feet (400').

4. Located not less than four feet (4') from the edge of the street's or alley's pavement.

E. For Sanitary Sewer Construction:

1. The standard specifications for water and sewer main construction in Illinois shall be complied with.

2. Designed to meet or exceed the Illinois Environmental Protection Agency's standards and construction requirements.

3. Type of lift stations and location must be approved by the Water and Sewer Superintendent.

4. Service line extends from the sanitary sewer system to the lot line of each lot.

5. Service lines of each lot are clearly marked after completion of the improvements.

6. Typical cross section of the sanitary sewer system.

F. For Retention Area Construction:

1. Designed for gradual release of stored runoff so as not to damage public or private property.
2. All runoff stored in a manner which discourages public invitation and not be a threat to public health or cause a public nuisance.
3. The release of stored runoff be operable without human intervention and without an outside source of electricity.

G. For Construction In General:

1. Description of the protection methods for the site and adjacent land from soil erosion, for downstream land from sedimentation deposits, and for streets and alleys from the deposit of soil or debris during construction.
2. Must state the type and amount of insurance the contractor must provide and insurance amount for their employees and subcontractors; must provide that the Village is named additional insured; and indemnify the Village against any loss or damage to persons or property during the construction of public improvements.
3. Change orders required when the actual construction differs from the approved plans and specifications, and all change orders must be approved by the Village Engineer.
4. The contractor must give the Village Engineer at least forty eight (48) hours' notice of any tests required of the public improvements.
5. The contractor will not deny access to any Village inspector or Village Engineer for inspection of public improvements.
6. The contractor must submit a tentative construction schedule to the Village Engineer.
7. The contractor must pay for Village engineering fees and test fees related to the project. (Ord. 226, 2-11-2000)

11-5-4-2: **ADDITIONAL REQUIREMENTS:** Required information or documents submitted must be signed and sealed by the Illinois registered professional engineer who prepared the documents and the owner or duly authorized attorney. Whenever required information or

documents are not applicable to the subdivision, the owner must state such in writing. The required information or documents:

- A. For Public Easements: A document stating that all easements shown on the plat have been obtained for the purpose they were created and provisions within the easement reserve usage by the Village.
- B. For Land To Be Dedicated For Public Use: An irrevocable dedication of land in fee simple absolute for the land described upon the plat to be held by the Village in trust until acceptance or rejection of such offer of dedication is made by the Village Board. The dedication shall run with the land and shall be binding on all assigns, grantees, successors, or heirs of the owner.
- C. For Privately Owned Land: A copy of all executed ownership agreements or the document stating who is responsible for maintenance of property which will not be dedicated for public use but is used, directly or indirectly, by abutting property owners within the subdivision, such as boulevards, landscape areas, retention areas, open space, etc.
- D. For Recording Of Plat: A signed statement of the Illinois registered land surveyor that all monuments and markers required to be established and placed have been done so in compliance with the Illinois Plat Act.
- E. For Covenants: Copies of any existing or proposed covenants of the subdivision. (Ord. 226, 2-11-2000)

11-5-4-3: **BONDS:** Letters guaranteeing the issuance of types of bonds required:

- A. Title Insurance: A letter from a licensed title insurance company authorized to do business in the State that guarantees a title insurance policy in the amount of ten thousand dollars (\$10,000.00) and certifies that the premises to be dedicated for public use is free and clear of all liens and encumbrances.
- B. Performance Bond: A letter from a licensed insurance company authorized to do business in the State that guarantees a performance bond will be issued and will:
 - 1. Be issued in a penal sum sufficient to cover the estimate made by the Village Engineer to cover the cost of the required public

improvements within or in conjunction with the subdivision, survey work, all engineering fees, and Village inspection fees, plus twenty five percent (25%);

2. Irrevocably bind the principal, surety, their heirs, executors, administrators, or assigns, jointly and severally;

3. Provide that all public improvements will be constructed within two (2) years after recording the subdivision;

4. Provide a description of the public improvements;

5. Provide that construction of described public improvements will be in a good and workmanlike manner; and

6. Will provide payment of Village inspection fees, if the owner or the contractor fails to pay the fees. (Ord. 226, 2-11-2000)

