CITY FLAG
DESIGNED BY
FREDERICK L. LANGE
JULY 6, 1964

CITY COUNCIL AGENDA
CITY OF BELLEVILLE, IL
NOVEMBER 7, 2016
AT 7:00 P.M.

1. CALL TO ORDER BY MAYOR AND EXPLANATION OF DISASTER PROCEDURES

REMINDER: SINCE THE MEETINGS ARE BEING VIDEOTAPED IT IS IMPORTANT THAT EVERYONE SPEAK DIRECTLY INTO A MICROPHONE WHEN SPEAKING.

2. ROLL CALL ALDERMEN

3. ROLL CALL DEPARTMENT HEADS

4. PLEDGE OF ALLEGIANCE

5. PUBLIC HEARING

6. PUBLIC PARTICIPATION (2-3 MINUTES PER PERSON) - *See back page for rules.*

7. PRESENTATIONS, RECOGNITIONS & APPOINTMENTS.

7-A. Jackie Minor from Althoff Catholic High School, Jack Ache from Belleville East High School, and Jillian Rosenkranz from Belleville West High School will recognize the Character word of the month “PEACE” working and living in harmony with each other.

7-B. Mayor Eckert will read a proclamation in honor of Jon J. Brough.

7-C. Presentation by Economic Development Resources on the Shopland Business District Plan.

8. APPROVAL OF MINUTES

8-A. Special City Council Meeting - October 24, 2016.

9. CLAIMS, PAYROLL AND DISBURSEMENTS

9-A. Motion to approve claims and disbursements in the amount of **$2,251,586.46** and payroll in the amount of **$852,116.98**.

10. REPORTS

10-A. City Attorney report dated November 4, 2016.

11. ORAL REPORTS FROM STANDING COMMITTEES, SPECIAL COMMITTEES AND ANY OTHER ORAL REPORTS FROM THE ELECTED OFFICIALS OR STAFF

11-A. MOTIONS FROM **BOARD OF FIRE AND POLICE COMMISSION**

11-A(1). Motion to approve the following promotions effective November 8, 2016 at 12:01 AM:

- Captain Dave Zahn promoted to Battalion Chief
- Engineer Mark Bassler promoted to Captain
- Firefighter Eric Wolfmeier promoted to Engineer
- Eric Kuhl to be hired as a probationary Firefighter

11-A(2). Motion to approve the hiring of a police officer, Ryan Loy, effective November 8, 2016.

11-A(3). Motion to approve the following promotions effective November 22, 2016 at 12:01 AM:

- Master Sergeant Rob Thomason to the rank of Lieutenant
- Detective Todd Keilbach to the rank of Sergeant

11-B. MOTIONS FROM **ECONOMIC DEVELOPMENT/ANNEXATION COMMITTEE**

11-B(1). Motion to accept the Shopland Plaza Business District Plan and place it on file for public inspection.

11-B(2). Motion to set the date of the Joint Review Board annual meetings for all active TIF districts for Friday, December 16, 2016 at the respective times listed in the attached memo.

11-C. MOTIONS FROM **ADMINISTRATION**

11-C(1). Motion to nominate Ken Kinsella as the Public Member Nominee for the Joint Review Board annual meetings for all active TIF districts to be held Friday, December 16, 2016.

11-C(2). Motion to approve IMRF Benefit Protection Leave in the amount of $250.04 for Debra L. Belleville.

11-D. MOTIONS FROM **ORDINANCE AND LEGAL COMMITTEE**

11-D(1). Motion to approve a revised Code of Ordinances for the City of Belleville, Illinois, revising, amending, restating, codifying and compiling certain existing general ordinances of the political subdivision dealing with subjects embraced in such revised code of ordinances.

12. COMMUNICATIONS

12-A. Communication from Royal Family Kids' Camp requesting permission to have a 5K race, the Royal Run on Saturday, March 25, 2017. A copy of the route is attached.

13. PETITIONS

14. RESOLUTIONS

15. ORDINANCES

15-A. **ORDINANCE NO. 7989-2016**
An Ordinance Proposing the Approval and Designation of the Shopland Plaza Business District and Fixing a Time and Place for a Public Hearing on the Proposals to Approve and Designate the Shopland Plaza Business District.

15-B. **ORDINANCE NO. 7990-2016**
An Ordinance enacting a revised Code of Ordinances for the City of Belleville, Illinois, revising, amending, restating, codifying and compiling certain existing general ordinances of the political subdivision dealing with subjects embraced in such revised code of ordinances.

16. UNFINISHED BUSINESS

17. MISCELLANEOUS & NEW BUSINESS

17-A. Motor Fuel Claims in the Amount of **$5,401.29**.

18. EXECUTIVE SESSION

18-A. The City Council may go into executive session to discuss personnel, litigation, workers' compensation, property acquisition, transfer of property.

18 (A-1). Motion to approve possible workers' compensation settlement.

19. ADJOURNMENT (ALL QUESTIONS RELATING TO THE PRIORITY OF BUSINESS SHALL BE DECIDED BY THE CHAIR WITHOUT DEBATE, SUBJECT TO APPEAL)

PUBLIC PARTICIPATION (2-3 MINUTES PER PERSON)

(a) Members of the public may address the City Council in accordance with Section 2.06(g) of the Illinois Open Meetings Act (5 ILCS 120/2.06(g);

(b) Public comments are limited to three (3) minutes per speaker;

(c) The subject of public comments shall be reasonably related to matters(s) identified on the meeting agenda and/or other city business;

(d) Repetitive public comments should be avoided, to the extent practical, through adoption of prior public comment (e.g. agreeing with prior speaker);

(e) The following conduct is prohibited during public participation:

- Acting or appearing in a lewd or disgraceful manner;
- Using disparaging, obscene or insulting language;
- Personal attacks impugning character and/or integrity;
- Intimidation;
- Disorderly conduct as defined in Section 30-1-2 of this revised code of ordinances.

(f) Any speaker who engages in such prohibited conduct during public participation shall be called to order by the chair or ruling by the chair if a point of order is made by a sitting alderman.

CITY OF

Belleville

COUNTY OF ST. CLAIR

I · L · L · I · N · O · I · S

Proclamation

WHEREAS, *today, we take a moment to remember and to reflect upon a tragic day that occurred 10 years ago in our City of Belleville; and*

WHEREAS, *on November 10, 2006,* ***Sergeant Jon J. Brough****, suffered critical injuries while serving in the line of duty with the City of Belleville Police Department; and*

WHEREAS, *Sergeant Jon Brough along with several members of the department's Tactical Response Team were attempting to take a double homicide suspect into custody and Sergeant Jon Brough volunteered to carry the ballistic shield and to enter the residence first. Sergeant Jon Brough was shot by the suspect and sustained horrific injuries; and*

WHEREAS, *the impact of this catastrophe upon Jon Brough, his family, his friends, the Belleville Police Department, and the community as a whole, was immeasurable; and*

WHEREAS, *during his tenure with the City of Belleville Police Department, Sergeant Jon Brough faithfully served Belleville and lived by the Belleville Police Mission Statement, which reads:* ***The principal mission of the Belleville Police Department is to provide public safety and to contribute to the quality of life for the citizens of the City of Belleville by protecting, serving and working with the community to develop philosophies, which promote equity and establish partnership between citizens and police that enhance law enforcement, aid in the prevention of crime, and preserve the public peace; and***

WHEREAS, *in 2007, Jon Brough received the Medal of Honor from the Southern Illinois Law Enforcement Commission; and*

WHEREAS, *in 2008, Jon Brough received the John O. Ellis Medal of Valor from the Southern Illinois Law Enforcement Commission and the Southern Illinois Police Chief's Association; and*

WHEREAS, *Jon Brough has received ongoing love and support from his family and friends. Jon and his wife, Wendy, have been married for nearly 37 years and together they have two sons: Jon Jr., who is married to Emily, and Paul, who is married to Hollie; and four grandchildren: Cassidy, Charlotte, Conlan, and Brenner; and*

WHEREAS, *Jon Brough's courageous wife, Wendy, has said, "Jon may have lost his sight, but he has not lost his vision"; and*

WHEREAS, *Jon Brough continues to serve his community in many capacities. Jon is a member of St. Luke's Catholic Church. Jon serves as a member of the September 11 Memorial Walkway of Southern Illinois Committee and as a member of the Illinois Chapter 14 Blue Knights Law Enforcement Motorcycle Club. He is actively involved with BackStoppers. Jon sponsors the Annual Jon J. Brough Blood Drive and he has established the Jon J. Brough Scholarship at Southwestern Illinois College. Jon also speaks at D.A.R.E. classes, area churches, and at various law enforcement trainings and seminars; and*