11-5-5: NOTIFICATION OF SUBMITTAL: The Village Clerk shall record the date of the filing of each part of the final plat. The Village Clerk shall inform the Mayor and chair of the Zoning Board of such filing, and shall inform the president of the School Board within three (3) business days by certified return mail, return receipt requested, or by personal delivery;

- A. That a plat has been submitted for review;
- B. The date which Village Board will be presented the plat for consideration; and
- C. The plat is available for inspection and subject to change prior to Village Board's consideration. (Ord. 226, 2-11-2000)

11-5-6: FINAL PLAT REVIEW: The Zoning Board is hereby authorized to conduct the review of the final plat and make its recommendation to Village Board. However, the Zoning Board shall make its recommendation in order that the Village Board shall take action within sixty (60) days from the date of filing the final plat or within sixty (60) days from the date of filing the last required document, whichever is later. Prior to making any recommendation, the Zoning Board must encourage participation and take into consideration the reports, findings, and recommendation of the:

- A. Mayor;
- B. Street Superintendent and Zoning Board;
- C. Water and Sewer Superintendent and the Water and Sewer Board;
- D. Village Attorney;
- E. Village Engineer(s); and
- F. Appropriate Village official(s). (Ord. 226, 2-11-2000)

11-5-7: **RESOLUTION OF APPROVAL:** The Village Board shall approve the final plat by resolution. The resolution shall direct the Mayor to sign and date the plat and the Village Clerk to attest the Mayor's signature and affix the Seal of the Village upon the plat and shall state that the resolution may become null upon failure to comply with submittal of required bonds. The Village Clerk shall record the final plat, providing the cost of recording has been paid by the owner at the office of the Recorder of Deeds of Henry County.

After recording, one original and one copy of the recorded plat and one copy of all supporting data shall be retained in the Village Clerk's files. (Ord. 226, 2-11-2000)

11-5-8: **BOND AND INSURANCE:** The resolution approving the plat shall be void after fifteen (15) days after passage unless the owner has submitted a valid and executed:

- A. Performance bond, and
- B. Title insurance policy. (Ord. 226, 2-11-2000)

11-5-9: **DISAPPROVAL:** The Village Board shall disapprove the final plat by resolution and the resolution shall state the reason(s) for the disapproval, specifying particularly the aspects in which the disapproving resolution shall be recorded with the plat so affected at the office of the County Recorder. A copy of the resolution shall be forwarded to the owner within ten (10) business days of the disapproval. (Ord. 226, 2-11-2000)

11-5-10: STATUS OF DISAPPROVED PLAT: A final plat which has been disapproved must be resubmitted within six (6) months before the Village Board shall consider it for approval. However, in no instance shall this privilege be given twice to the same final plat. Failure to resubmit within six (6) months shall void Board's courtesy to the owner and require the owner to submit a preliminary plat. (Ord. 226, 2-11-2000)

11-5-11: EXAMPLES OF CERTIFICATES AND STATEMENTS:

Examples of Certificates and Statements to be placed upon plat.

NOTE: The owner and the surveyor are responsible for the exact language and types of certificates required by the State and County, and to secure all signatures.

If State statutes permit and certificates cannot be placed upon the plat, certificate wording should indicate "attached plat".

1. Owner's Certificate

Required, all plats

This is to certify that the undersigned is/are the owner(s) of the land bound in the plat and described in the certificate of the surveyor, has/have caused said land to be surveyed and subdivided, and further certify the plat as correct and do hereby adopt the same and cause it to be known as "name of subdivision";

Required, all plats

The certificate should be typed with the correct proper pronoun, and not typed as shown. If plat is attached, change for proper reference.

The undersigned further certifies the acknowledgment that recording of the plat at the office of the County Recorder of Deeds of Henry County is a conveyance in fee simple of such portions of the land described in the plat by their precise dimensions and set forth for public streets and alleys to the Village of Annawan, Illinois to be held in trust for uses and purposes set forth or intended

Required only when the plat conveys to the Village of Annawan land for public use.