Pride in the Past · Planning for the Future

WHEREAS, *Jon Brough is known for his unconditional love for his family, friendly and compassionate personality, strong character, sense of humor, exemplary service to others, and for promoting the growth and vision of our community and the City of Belleville; and*

NOW, THEREFORE, *I, Mark W. Eckert, Mayor of the City of Belleville, Illinois, do hereby proclaim November 10, 2016, as* ***'Jon Brough Day'*** *in the City of Belleville, Illinois, in honor of Jon's bravery, his perseverance, and his strength of character.*

IN WITNESS WHEREOF, *I have hereunto set my hand and caused the seal of the City of Belleville to be affixed, this 7th day of November, in the year of our Lord two thousand and sixteen.*

Mark W. Eckert

Shopland Plaza Business District

BUSINESS DISTRICT PLAN

City of Belleville, Illinois

November 2, 2016

Economic Development Resources
St. Louis, Missouri

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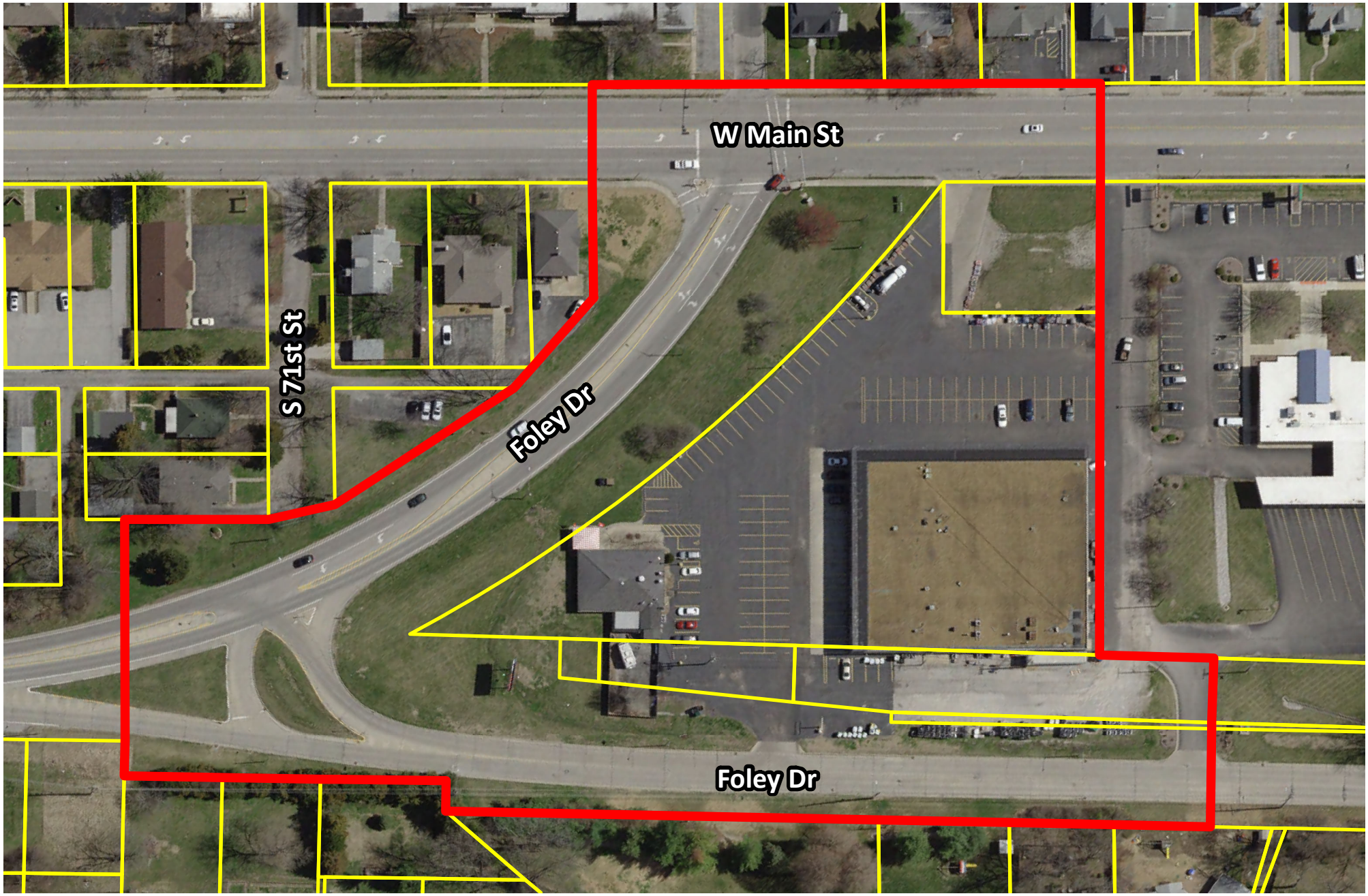
SECTION I

INTRODUCTION

Business districts are authorized by the Illinois Municipal Code, specifically in 65 ILCS 5/11-74.3 et seq., the Business District Development and Redevelopment Law (the "Law"). The Law sets forth the requirements and procedures for establishing a business district and a business district plan. The purposes of such a plan are to document that the business district meets the definition of a "Blighted area" (as that term is defined in the Law), and identify those actions and activities to that will eradicate the blighting conditions found in the business district and assist in the development and redevelopment of the business district. The business district plan also identifies those activities, sources of funds, procedures and other requirements needed to implement the plan, and then describes the use of the sales tax and hotel/motel taxes raised within the business district to pay for certain "Business district project costs", as such costs are defined in the Law.

The proposed Shopland Plaza Business District (the "District") consists of six parcels in the City of Belleville, located southwest of the intersection of W. Main Street and Foley Drive. The location of this approximately seven acre District is shown on **Exhibit A – Boundary Map**. The legal description of the District is attached as **Appendix 1 – Legal Description**.

Given the extraordinary costs to remediate blighting conditions found within the District and to prepare the District (and the buildings, structures, site improvements and public improvements therein) for development and redevelopment, the City of Belleville proposes to create the District to assist in meeting these costs.



Shopland Plaza Business District
Business District Plan
City of Belleville, Illinois

EDR
Economic Development Resources

District Boundary
Parcel

N

0 150 300 Feet

EXHIBIT A
Boundary Map

SECTION II

STATUTORY BASIS FOR BUSINESS DISTRICT DEVELOPMENT AND REDEVELOPMENT

Business districts are authorized by the Illinois Municipal Code, specifically in 65 ILCS 5/11-74.3 et seq., the Business District Development and Redevelopment Law, hereinafter the "Law". The Law finds and determines that:

- It is essential to the economic and social welfare of each municipality that business districts be developed, redeveloped, improved, maintained, and revitalized, that jobs and opportunities for employment be created within the municipality, and that, if blighting conditions are present, blighting conditions be eradicated by assuring opportunities for development or redevelopment, encouraging private investment, and attracting sound and stable business and commercial growth;

- As a result of economic conditions unfavorable to the creation, development, improvement, maintenance, and redevelopment of certain business and commercial areas within municipalities, opportunities for private investment and sound and stable commercial growth have been and will continue to be negatively impacted and business and commercial areas within many municipalities have deteriorated and will continue to deteriorate, thereby causing a serious menace to the health, safety, morals, and general welfare of the people of the entire State, unemployment, a decline in tax revenues, excessive and disproportionate expenditure of public funds, inadequate public and private investment, the unmarketability of property, and the growth of delinquencies and crime;

- In order to reduce threats to and to promote and protect the health, safety, morals, and welfare of the public and to provide incentives which will create employment and job opportunities, will retain commercial businesses in the State and related job opportunities and will eradicate blighting conditions if blighting conditions are present, and for the relief of unemployment and the maintenance of existing levels of employment, it is essential that plans for business districts be created and implemented and that business districts be created, developed, improved, maintained, and redeveloped;

- The creation, development, improvement, maintenance, and redevelopment of business districts will stimulate economic activity in the State, create and maintain jobs, increase tax revenues, encourage the creation of new and lasting infrastructure, other improvements, and facilities, and cause the attraction and retention of businesses and commercial enterprises which generate economic activity and services and increase the general tax base, including, but not limited to, increased retail sales, hotel or restaurant sales, manufacturing sales, or entertainment industry sales, thereby increasing employment and economic growth;

- It is hereby declared to be the policy of the State, in the interest of promoting the health, safety, morals, and general welfare of all the people of the State, to provide incentives which will create new job opportunities and retain existing commercial businesses within the State and related job opportunities, and it is further determined and declared that the relief of conditions of unemployment, the maintenance of existing levels of employment, the creation of new job opportunities, the retention of existing commercial businesses, the increase of industry and commerce within the State, the reduction of the evils attendant upon unemployment, and the increase and maintenance of the tax base of the State and its political subdivisions are public purposes and for the public safety, benefit, and welfare of the residents of this State; and,

- The exercise of the powers provided in this Law is dedicated to the promotion of the public interest, to the enhancement of the tax base within business districts, municipalities, and the State and its political subdivisions, the creation of employment, and the eradication of blight, if present within the business district, and the use of such powers for the creation, development, improvement, maintenance, and redevelopment of business districts of a municipality is hereby declared to be for the public safety, benefit, and welfare of the residents of the State and essential to the public interest and declared to be for public purposes.

This Law allows a municipality to assist in accomplishing development and redevelopment activities within its business districts on a locally-controlled basis. Development and redevelopment within a designated business district will generate taxes from sales, services, and/or lodging within the business district and, thus, create tax revenues that will be used to improve the business district. These tax revenues can be used to finance certain "Business district project costs" ("Project Costs"), as such costs are defined in the Law.

The Law allows the corporate authorities to designate an area of the municipality, following a public hearing, as a business district. Under the Law, powers extended to the corporate authorities creating a business district include, but are not necessarily limited to, the following:

- To make and enter into all contracts necessary or incidental to the implementation and furtherance of a business district plan;

- Within the business district, to acquire by purchase, donation, or lease, and to own, convey, lease, mortgage, or dispose of land and other real or personal property or rights or interests therein;

- To acquire property by eminent domain in accordance with the Eminent Domain Act;

- To clear any area within the business district by demolition or removal of any existing buildings, structures, fixtures, utilities, or improvements, and to clear and grade land;

- To install, repair, construct, reconstruct or relocate public streets, public utilities, and other public site improvements within or without the business district which are

essential to the preparation of the business district for use in accordance with a business district plan;

- To renovate, rehabilitate, reconstruct, relocate, repair or remodel any existing buildings, structures, works, utilities, or fixtures within any business district;

- To construct public improvements, including, but not limited to, buildings, structures, works, utilities, or fixtures within any business district;

- To fix, charge and collect fees, rents, and charges for the use of any building, facility, or property or any portion thereof owned or leased by the municipality within a business district;

- To pay or cause to be paid business district project costs. Any payments to be made by the municipality to developers or other nongovernmental person for business district project costs incurred by such developer or other nongovernmental person shall be made only pursuant to the prior official action of the municipality evidencing an intent to pay or cause to be paid such business district project costs;

- To apply for and accept grants, guarantees, donations of property or labor or any other thing of value for use in connection with a business district project; and,

- If the municipality has by ordinance found and determined that the business district is a blighted area under the Law, to impose a retailers' occupation tax, a service occupation tax and a hotel operators' occupation tax in the business district for the planning, execution, and implementation of the business district plan, and to pay for business district project costs as set forth in the business district plan approved by the municipality.

The Law also identifies the components of such a business district plan, viz:

- Specific description of the district boundaries and map of the boundaries;

- General description of each project to be undertaken, including a description of the approximate location of each project and a description of any developer, user or tenant within the business district;

- Name of the proposed business district;

- Estimated business district project costs;

- Anticipated sources of funds to pay business district project costs;

- Anticipated type and terms of any obligations to be issued; and,

- The retailers' occupation tax, service occupation tax and/or hotel operators' occupation tax to be imposed (if any), the rate of such taxes and the period of time for which such taxes will be imposed.

SECTION III

BUSINESS DISTRICT PLAN

INTRODUCTION

The City of Belleville (the "City") is creating the Shopland Plaza Business District (the "District") and the Shopland Plaza Business District Plan (the "Plan") in order to provide an important tool for the development and redevelopment of a blighted area of the community. In looking to achieve this end, the City will adhere to certain Objectives and Policies.

A. Objectives

The Objectives of the Plan are to:

- Eradicate the blighting conditions within the District;
- Assure opportunities for development and redevelopment, and attract sound and stable commercial growth and employment opportunities;
- Expand, enhance and diversify the tax base of all the underlying taxing districts;
- Facilitate the implementation of public plans, projects and investment within the District in a manner that is compatible with the City's Comprehensive Plan; and,
- Encourage and assist private investment and development within the District, in a manner that is compatible with the City's Comprehensive Plan.

B. Policies

The City will follow certain Policies to achieve the Objectives outlined above. These include:

- Use District-derived revenues to implement the Plan;
- Utilize City employees and consultants to undertake those actions and activities necessary to accomplish the specific public-side projects outlined in the Plan;
- Provide District revenues, as permitted by the Law, to encourage private developers to complete actions and activities outlined in the Plan; and,
- Utilize those powers extended in the Law to the corporate authorities in the development and redevelopment of the District.

These Objectives and Policies may be amended from time to time as determined by the City.

C. Components of the Business District Plan

1. Boundaries/Location of the District

A number of factors were taken into consideration in establishing the boundary of the District. Established guidelines and standards have been followed in delineating the boundary and preparing this Plan.

Persons employed by Economic Development Resources L.L.C. (EDR), and experienced in determining the eligibility of areas of communities for business district designation, conducted research of the District and environs in order to ascertain the existence of blighting factors found in the Law. EDR was assisted in its determination by information obtained from St. Clair County and from the City of Belleville. Based upon these investigations, the location of blighting factors in the area of the City under study, and the eligibility requirements for imposing business district taxes, the boundary of the District was determined.

The District is comprised of six parcels in the City of Belleville, generally located along located southwest of the intersection of W. Main Street and Foley Drive.

2. General Description of the Project, Project Location, Developer, User or Tenant

General Description of the Project

The projects proposed to be undertaken (the "Projects") within the District will include privately developed and redeveloped commercial (retail, commercial and service-related) uses, and public investment in infrastructure complementary to such private development. The Projects may be developed in one or more phases.

Private Projects proposed to be undertaken in the District include, but are not limited to:

- property assembly and land acquisition of the property on which Ace Hardware is located;
- rehabilitation and reconstruction of the existing commercial structures and site improvements (including signage);
- increased safety lighting and security fencing within and on the perimeter of the District;
- improvements to private driveways, ingress and egress points and parking lots within the District;

- marketing to prospective businesses, developers and investors, including marketing efforts to attract retailers, restaurants and service providers to the District.

Public Projects will be used to complement private investment and help induce commercial development and redevelopment. These improvements are anticipated to include, but are not limited to:

- extension of City infrastructure, including, but not limited to sanitary sewers, storm water sewers, sidewalks, crosswalks, trails, traffic control signage, pavement markings to parts of the District not currently served;

- improvements to City infrastructure, including but not limited to sanitary sewer lines, manholes and, storm water sewers, and water mains and hydrants, improvements to roadways and intersections (curbs, gutters, curb cuts, signalization and turn lanes), and the reconstruction and consolidation of ingress and egress points now serving the District;

- installation, repair, construction, reconstruction, or relocation of public streets, public utilities, and other public site improvements within or without the District which are essential to the preparation of the District for use in accordance with the Plan.

Description of Any Developer, User or Tenant

Developers, users or tenants include those developers, users or tenants currently located within the District and those developers, users or tenants attracted to the District through the use of the business district program. A description of any developer, user or tenant of any property to be located or improved within the District is attached as **Appendix 2 – Description of Any Developer, User or Tenant**.

3. Name of Business District

The name of the Business District is the "Shopland Plaza Business District".

4. Estimated Business District Project Costs

The estimated business district project costs (the "Project Costs") for the District, as discussed in **5.** below, are presented in **Exhibit B – Estimated Business District Project Costs**. These estimates include the sum total of all Project Costs anticipated to be incurred by the City, other governmental entities, or nongovernmental persons in furtherance of this Plan. The estimated costs in the Exhibit are subject to refinement as specific plans and designs are finalized and experience is gained in implementing this Plan.

Total Estimated Business District Project Costs are anticipated to be $2,500,000.