Note: Owner should contact other government, associations, organizations, profit or nonprofit, when granting land for their use

The undersigned further certifies the acknowledgment that recording of the plat at the office of the County Recorder of Deeds of Henry County grants perpetual

Required only when the plat grants easements to the Village of Annawan for public service and utility services.

use, above, upon, along, under and through, and perpetual access and egress to such portions of the land described in the plat by their precise dimension and set forth as public ways for public service and utility easements to the Village of Annawan for the purpose of constructing, operating or maintaining water, sanitary sewer, electric, water runoff storm sewer or any public service way, system and structures, and constructing, operating, or maintaining gas, telephone, telegraph, television, or any other utility way, system and structures of private or public utility operating under franchise from the Village of Annawan, and for the purpose of maintaining drainage ways and operating drainage way structure

The undersigned further certifies the acknowledgment that recording of the plat at the office of the County Recorder of Deeds of Henry County reserves for one year from date of approval of the plat by the Village of Annawan, Illinois the right of purchase, such portions of the land described in the plat by their precise dimension and set forth as parks, playgrounds, school grounds or other public grounds to the government body having jurisdiction of the use of the public purpose land, and further acknowledge that failure to purchase or commence proceeding to acquire the land by condemnation action within one

Note: Owner should contact other government, businesses relating to granting them easements by plat.

Note: The last sentence is optional, depending upon the Village's decision for drainage way easements.

Required only when the plat reserves land for public grounds to be purchased within one year of plat approval.

The owner may desire to specify what type of land and to whom; such as school grounds to Annawan Community Unit School District #228; park land to Village of Annawan or Annawan Community Park District.

2. Surveyor's Certificate

Required all plats; must follow owner's notarized certificate.

STATE OF ILLINOIS)
)
COUNTY OF HENRY)

I, _____, an Illinois Registered Land Surveyor, hereby certify that the plat is a true and correct representation of a survey made by me of the "name of subdivision" and particularly described as:

If plat is attached change for proper reference.

If survey was not done by the surveyor replace "me" with "under my direction".

(legal description)

I further certify that the plat was surveyed and prepared according to the surveying and plat laws of the State of Illinois and all monuments required to be set in accordance to the Illinois Plat Act or other State statutes were set or will be set within 30 days after the completion of the required improvements.

I further certify that (no) part of the land bounded by the plat is located within a special flood hazard area as delineated by the Federal Emergency Management Agency.

Type as either yes or no to what is being certified.

Given under my hand and official seal this ___ day of _____, 199_.

(SEAL)

BY: _____
ILLINOIS REGISTERED LAND
SURVEYOR
ILLINOIS REGISTRATION NO. _____

3. Village Collector's Certificate

STATE OF ILLINOIS)
COUNTY OF HENRY) SS
VILLAGE OF ANNAWAN)

I, _____, Village Collector of the Village of Annawan do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have been appropriated against the land bounded in the plat.

In witness whereof, I hereunto set my hand this ___ day of _____, 199_.

Village Collector

(SEAL)

Attest:

Village Clerk

4. County Clerk's Certificate

STATE OF ILLINOIS)
COUNTY OF HENRY)

I, _____, County Clerk of Henry County, Illinois do hereby certify that there are no delinquent general taxes, no unpaid forfeited taxes, and no redeemable sales tax against any land bounded by the plat.

Required, all plats within the corporate limits as shown. If subdivision is contiguous territory, change for County Collector.

If plat is attached change for proper reference.

Note: Village will not sign until all others have been signed, except Recorder's certificate.

Required, all plats

Given under my hand and official seal this ___ day of _____, 199_.

(SEAL)

County Clerk

5. Owner and Professional Engineer Statements

Required, all plats.

To the best of our knowledge and belief the drainage of surface waters will not be changed by the construction of "name of subdivision" or any part thereof,

The statement to be used will depend upon the condition; in no event should both statements be typed.

or

To the best of our knowledge and belief the drainage of surface water will be changed by the construction of "name of subdivision" or any part thereof and reasonable provision has been made for collection and diversion of such surface waters into public or private areas, or drains which the owner has a right to use and that such surface waters into areas or drains were planned in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of "name of subdivision" or parts thereof.

I hereunto set my hand and official seal this ___ day of _____, 199_.