EXHIBIT B

Estimated Business District Project Costs

Description	Estimated Costs
Cost of studies, surveys, development of plans and specifications, implementation and administration of a business district plan, and personnel and professional service costs including architectural, engineering, legal, marketing, financial, planning, or other professional services	$150,000
Property assembly costs, including but not limited to, acquisition of land and other real or personal property or rights or interests therein, and specifically including payments to developers or other nongovernmental persons as reimbursement for property assembly costs incurred by that developer or other nongovernmental person	$1,000,000
Costs of installation, repair, construction, reconstruction, extension or relocation of public streets, public utilities, and other public site improvements within or without the business district which are essential to the preparation of the business district for use in accordance with the Plan, and specifically including payments to developers or other nongovernmental persons as reimbursement for site preparation costs incurred by the developer or nongovernmental person	$250,000
Costs of renovation, rehabilitation, reconstruction, relocation, repair, or remodeling of any existing buildings, improvements, and fixtures within the business district, and specifically including payments to developers or other nongovernmental persons as reimbursement for costs incurred by those developers or nongovernmental persons	$1,100,000
Total Estimated Business District Project Costs	**$2,500,000**

Note:

Expenditures in individual categories may differ from those shown above; however the total amount of the Estimated Business District Project Costs will not exceed $2,500,000 plus any additional increase in this figure permitted in the Law for interest and any other financing costs as may be required.

DRAFT

5. Anticipated Source of Funds to Pay Business District Project Costs

The anticipated source of funds to pay Project Costs are those tax revenues generated by the retailers' occupation tax, service occupation tax and hotel operators' occupation tax (collectively, the "Business District Taxes") to be imposed within the Business District. Such Business District Taxes will then be used to pay eligible Project Costs. In addition, the District's costs and obligations may be paid for, in whole or in part, by revenues from other funding sources. Other funding sources may include state and federal programs, municipal sales tax revenue, tax increment financing ("TIF") revenues in those portions of the District which overlap with the City's "TIF #3" tax increment financing area, and revenues generated in other business districts in the City, as provided for in the Law.

6. Anticipated Type and Terms of Any Obligations to be Issued

In order to expedite the implementation of the Plan, the City of Belleville, pursuant to the authority granted to it under the Law, may issue obligations to pay for the Project Costs. These obligations may be secured by future revenues generated by the Business District Taxes to be collected and allocated to the Business District Tax Allocation Fund (the "Fund"), as well as other monies identified in **5**., above, allocated to the Fund. Such obligations may take the form of any loan instruments authorized by the Law, such as bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a business district project or to refund outstanding obligations. However, the last maturity of the refunding obligations shall not be expressed to mature later than the dissolution date, as that term is defined in the Law.

Such loans or obligations may be issued pursuant to this Plan. The City anticipates that notes, bonds or similar obligations, if issued, will be secured by revenues in the Fund.

When the Project Costs, including all obligations paying or reimbursing such Project Costs have been paid, but in no event later than the dissolution date (as that term is defined in the Law), any surplus funds then remaining in the Fund shall be distributed to the City treasurer for deposit into the general corporate fund of the City, as provided for in the Law.

7. The Rate of Any Tax to be Imposed Pursuant to Subsection (10) or (11) of Section 11-74.3-3 of the Law and the Period of Time for Which the Tax Shall Be Imposed

Within the District, a rate of tax of 1.0% shall be imposed as a retailers' occupation tax and a service occupation tax, and a rate of tax of 1.0% shall also be imposed as a hotel operators' occupation tax. Such taxes shall be imposed for up to 23 years.

SECTION IV

BASIS FOR FINDING AS A BLIGHTED AREA

A. Introduction

Business districts are authorized by the Illinois Municipal Code, specifically in 65 ILCS 5/11-74.3 et seq. (the "Business District Development and Redevelopment Law" or the "Law"). The Law sets forth the requirements and procedures for establishing a business district, including making a determination that there exists conditions that cause the business district to be classified as a "Blighted area" and therefore enabling a municipality to impose an additional retailers' occupation tax, service occupation tax and hotel operators' occupation tax. The purpose of this report is to provide a document that demonstrates that the area under consideration for designation as a business district is a "Blighted area", as that term is defined in the Law.

The proposed Shopland Plaza Business District (the "District") consists of six parcels (and abutting rights-of-way) in the City of Belleville (the "City"), located southwest of the intersection of W. Main Street and Foley Drive. The location of this approximately seven acre District is shown on **Exhibit A – Boundary Map**.

The portion of the City reviewed for this Study meets the eligibility requirements as a "Blighted area", as found in the Law.

B. Statutory Qualifications

A "Blighted area" as defined in the Law means "an area that is a blighted area which, by reason of the predominance of defective, non-existent, or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, retards the provision of housing accommodations or constitutes an economic or social liability, an economic underutilization of the area, or a menace to the public health, safety, morals, or welfare."

C. Investigation and Analysis of Blighting Conditions

In determining whether or not this portion of the City meets the eligibility requirements of the Law, various methods of research and field surveys were utilized. These included:

- Contacts with individuals knowledgeable as to: conditions and history of this portion of the City; age of buildings and site improvements; development patterns; real estate matters and related items. Existing information pertaining to public utilities in this portion of the City was also reviewed, as was information regarding the City on file with St. Clair County; and,

- On-site field examinations of conditions within the District were conducted by Economic Development Resources L.L.C. (EDR) in conjunction with members of the City's Building, Fire, Wastewater, and Economic Development, Planning and Zoning departments.

D. The Area Proposed for the Business District

The area proposed for designation of a business district is approximately seven acres in size, located southwest of the intersection of W. Main Street and Foley Drive. The area contains two buildings and six parcels (and abutting rights-of-way), and is shown on **Exhibit A – Boundary Map**. This area has been found to meet the eligibility requirements as a "Blighted area".

E. Review of Qualifications of the Proposed Business District

1. Defective, non-existent or inadequate street layout

The street layout in the District is inadequate. There are no sidewalks along Foley Drive (Annual Average Daily Traffic of 8,500: IDOT, 2013); such a layout is defective in that it forces pedestrians to walk either in the active driving lanes or in the lawns of property abutting this roadway. Further, there are no pedestrian signals, crosswalk lanes or other pedestrian safety system present where Foley Drive, proper, intersects with the Foley Drive extension of N. 70th Street, forcing pedestrians to cross this roadway without the benefit of such safety measures. Moreover, the intersection is defective in that it permits a number of unprotected turning movements, including unprotected left-hand turns from both portions of Foley Drive.

2. Unsanitary or unsafe conditions

Field research by EDR has identified unsanitary or unsafe conditions throughout the District. Such conditions include, but are not limited to, those enumerated below:

- The lack of sidewalks on Foley Drive, and the faded (in some places missing) pedestrian crosswalk lanes, force pedestrians to cross active driving lanes without the benefit of such pedestrian safety measures;

- The intersection of Foley Drive and the Foley Drive extension of N. 70th Street is defective in that it permits a number of unprotected turning movements, including unprotected left-hand turns from both portions of Foley Drive;

- Exposed wiring (with open splices) are present at 6934 W. Main Street;

- City Fire officials identified an excessive use of extension cords powering center aisle display items in the occupied space of 6938 W. Main Street;

- Lack of adequate fire alarm and fire suppression systems, required fire walls, and functional emergency lighting systems throughout 6938 W. Main Street;
- Protective bollards are lacking from the incoming gas service at the southeast corner of 6938 W. Main Street, and from the Carbon Dioxide (CO2) tank on the south side of 6980 W. Main Street;

- Penetrations of electrical conduit runs at 6980 W. Main Street are not sealed for fire prevention;

- City officials have determined that aisles through the storage areas, and one outdoor patio at 6980 W. Main Street, are unsafe for emergency ingress and egress;

- Multiple instances of unenclosed and open dumpsters, as well as outdoor storage of miscellaneous site materials in unrestricted portions of the District (including, but not limited to, retail items and rotting wood pallets);

- Utility and light standard poles are located in active driving and parking areas and lack any protective bollards, unsafe for pedestrians and vehicles traversing the District;

- The primary access drive on W. Main Street, as well as driving lanes through the District, lack proper ingress and egress designation;

- Field research showed that there are no storm water sewers in the District. Storm water was observed pooling in parking areas and driveways throughout the District. This condition results in breeding grounds for mosquitoes and other insects.