(SEAL)

ILLINOIS REGISTERED PROFESSIONAL ENGINEER
ILLINOIS REGISTRATION NO. _____

Dated this ___ day of _____, 199_.

(print name of owner or name of duly authorized attorney)

Additional signatures required if the land is owned by more than one person. The signatures should be changed if the owner is a corporation to meet the required signatures of corporations as prescribed by law or its by laws. The owner's duly authorized attorney may sign in place of owner.

6. Roadway Access Statement

This plat of "name of subdivision" is approved by the "name of agency" as required to be approved by the Illinois Plat Act.

In witness whereof, I hereunto set my hand this ___ day of _____, 199_.

Required on all plats when any platted street must have access to state, township, or county road.

"Name of agency", e.g., Illinois Department of Transportation, Annawan Township Road District, Henry County Highway Department.

A plat could have more than one roadway access statement.

TITLE

Witness:

7. Public Sewerage Disposal System Statement

This plat of "name of subdivision" is approved by the Henry County Health Department as required to be approved and acknowledged by the Illinois Plat Act.

In witness whereof, I hereunto set my hand this ___ day of _____, 199_.

Required on all plats if any part within the platted land will not be served by a public sewerage disposal system.

TITLE

Witness:

8. Planning Department Statement

This plat of "name of subdivision" was approved at a meeting of the Zoning Board held _____, 199__, and in accordance with the Annawan Subdivision Ordinance.

In witness whereof, I hereunto set my hand this ___ day of _____, 199__.

Zoning Board Chairman

(SEAL)

Attest:

Village Clerk

9. Village Board Statement

This plat of "name of subdivision" was approved by Resolution No. __ at a meeting of the Village Board of the Village of Annawan held __, 199__, and in accordance with the Annawan Subdivision Ordinance.

In witness whereof, I hereunto set my hand this ___ day of _____, 199__.

Required on all plats. Additional acknowledgment of approval and compliance to Henry County Subdivision may be required for contiguous territory.

Note: Village will not sign until all others have been signed, except Recorder's certificate.

Required on all plats. Additional acknowledgment of approval and compliance to Henry County Subdivision may be required for contiguous territory.

11-5-11

11-5-11

In witness whereof, I hereunto set
my hand this ___ day of _____,
199_.

Appropriate Village Official

(SEAL)

Attest:

Village Clerk

(Ord. 226, 2-11-2000)

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CHAPTER 6

PUBLIC IMPROVEMENTS

SECTION:

- 11-6-1: Completion Required
- 11-6-2: Acceptance Of Public Improvements
- 11-6-3: Return Of Bond
- 11-6-4: Notification Of Acceptance

11-6-1: **COMPLETION REQUIRED:** If the owner fails to complete the public improvements in accordance with the plans and specifications within two (2) years of the issuance of the performance bond, the Village shall proceed to take all necessary legal action upon the owner and insurance company that issued the performance bond and all necessary legal action necessary to complete the public improvements. (Ord. 226, 2-11-2000)

11-6-2: **ACCEPTANCE OF PUBLIC IMPROVEMENTS:** Public improvements are required to be accepted and no public improvements within or in conjunction of the subdivision shall be accepted by the Village Board until all public improvements are completed and the owner requests acceptance in writing and submits:

- A. An executed maintenance bond issued by an insurance company authorized to do business in the State in the amount of one-third ($\frac{1}{3}$) the total construction cost of the public improvements. The maintenance bond must:
 1. Be for a two (2) year term beginning with the date after the completion of all public improvements;
 2. State that in the event the owners, assigns, successors, or heirs fail to or refuse to replace sidewalk damage by the construction of the building or structure within ninety (90) days after the Village demands such repairs, the Village shall be entitled to use proceeds of the maintenance bond to make the necessary repairs;

3. State that in the event the owners, assigns, successors, or heirs fail to or refuse to pay costs to repair or replace defective improvements or workmanship within ninety (90) days after the Village demands such repairs or replacements, the Village shall be entitled to use proceeds of the maintenance bond to make the necessary repairs or replacements.