- The District is at risk of mine subsidence, a condition that is unsafe and endangers the property itself. The *Directory of Coal Mines in Illinois 7.5-Minute Quadrangle Series French Village Quadrangle St. Clair County* provided by the Illinois State Geological Survey (ISGS) and the Illinois Department of Natural Resources (IDNR) reveals that coal mining was conducted beneath the District by Southern Coal, Coke & Mining Co. (and its predecessors) between 1889 and 1936. The entire District is underlain by this unused mine; and,

- Site visits in August 2016 identified 9 light standards in the District that were not working, and significant portions of the District which have little, or no, measureable light (as identified by measuring the light levels throughout the District), resulting in portions of the District having levels of illumination below that recommended by the Illuminating Engineering Society of North America (IESNA) for parking lots, sidewalks, footpaths, and grounds around open parking lots.

3. Deterioration of site improvements

Site improvements refer to either buildings on site, or other types of improvements to sites, such as driveways, sidewalks, light fixtures, steps, utilities, retaining walls, etc. Deterioration of buildings includes defects in primary components such as cracked or damaged foundations, frames, or roofs, as well as rotted, damaged or missing secondary building components such as doors, windows, porches, soffits, fascia, gutters and downspouts. Deterioration of other types of site improvements includes surface cracking, crumbling, potholes, depressions, and loose paving material in roadways, alleys, off-street parking areas and surface storage areas, as well as rusting, rotting and damaged retaining walls, utilities in need of repair, and other similar improvements to a site. Field research by EDR has identified deterioration of site improvements throughout the District. Such conditions include, but are not limited to, those enumerated below.

Examples of Building Deterioration

Examples of building deterioration within the District include, but are not limited to:

6934-6966 W. Main Street

- The roof is damaged throughout, allowing water to infiltrate through open holes, evident by fallen ceiling tiles in the interior spaces;
- Multiple unused HVAC units on the rooftop are rusted;
- Exterior building walls are cracked from the roofline to the foundation;
- There is a hole in the southeast wall above a door, allowing elements to penetrate the interior of the building;
- The wooden framing of a door on the southeast wall has holes in the exterior, and has loose panels and trim;
- Glass windows and doors are cracked and broken;
- Exposed wiring is present along the southwest wall of the building;
- A metal exterior wall on the southeast side of the building is rusted, cracked and crumbling at its base;
- A ventilation outlet on the southeast wall near the base of the building is missing its louvered cover, allowing access to feral animals and the elements; and,

- Portions of the building foundation are cracked and crumbling.

6980 W. Main Street

- The roof of the building is rolling in places;
- Ventilation pipes and exhaust covers on the roof are rusted and have holes present in their exteriors;
- The wood fascia board on the southeast side of the building is cracked and peeling, exposing rotting wood underneath; and,
- The wood wall and paneling on the southeast side of the building is cracked and rotted;

Examples of Site Deterioration

- A billboard in the District has deteriorated wooden surfaces;
- The chain link fence on the southeast side the building is rusted and damaged;
- The asphalt and/or pavement of the parking lots, pedestrian walkways, and in the public rights-of-way of Foley Drive and W. Main Street within the District, are cracked, crumbling and have depressions with potholes.

4. Improper Subdivision or Obsolete Platting

The platting of parcel 07-12.0-210-049 within the District is obsolete in that it failed to create access for ingress and egress to W. Main Street and Foley Drive. Ingress and egress for patrons of this parcel is only available through abutting parcels to the east and west. Further, four of the six parcels in the District are of a limited or narrow size or shape and are, therefore, difficult to develop on a planned basis, and in a manner compatible with contemporary standards and requirements.

5. Existence of conditions which endanger life or property by fire or other causes

Field research by EDR identified conditions within the District which endanger life or property by fire or other causes. Such conditions include, but are not limited to, those enumerated below:

- The lack of sidewalks on Foley Drive, and the faded (in some places missing) pedestrian crosswalk lanes, force pedestrians to cross active driving lanes without the benefit of such pedestrian safety measures;

- The intersection of Foley Drive and the Foley Drive extension of N. 70th Street is defective in that it permits a number of unprotected turning movements, including unprotected left-hand turns from both portions of Foley Drive;
- Exposed wiring (with open splices) are present at 6934 W. Main Street;

- City Fire officials identified an excessive use of extension cords powering center aisle display items in the occupied space of 6938 W. Main Street;

- Lack of adequate fire alarm and fire suppression systems, required fire walls, and functional emergency lighting systems throughout 6938 W. Main Street;

- Protective bollards are lacking from the incoming gas service at the southeast corner of 6938 W. Main Street, and from the Carbon Dioxide (CO2) tank on the south side of 6980 W. Main Street;

- Penetrations of electrical conduit runs at 6980 W. Main Street are not sealed for fire prevention;

- City officials have determined that aisles through the storage areas and one outdoor patio at 6980 W. Main Street are unsafe for emergency ingress and egress;

- Multiple instances of unenclosed and open dumpsters, as well as outdoor storage of miscellaneous site materials in unrestricted portions of the District (including, but not limited to, retail items and rotting wood pallets);

- Utility and light standard poles are located in active driving and parking areas and lack any protective bollards, unsafe for pedestrians and vehicles traversing the District;

- The primary access drive on W. Main Street, as well as driving lanes through the District, are lacking proper ingress and egress designation;

- Field research showed that there are no storm water sewers in the District. Storm water was observed pooling in parking areas and driveways throughout the District. This condition results in breeding grounds for mosquitoes and other insects.

- The District is at risk of mine subsidence, a condition that is unsafe and endangers the property itself. The *Directory of Coal Mines in Illinois 7.5-Minute Quadrangle Series French Village Quadrangle St. Clair County* provided by the Illinois State Geological Survey (ISGS) and the Illinois Department of Natural Resources (IDNR) reveals that coal mining was conducted beneath the District by Southern Coal, Coke & Mining Co. (and its predecessors) between 1889 and 1936. The entire District is underlain by this unused mine; and,

- Site visits in August 2016 identified 9 light standards in the District that were not working, and significant portions of the District which have little, or no, measureable light (as identified by measuring the light levels throughout the District), resulting in portions of the District having levels of illumination below that recommended by the Illuminating Engineering Society of North America (IESNA) for parking lots, sidewalks, footpaths, and grounds around open parking lots.

6. **By reason of the predominance of, or any combination of, the abovementioned factors, the area proposed as a business district retards the provision of housing accommodations or constitutes an economic or social liability, an economic underutilization of the area, or a menace to the public health, safety, morals, or welfare.**

   Economic Liability

   The District, through a combination of defective, non-existent or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, and the existence of conditions which endanger life or property by fire or other causes, constitutes an economic liability to the City, the underlying taxing districts and the owners of the District's property.

   These conditions make this portion of Belleville an economic liability to the City in that their existence has constrained investment (and reinvestment) by private enterprise in the District, and limited economic activity within, and tax revenue generated by, the District. Within the District, 16,000 square feet (57%) of the total 28,000 square feet of Shopland Plaza is vacant (representing eight of the ten total units within the building). These retail spaces have become vacant, and remained vacant, throughout the past ten years. The frequency, extent, and duration of these vacancies (and their impact on the remaining occupied spaces) further exemplifies the lack of investment, and reinvestment, within the District.

   Despite the significant locational advantages of the District (positioned on W. Main Street, a major commercial arterial), the City receives less tax revenue than it would reasonably anticipate being available from the District to support the public services, and investment in public improvements and utilities, that it must provide to its citizens and property owners.

   In the same manner, the combination of these factors constitutes an economic liability for underlying taxing jurisdictions. These jurisdictions – which rely, in large part, on development on well-situated property (such as that located on a major commercial arterial) to create taxable value that in turn generates the revenues these taxing bodies require to provide adequate services and capital investments – receive less property tax revenue than would reasonably be expected to be produced from the District.

The existence of these factors also constitutes an economic liability for the property owner within the District. Such conditions are disadvantageous to attracting patrons to the commercial activities on the property, and are detrimental to the sale, re-tenanting, reuse and redevelopment of the property (and buildings) as well.

Social Liability

The District, through the combination of unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision and obsolete platting, and the existence of conditions which endanger life or property by fire or other causes, as presented in detail in this Eligibility Study, are hazardous to the health, safety and welfare of the public and therefore constitute a social liability.

Economic Underutilization

The combination of defective, non-existent or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, and the existence of conditions which endanger life or property by fire or other causes also cause the economic underutilization of this portion of the community. The presence of these factors has lessened the attractiveness of the District for private investment, as shown, particularly, in the deteriorating conditions of site improvements and excessive vacant commercial spaces within the District.