- B. All final lien waivers of the public improvements.
- C. "As-built drawings" of all public improvements.
- D. Warranties of all products used for public improvements and the warranties must be valid for a two (2) year period beginning with the date after the completion of all public improvements.
- E. Copies of all inspection reports given to the owner by the owner's engineer.
- F. A statement from the owner's engineer stating the public improvements were constructed as stated in accordance with all the plans and specifications approved by the Village Board and all change orders approved by the Village Engineer. (Ord. 226, 2-11-2000)

11-6-3: **RETURN OF BOND:** The Village Board shall accept the public improvements by resolution and the resolution shall state:

- A. That passage of this resolution accepts all public improvements and is not a partial acceptance of public improvements by the Village;
- B. The description of each public improvement and dollar value is given; and
- C. The passage of this resolution relinquishes the performance bond issued to the Village by the owner. (Ord. 226, 2-11-2000)

11-6-4: **NOTIFICATION OF ACCEPTANCE:** The Village Board shall furnish a copy of the resolution to each superintendent, inspector, and any other official. Notification hereby grants the authorization to issue permits and connect Village services to buildings or structures within the subdivision. (Ord. 226, 2-11-2000)

CHAPTER 7
RELATED PROVISIONS

SECTION:

11-7-1:	Development Criteria
11-7-2:	Vacation Of Recorded Plats
11-7-3:	Replat Of Recorded Plats
11-7-4:	Dedication Of Land For Public Use
11-7-5:	Annexation Required For Services
11-7-5-1:	Annexation Exceptions
11-7-6:	Contiguous Territory
11-7-6-1:	Additional Requirements
11-7-7:	Village Participation Statement
11-7-8:	Variances

11-7-1: **DEVELOPMENT CRITERIA:** The owner may request to submit a final plat of only part of the approved preliminary plat. The Zoning Board shall not recommend nor shall the Village Board approve the request whenever:

- A. The owner fails to assert by sufficient information that public improvements within part of the plat will not inhibit the public improvements of the total proposed subdivision or the continuity of the remaining public improvements, e.g., dead-end collector, major, or minor streets with no turnaround; collector streets not serving their intended purpose; dead-end water mains; unnecessary laying of underground utilities; half-streets; unnecessary public improvements not serving any purpose; construction of retention areas in each part when one will serve the entire subdivision or resubdivision; etc.

- B. The owner fails to provide a performance bond in the sum to cover the cost of the remaining public improvements and guarantees that the final plat for the remaining part will be presented within two (2) years of approval of the partial plat.

(Note: This does not replace the performance bond required for the final plat of the partial requested plat.)

If final plat approval is given for part of the proposed subdivision, only such part of the plat that received final approval shall be entitled to be recorded. (Ord. 226, 2-11-2000)

11-7-2: **VACATION OF RECORDED PLATS:** The Village Board may reject any instrument that abridges or destroys any public rights to land dedicated within the corporate limits or contiguous territory by the recording of a plat at the office of the County Recorder of Deeds, whenever the owner or property owners exercise the right to vacate a plat in accordance to the Illinois Plat Act. (Ord. 226, 2-11-2000)

11-7-3: **REPLAT OF RECORDED PLATS:** A proposed sketch of a replat may be filed with the Village Clerk. The appropriate Village official after review and satisfaction that the proposed replat is not contrary to applicable subdivision, zoning, and flood plain ordinance provisions may declare to the owner that the replat is exempt from the Annawan Subdivision Ordinance. If the owner desires to file a plat at the office of the Recorder of Deeds of Henry County and desires the appropriate Village official to certify the plat, the owners shall prepare the plat in accordance with the Illinois Plat Act and place upon it the proper certification statement of the Village and the owner must submit a copy of the recorded plat to the Village. If the proposed replat is declared a subdivision, the appropriate Village official shall not sign any plat and must convey to the owner the reason for the declaration. (Ord. 226, 2-11-2000)

11-7-4: **DEDICATION OF LAND FOR PUBLIC USE:** The Village Board, upon recommendation of the Zoning Board, may require that land be designated for public purpose. School site, park site, or other public land are considered land for public purpose.

A. Whenever there is land designated for public purpose on a plat approved by the Village Board, the government body (School Board, Park Board, Fire District, Village, etc.) having jurisdiction of the use of the public purpose land must:

1. Within one year from the date of approval of the plat acquire the land by purchase or commence proceedings to acquire the land by condemnation.

- B. If the government body fails to acquire the public purpose land within one year from the date of approval of the plat, the land so designated may then be used by the owner. (Ord. 226, 2-11-2000)

11-7-5: **ANNEXATION REQUIRED FOR SERVICES:** No Village services shall be extended, offered, or allowed to be connected to any subdivision situated in the contiguous territory of the Village unless the land has been annexed to the Village. (Ord. 226, 2-11-2000)

11-7-5-1: **ANNEXATION EXCEPTIONS:** The prohibition of extension, offer, or connections to Village services is not applicable when:

- A. The owner has entered into an annexation agreement with the Village; or
- B. The street to be connected is part of the Federal or State highway system. (Ord. 226, 2-11-2000)

11-7-6: **CONTIGUOUS TERRITORY:** Proposed subdivision in contiguous territory must include additional information and documents and the additional requirements must be approved by the Village Board. Some information or documents of this Title may not be required for proposed subdivision within contiguous territory and it is the duty of the owner to inform the Village of why information or documents are not required. (Ord. 226, 2-11-2000)

11-7-6-1: **ADDITIONAL REQUIREMENTS:** Additional information and documents:

- A. The design and plans and specifications of any proposed street lighting system.
- B. The design and plans and specifications of any proposed water source. The water source to serve the entire subdivision must meet the requirements of the Henry County Health Department and the Illinois Environmental Protection Agency, and the owner must include on the plat that the system will be abandoned upon

annexation to the Village and must provide the Village with the operation and maintenance agreement and covenants of the system.

- C. The design and plans and specifications of any proposed sewerage treatment. The sewerage treatment facility must meet the requirements of the Henry County Health Department and the Illinois Environmental Protection Agency, and the owner must include on the plat that the treatment facility will be abandoned upon annexation to the Village and must provide the Village with the operation and maintenance agreement and covenants of the system.
- D. If the proposed subdivision contains not more than ten (10) lots and the Zoning Board declares that future development is not likely, individual sewage disposal systems may be used provided:
1. The owner submits the results and percolation test of the area, prepared by an Illinois registered professional engineer.
 2. The minimum lot area must meet the applicable requirements of the Henry County Health Department and the Illinois Environmental Protection Agency.
 3. The design and placement must meet the requirements of the Henry County Health Department and the Illinois Environmental Protection Agency. (Ord. 226, 2-11-2000)

11-7-7: **VILLAGE PARTICIPATION STATEMENT:** The "Annawan Subdivision Ordinance" and the owner's desire for financial assistance in the development of a proposed development are not related. The "Annawan Subdivision Ordinance" governs the division of land and public improvements. An owner who desires financial assistance of public improvements must convey their desire with Village Board. The Village Board will determine the owner's request upon the advice of its Board whose duties include recommendations regarding Village finances.

- A. No action which involves the altering of the "Annawan Subdivision Ordinance" to accommodate financial assistance shall be made unless provisions of an amending ordinance are provided. Prohibited actions include, but are not limited to:
1. Reducing the performance bond amount by the amount financed by the Village.

2. Accepting a protective ordinance that ensures payment is made to the owner to recover part or all of the subdivision costs in place of a performance bond.

3. Granting any variance to any design standard or public improvement construction requirements so that the owner may increase the number of lots available for sale or lessen the cost to construct public improvements.

4. Granting a variance to the maintenance bond requirement.

5. Not requiring construction of streets or utilities, or not requiring easements within the subdivision which may be needed for future development of adjoining land. (Ord. 226, 2-11-2000)

11-7-8: **VARIANCES:** Whenever the owner believes the regulatory provisions regarding the design of the proposed subdivision or construction of public improvements are not reasonable or place a hardship on the land of the proposed subdivision or surrounding land because of the soil or topographical conditions, the owner may apply in writing to the Zoning Board for a variance.