Menace to the Public Health, Safety, Morals or Welfare

Such factors noted above, and others discussed previously, specifically those concerning unsanitary and unsafe conditions, and conditions which endanger life or property by fire or other causes are also likely to cause harm to the public health, safety and welfare; as such, they represent a menace to the public health, safety and welfare.

F. Summary

The proposed District is found to be a "Blighted area", which by reason of a combination of the above factors, noted throughout this report, constitutes an economic liability, a social liability, an economic underutilization of the area, and a menace to the public health, safety and welfare.

SECTION V

FINDINGS AND COMPLETION OF OBLIGATIONS

A. Findings

The City of Belleville makes the following findings with respect to establishing the Shopland Plaza Business District:

- The area to be designated as the Shopland Plaza Business District (the "District") is contiguous;

- The District includes only parcels of real property directly and substantially benefited by the Plan;

- The District, in its entirety, is located within the municipal boundaries of Belleville, Illinois;

- The District is a "Blighted area" as it is an area which, by reason of the predominance of defective, non-existent, or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, retards the provision of housing accommodations or constitutes an economic or social liability, an economic underutilization of the area, or a menace to the public health, safety, morals, or welfare;

- The District on the whole has not been subject to growth and development through investment by private enterprises and would not reasonably be anticipated to be developed or redeveloped without the adoption of the Plan;

- The Plan conforms to the comprehensive plan for the development of the municipality as a whole.

B. Completion of Business District Projects and Retirement of Obligations

Upon payment of all Project Costs and retirement of all obligations paying or reimbursing the Project Costs, but in no event more than 23 years after the date of adoption of the ordinance imposing taxes pursuant to subsections (10) and (11) of Section 11-74.3-3 of the Law, the City shall adopt an ordinance immediately rescinding the taxes imposed pursuant to these subsections.

APPENDICES

APPENDIX 1

LEGAL DESCRIPTION

LEGAL DESCRIPTION

[to be provided by the City]

APPENDIX 2

DESCRIPTION OF ANY DEVELOPER, USER OR TENANT

"…a description of any developer, user, or tenant of any property to be located or improved within the proposed business district" (65 ILCS 5/11-74.3-5)

Developer, User or Tenant	Description
O'Fallon Hardware, LLC – NP Properties	Developer
Ace Hardware	Tenant
Jefferson's Restaurant	Tenant

Economic Development Resources
200 South Hanley Road
Suite #601
St. Louis, Missouri 63105

CITY OF BELLEVILLE, ILLINOIS
SPECIAL CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
OCTOBER 24, 2016 – 7:00 PM

Mayor Mark Eckert called this meeting to order.

Mayor Eckert explained the disaster procedures. Mayor Eckert reminded anyone speaking this evening to step up to a microphone because the meetings are being taped and posted the next day on the website.

Mayor Eckert requested City Attorney Hoerner to call roll. Members present on roll call: City Treasurer Hardt and City Attorney Hoerner. Aldermen: Joe Hazel, Jane Pusa, Mike Buettner, Kent Randle, Scott Tyler, Johnny Anthony, Raffi Ovian, Phil Silsby, Ed Dintelman, Paul Seibert, Trent Galetti, Phil Elmore, Roger Wigginton and Jim Musgrove.

Members absent on roll call: City Clerk, Dallas B. Cook, Ken Kinsella and Bob White.

PLEDGE

Mayor Eckert led the Pledge of Allegiance.

PUBLIC HEARING

None.

PUBLIC PARTICIPATION

None.

PRESENTATIONS, RECOGNITIONS & APPOINTMENTS

Alderman Seibert made a motion seconded by Alderman Hazel to approve the appointment of Sherry Favre as Interim Director of Human Resources and Community Development, effective November 1, 2016.

Discussion...

Alderman Wigginton requested a performance/progress report i.e. what has she instituted, what she has accomplished, what has she implemented after six months. Mayor Eckert stated she will be helping with several tasks that he and Garrett have spoken about and he has no doubt she is very task oriented.

Alderman Tyler asked if she is a city resident; Mayor Eckert stated not at this time.

Members voting aye on roll call: Hazel, Pusa, Buettner, Randle, Tyler, Anthony, Ovian, Silsby, Dintelman, Seibert, Galetti, Elmore, Wigginton and Musgrove. (14)

APPROVAL OF MINUTES

Alderman Wigginton made a motion seconded by Alderman Elmore to accept and file the minutes of October 24, 2016.

All members voted aye.

ORAL REPORTS

ADMINISTRATION

Alderman Tyler made a motion seconded by Alderman Elmore to approve solicitor license request from Adam S. Brewer, Edward Jones.

All members voted aye.

Note: Alderman Randle abstained.

RESOLUTIONS

Alderman Silsby made a motion seconded by Alderman Dintelman to read 3284 by title only.

All members voted aye.

Alderman Silsby made a motion seconded by Alderman Pusa to approve the following resolutions:

RESOLUTION 3284

A resolution allowing temporary closure of Route 159 for the Santa Parade.

Members voting aye on roll call: Hazel, Pusa, Buettner, Randle, Tyler, Anthony, Ovian, Silsby, Dintelman, Seibert, Galetti, Elmore, Wigginton and Musgrove. (14)

EXECUTIVE SESSION

None.

ADJOURNMENT

Alderman Galetti made a motion seconded by Alderman Musgrove to adjourn at 7:13 pm.

All members voted aye.

_____

Dallas B. Cook, City Clerk

CITY OF BELLEVILLE PAYMENT SUMMARY
COUNCIL MEETING - NOVEMBER 7, 2016

GENERAL FUND	
00 - Revenue	$16,556.74
50 - Administration	$146,679.83
51 - Police	$150,211.70
52 - Fire	$100,625.26
53 - Streets	$48,036.47
54 - Parks	$41,066.73
55 - Cemetery	$2,976.24
56 - Hlth/Sanitation	$84,433.82
58 - Police/Fire Comm	$850.00
60 - Legal	$183.75
61 - Health & Housing	$37,583.74
62 - Economic Planning & Dev	$4,779.29
82 - Mayor	$3,909.41
83 - Finance	$3,700.37
84 - Human Resources	$1,776.94
85 - Clerk	$4,060.08
86 - Treasurer	$3,353.80
87 - Maintenance	$14,847.65
88 - Engineering	$3,451.47
GF TOTAL	$669,083.29
SEWER OPERATIONS	
75 - Collections	$26,452.29
77 - Lines	$28,084.24
78 - Plant	$104,742.13
SEWER TOTAL	$159,278.66
03 - Insurance Fund	$397,549.33
04 - Library	$32,809.15
07 - Park/Rec	$21,387.44
13 - Motor Fuel Tax Fund	$5,401.29
14 - Fountain Fund	$269.26
24 - Sewer Const.	$266,000.75
25 - Sewer Bond & Interest	$18,369.24
30 - SSA	$1,201.27
38 - TIF 3	$405,173.46
45 - 2015 PD Proj. Construction Fund	$146,683.87
50 - TIF 8 Downtown South	$1,311.75
54 - TIF 12 Sherman St	$132.30
71 - Police Trust	$171.40
75 - TIF 17 E Main Street	$126,764.00
ALL FUNDS TOTAL	$2,251,586.46

VENDOR #	NAME	DEPT.	AMOUNT
01 GENERAL FUND			
659	LIBRARY FUND	01-00	10,183.73
	**TOTAL		10,183.73
	ADMINISTRATION		
4902	AT & T	01-50	196.51
551	ILLINOIS AMERICAN WATER	01-50	8,198.59
UM001	UMB BANK NA	01-50	6,407.44
	**TOTAL ADMINISTRATION		14,802.54
	FIRE DEPARTMENT		
4902	AT & T	01-52	142.42
CH030	CHARTER COMMUNICATIONS	01-52	75.96
DR011	DRURY INN & SUITES	01-52	2,220.00
HO034	HOME DEPOT CREDIT SERVICES	01-52	591.29
	**TOTAL FIRE DEPARTMENT		3,029.67
	STREETS		
2384	HOMETOWN ACE HARDWARE	01-53	132.28
4902	AT & T	01-53	41.78
	**TOTAL STREETS		174.06
	PARKS DEPARTMENT		
4902	AT & T	01-54	155.04
551	ILLINOIS AMERICAN WATER	01-54	233.88
HO034	HOME DEPOT CREDIT SERVICES	01-54	107.84
	**TOTAL PARKS DEPARTMENT		496.76
	CEMETERY DEPARTMENT		
4902	AT & T	01-55	40.77
	**TOTAL CEMETERY DEPARTMENT		40.77
	HEALTH & SANITATION		
4902	AT & T	01-56	79.36
	**TOTAL HEALTH & SANITATION		79.36
	01 GENERAL FUND	GRAND TOTAL	28,806.89

VENDOR #	NAME	DEPT.	AMOUNT
04 LIBRARY			
1972	EAST ALTON PUBLIC LIBRARY DISTRIC	04-00	14.00
387	DRAWING BOARD PRINTING INC	04-00	353.38
402	EGYPTIAN STATIONERS, INC.	04-00	481.37
4902	AT & T	04-00	54.25
5385	INGRAM LIBRARY SERVICES	04-00	2,024.15
551	ILLINOIS AMERICAN WATER	04-00	53.25
5805	BETHALTO PUBLIC LIBRARY	04-00	15.95
6009	WOOD RIVER PUBLIC LIBRARY	04-00	19.00
6651	PETTY CASH-LIBRARY	04-00	161.12
7887	WATSON'S OFFICE CITY	04-00	70.00
BA100	BARNES, KOLBY	04-00	21.60
BU052	BUDGET LIBRARY SUPPLIES	04-00	541.00
CE018	GALE/CENGAGE LEARNING	04-00	752.58
CO083	COLIBRI SYSTEMS NORTH AMERICA, IN	04-00	617.50
CO152	CONNECTED, LLC	04-00	480.00
DA028	DA-COM CORPORATION	04-00	364.00
ER016	E-RATE FUNDING SERVICES, LLC	04-00	1,515.52
ID004	ID LABEL INC	04-00	92.00
IN043	INTERACTIVE SCIENCES, INC	04-00	365.95
LI044	LINCOLN PUBLIC LIBRARY DISTRICT	04-00	15.00
OF008	OFFICE CONNECTED, LLC	04-00	1,500.00
TE026	TECSRV	04-00	324.00
TO026	TODAY'S BUSINESS SOLUTIONS INC	04-00	90.56
US015	US SIGNAL COMPANY, LLC	04-00	3,522.07
	**TOTAL		13,448.25
	04 LIBRARY	GRAND TOTAL	13,448.25

VENDOR #	NAME	DEPT.	AMOUNT
07	PLAYGROUND AND RECREATION		
4902	AT & T	07-00	71.21
	**TOTAL		71.21
	07 PLAYGROUND AND RECREATION	GRAND TOTAL	71.21

VENDOR #	NAME	DEPT.	AMOUNT
21 SEWER OPERATION & MAINTENANCE			
	SEWER LINES		
HO034	HOME DEPOT CREDIT SERVICES	21-77	20.00
	**TOTAL SEWER LINES		20.00
	SEWER PLANT		
4902	AT & T	21-78	280.14
551	ILLINOIS AMERICAN WATER	21-78	165.78
HO034	HOME DEPOT CREDIT SERVICES	21-78	366.82
	**TOTAL SEWER PLANT		812.74
	21 SEWER OPERATION & MAINTENANCE	GRAND TOTAL	832.74
	GRAND TOTAL FOR ALL FUNDS:		43,159.09
	TOTAL FOR REGULAR CHECKS:		41,404.15
	TOTAL FOR DIRECT PAY VENDORS:		1,754.94

VENDOR #	NAME	DEPT.	AMOUNT
21 SEWER OPERATION & MAINTENANCE			
	SEWER COLLECTION		
4259	CHRISTONE ENTERPRISES	21-75	106.85
AD027	ADAMS, MATT	21-75	155.78
AR043	A & R ENTITIES LLC	21-75	99.15
BE150	BELL, WILLIAM	21-75	28.47
BO026	BOUSE, RUDY	21-75	67.27
MC098	MCDONALD HOUSTON HOUSE	21-75	34.08
ME050	MEYER, MARK	21-75	31.86
MY002	MYATT, WAYNE	21-75	58.93
WI135	WINDOM PROPERTIES	21-75	130.46
	**TOTAL SEWER COLLECTION		712.85
	21 SEWER OPERATION & MAINTENANCE	GRAND TOTAL	712.85
	GRAND TOTAL FOR ALL FUNDS:		712.85
	TOTAL FOR REGULAR CHECKS:		712.85

VENDOR #	NAME	DEPT.	AMOUNT
01 GENERAL FUND			
1168	BELLEVILLE EAGLE REALTY	01-00	25.00
4259	CHRISTONE ENTERPRISES	01-00	75.00
5690	CECIL MANAGEMENT GROUP, INC	01-00	25.00
5954	STRANO PROPERTY MANAGEMENT	01-00	100.00
AZ002	AZAVAR AUDIT SOLUTIONS	01-00	5,498.01
BR056	BRENNAN, CHARLENE	01-00	50.00
BR129	BRUNS, BRAD & JENNY	01-00	25.00
BR130	BROWN PROPERTY MANAGEMENT	01-00	75.00
CA070	CAMPOS, RHONDA	01-00	25.00
CO156	CONWAY, DEKO	01-00	50.00
JA041	JAMESON, LARRY	01-00	25.00
KE061	KELLY, CINDY	01-00	225.00
MA122	MASTER'S REAL ESTATE	01-00	50.00
NE015	NEW DIRECTIONS LLC	01-00	25.00
PA086	PAUL & JEANNE RENTALS LLC	01-00	50.00
RI045	RIESS, DENNIS & PATRICIA	01-00	25.00
YE004	YELLOW BRICK MANAGEMENT, INC	01-00	25.00
	**TOTAL		6,373.01
	ADMINISTRATION		
201	BELLEVILLE BOWLING & SPORTS SHOP	01-50	100.00
2102	AMEREN ILLINOIS	01-50	70,188.73
4902	AT & T	01-50	169.95
551	ILLINOIS AMERICAN WATER	01-50	1,264.14
6049	GRAND RENTAL STATION	01-50	360.00
6433	HOWARD, JOY A	01-50	2,000.00
884	ST CLAIR COUNTY RECORDER OF DEEDS	01-50	75.50
AD022	ADVANTICA	01-50	719.66
AT010	AT & T LONG DISTANCE	01-50	5.56
CH030	CHARTER COMMUNICATIONS	01-50	283.12
CI008	CITY OF BELLEVILLE	01-50	38,769.89
DE064	ADVANTICA	01-50	116.46
EL016	ELLISON, BOB	01-50	75.00
ES002	ADVANTICA	01-50	5,056.02
MA151	MAILFINANCE	01-50	395.19
MC039	MCMAHON, CHRIS	01-50	100.00
MI091	MINTON OUTDOOR SERVICES INC	01-50	455.00
NI015	9/11 MEMORIAL WALKWAY OF SOUTHERN	01-50	225.00
OK003	OKAW VALLEY AMATEUR RADIO CLUB, I	01-50	3,000.00
RE058	REGIONS BANK	01-50	139.74
ST162	STANDARD INSURANCE CO	01-50	502.25
WI097	WINDSTREAM COMMUNICATIONS	01-50	7,801.08
WI111	WINKELER, RITA	01-50	75.00
	**TOTAL ADMINISTRATION		131,877.29
	POLICE DEPARTMENT		
159	AUFFENBERG FORD LINCOLN MERCURY	01-51	1,773.42
309	CLEAN MACHINE	01-51	162.00