The Zoning Board shall review the request for a variance and shall submit its recommendation to the Village Board. However, the Zoning Board shall not make a recommendation to grant a variance without providing the Village Board a report containing:

- A. An exceptional hardship would result to the land within and adjacent to the proposed subdivision. Because of the particular physical surroundings, shape, or topographical condition, hardship to the land would result as distinguished from mere inconvenience.
- B. The variance request is the minimum necessary.
- C. The purpose or intent of the variance is not based upon a desire for financial gain.
- D. There will be no additional threat to public health or safety or creation of a nuisance to other property or improvements.
- E. There will be no additional public expense for providing Village services, policing, repair to streets, utilities, or other public facilities.

- F. The conditions creating the need for the variance are unique and are not applicable generally to other property and have not been created by a person having an interest in the property.

The Village Board may by resolution grant a variance upon the recommendation of the Zoning Board and may attach any conditions to the variance as it deems necessary per the intent of this Title.

The appropriate Village official must attach a copy of the resolution to every copy of the plat of the preliminary plat or final plat that is distributed. (Ord. 226, 2-11-2000)

TITLE 12- AN ORDINANCE FOR THE VILLAGE OF ANNAWAN, IL PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS

WHEREAS, the Village of Annawan has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of the citizens; and

WHEREAS, this ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the city/village has the authority to prohibit adult-use cannabis business establishments under Article 55, Section 55-25(5) of this act; and

WHEREAS, the Village has found and determined that the operation of cannabis business establishments would present adverse impact upon the health, safety and welfare of its residence, and increased costs, burden and impact upon law enforcement: and

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF ANNAWAN, HENRY COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1. RECTITALS INCORPORATED

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. CANNABIS BUSINESS ESTABLISHMENT PROHIBITED

Title 12 shall be added to the Municipal Code of the Village of Annawan and will read as follows:

TITLE 12: CANNABIS BUSINESS ESTABLISHMENT PROHIBITED

12.01 DEFINITIONS

The following words and phrases shall, for the purpose of this Title, have the meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport, and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per

the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois department of Financial and Professional Regulations to acquire cannabis from license cannabis business establishment for the purpose of selling or dispensing cannabis, cannabis-infused products , cannabis seeds, paraphernalia or related supplies to purchasers per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated, “Adult-Use Cannabis Dispensing Organization” does not include facilities licensed under the Compassionate Use of Medical Cannabis Pilot Program (P.A. 98-122; ILCS 130/1 et seq.) that only provides cannabis and related products to *qualified registered medical cannabis patients and designated caregivers.*

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act. (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTATION ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, business, entity, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

12.02 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Annawan. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of Annawan of any of the following:

Adult-Use Cannabis Craft Grower

Adult-Use Cannabis Cultivation Center

Adult-Use Cannabis Dispensing Organization

Adult-Use Cannabis Infuser Organization or Infuser

Adult-Use Cannabis Processing Organization or Processor

Adult-Use Cannabis Transporting Organization or Transporter

12.03 EXEMPTIONS

Nothing in this ordinance is intended to prohibit Cannabis Establishments that are registered medical cannabis cultivation centers or medical cannabis dispensing organizations as defined in and authorized by the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1, eq seq., and/or distribute only medical cannabis as authorized by that Act.

12.04 PUBLIC NUISANCE DECLARED

Operations of any prohibited Cannabis Business Establishment with the Village in violation of the provisions of this Chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

12.05 PENALTY

Any person that violates any provisions of this Chapter, any rule or regulation promulgated hereunder, shall be subject to a lawsuit seeking in junction and/or fine of not less than \$25.00 or not more than \$750.00 per violation. A separate offense shall be deemed committed each day during and on which a violation occurs or continues.

SECTION 3. SEVERABILITY

If any section, paragraph, cause or provision of this ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

SECTION 4. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Approved this 10TH day of December, 2019 with 3 members voting aye, 0 members voting nay, the Village President voting N/A, with 0 members abstaining or passing and said vote being:

Brent Heitzler ABSENT

Kim Goodley AYE

John Rico AYE

Audie Sturtewagen AYE

Mitch Heisler ABSENT

John Davis ABSENT



Tim Wise, Village President

Attest:



Sue Nelson, Village Clerk