VENDOR #	NAME	DEPT.	AMOUNT
01 GENERAL FUND			
	POLICE DEPARTMENT		
3430	FIRESTONE CAR CENTER	01-51	1,110.87
365	WIRELESS USA	01-51	1,975.48
3728	DOBBS AUTO CENTERS, INC.	01-51	255.38
3916	VOGT OIL CO., INC.	01-51	6,858.23
393	DUTCH HOLLOW JANITORIAL SUPPLIES	01-51	180.48
402	EGYPTIAN STATIONERS, INC.	01-51	688.47
4902	AT & T	01-51	841.67
5622	SANDY'S LICENSE SERVICE	01-51	60.00
6354	AUTO ACCENTS	01-51	100.00
657	LEON UNIFORM COMPANY, INC.	01-51	1,851.95
6730	BELLE-SCOTT COMMITTEE	01-51	25.00
7103	WAL-MART	01-51	2.76
7302	THOMSON REUTERS - WEST	01-51	160.78
7668	MOODY, JOHN	01-51	143.93
926	SECRETARY OF STATE	01-51	523.00
AB015	ABRA AUTO BODY & GLASS	01-51	160.00
AD022	ADVANTICA	01-51	1,061.96
AN022	ANDERSON, PAUL	01-51	51.71
AR042	ARAIZA, TERESA	01-51	357.54
BE140	BELLEVILLE NEWS-DEMOCRAT	01-51	104.00
BE145	BELLEVILLE FAST SERVICE	01-51	244.00
BR052	BROWN, SHANE	01-51	34.05
CH030	CHARTER COMMUNICATIONS	01-51	318.48
CI008	CITY OF BELLEVILLE	01-51	102,152.41
ES002	ADVANTICA	01-51	7,477.60
FA002	FASTENAL COMPANY	01-51	31.25
FA026	FACTORY MOTOR PARTS CO	01-51	2,499.86
GE015	NAPA AUTO PARTS	01-51	16.69
IL008	COMMUNICATIONS REVOLVING FUND	01-51	2,012.79
IL062	ILMO PRODUCTS CO	01-51	94.00
KE000	KELSO AUTO BODY, INC.	01-51	4,259.13
KR010	KRAFT, KARL	01-51	164.16
LI011	LINDENWOOD UNIVERSITY	01-51	4,277.00
MO079	MOW PRINTING, INC	01-51	492.73
OF004	OFFICE DEPOT	01-51	88.43
OR001	O'REILLY AUTO PARTS	01-51	257.50
PR011	PRINT MASTER	01-51	65.00
RE058	REGIONS BANK	01-51	1,723.89
SP020	SPLISH SPLASH EXPRESS CAR WASH	01-51	360.00
ST162	STANDARD INSURANCE CO	01-51	586.50
TI027	TIBURON, INC	01-51	4,285.00
UN027	UNIFIRST CORPORATION	01-51	57.90
UP004	UPS FREIGHT	01-51	125.00
WE054	WELLS, GEOFF	01-51	62.47
WO046	WOOD, ZACHARY	01-51	77.23
	**TOTAL POLICE DEPARTMENT		150,211.70
	FIRE DEPARTMENT		

VENDOR #	NAME	DEPT.	AMOUNT
01 GENERAL FUND			
	FIRE DEPARTMENT		
1183	FIRE APPLIANCE, INC	01-52	256.00
1728	HEROS IN STYLE	01-52	289.99
182	BANNER FIRE EQUIPMENT INC	01-52	4,903.00
2123	ZAHN, DAVID	01-52	117.90
272	BUSTER'S TIRE MART	01-52	19.00
3445	DAVE SCHMIDT TRUCK SERVICE	01-52	6,090.11
3916	VOGT OIL CO., INC.	01-52	3,441.39
4665	JACOBS, ARTHUR JR.	01-52	399.33
4902	AT & T	01-52	154.68
6730	BELLE-SCOTT COMMITTEE	01-52	25.00
7103	WAL-MART	01-52	196.94
726	CLEAN UNIFORM COMPANY	01-52	327.84
AD022	ADVANTICA	01-52	757.48
AI002	AIR CLEANING TECHNOLOGIES INC	01-52	334.20
BI034	BIERMANN, KYLE	01-52	152.73
BO060	BOBKAT PAGERS	01-52	1,830.80
CH030	CHARTER COMMUNICATIONS	01-52	469.77
CI008	CITY OF BELLEVILLE	01-52	69,660.09
CO051	CONTEMPORARY LIFE SAVING TRAINING	01-52	159.95
ES002	ADVANTICA	01-52	5,330.46
GA008	GARLAND, JOSEPH	01-52	945.38
MA114	MAHONEY, RYAN	01-52	398.17
MI002	MILLS, STEPHANIE	01-52	115.98
MI009	MIDWEST INDUSTRIAL SUPPLIES & SER	01-52	31.92
NU000	NU-DEAL OIL COMPANY	01-52	545.55
PR059	PRESTON, MATT	01-52	140.18
ST162	STANDARD INSURANCE CO	01-52	373.75
TI027	TIBURON, INC	01-52	128.00
	**TOTAL FIRE DEPARTMENT		97,595.59
	STREETS		
1346	EMPLOYEE DATA FORMS INC.	01-53	27.25
211	BELLEVILLE SEED HOUSE	01-53	137.00
214	BELLEVILLE SUPPLY COMPANY	01-53	25.24
2244	SWITZER FOOD & SUPPLIES	01-53	26.05
2435	GATEWAY INDUSTRIAL POWER	01-53	180.00
272	BUSTER'S TIRE MART	01-53	34.95
3445	DAVE SCHMIDT TRUCK SERVICE	01-53	211.80
3916	VOGT OIL CO., INC.	01-53	229.27
393	DUTCH HOLLOW JANITORIAL SUPPLIES	01-53	73.98
3965	NEUMAYER EQUIPMENT CO INC	01-53	1,078.32
413	ERB TURF EQUIPMENT, INC.	01-53	4,503.67
4178	UPCHURCH READY MIX CONCRETE CO	01-53	800.00
4941	SEARS COMMERCIAL ONE	01-53	319.92
515	HOME-BRITE ACE HARDWARE	01-53	118.93
523	HUDSON TREE SERVICE	01-53	11,150.00
5575	PRAXAIR DISTRIBUTION, INC.	01-53	139.89
5882	TOWN HALL SPORTS	01-53	155.00

VENDOR #	NAME	DEPT.	AMOUNT
01 GENERAL FUND			
	STREETS		
6449	ALL TYPE COMPRESSOR	01-53	71.30
661	LIESE LUMBER CO., INC.	01-53	84.35
7141	AL'S AUTOMOTIVE SUPPLY, INC.	01-53	75.55
834	QUALITY RENTAL CENTER	01-53	335.00
AD002	ADVANCE AUTO PARTS	01-53	93.49
AD022	ADVANTICA	01-53	221.42
CH030	CHARTER COMMUNICATIONS	01-53	142.29
CI008	CITY OF BELLEVILLE	01-53	21,622.41
CR023	CROSS-MIDWEST TIRE COMPANY	01-53	252.28
EJ000	EJ EQUIPMENT	01-53	952.29
ES002	ADVANTICA	01-53	1,588.68
GE015	NAPA AUTO PARTS	01-53	8.41
GR031	G & R INDUSTRIAL SUPPLY INC	01-53	22.00
KI006	KIMBALL MIDWEST	01-53	164.24
LU004	LUBY EQUIPMENT SERVICES	01-53	155.49
OL008	OLIVER C JOSEPH GMC	01-53	62.25
PL000	PLAZA AUTO PARTS	01-53	994.88
SC033	SCHAEFFER, CHUCK	01-53	150.00
ST162	STANDARD INSURANCE CO	01-53	115.00
SU037	SUPERIOR EQUIPMENT CO	01-53	255.00
UN027	UNIFIRST CORPORATION	01-53	1,014.17
WA066	WARNING LITES OF SOUTHERN ILLINOI	01-53	270.64
	**TOTAL STREETS		47,862.41
	PARKS DEPARTMENT		
2102	AMEREN ILLINOIS	01-54	6,025.67
211	BELLEVILLE SEED HOUSE	01-54	325.00
272	BUSTER'S TIRE MART	01-54	17.00
277	CAMPER EXCHANGE, INC.	01-54	6.75
3430	FIRESTONE CAR CENTER	01-54	192.83
385	DON'S HARDWARE, INC.	01-54	20.81
3916	VOGT OIL CO., INC.	01-54	6.44
393	DUTCH HOLLOW JANITORIAL SUPPLIES	01-54	130.27
413	ERB TURF EQUIPMENT, INC.	01-54	30.96
4178	UPCHURCH READY MIX CONCRETE CO	01-54	308.00
419	JOHN FABICK TRACTOR COMPANY	01-54	780.00
4902	AT & T	01-54	162.93
500	HARTMANN FARM SUPPLY	01-54	143.44
515	HOME-BRITE ACE HARDWARE	01-54	341.58
551	ILLINOIS AMERICAN WATER	01-54	3,267.48
5575	PRAXAIR DISTRIBUTION, INC.	01-54	26.69
5681	PIONEER MANUFACTURING CO	01-54	482.64
7394	COLLINS BROS. TRANSMISSION & AUTO	01-54IR	808.09
7678	SHILOH VALLEY EQUIPMENT CO	01-54	911.80
834	QUALITY RENTAL CENTER	01-54	100.00
888	FS TURF SOLUTIONS	01-54	223.20
AD022	ADVANTICA	01-54	73.58
AM040	AMERI-CAN PORTABLES	01-54	180.00

VENDOR #	NAME	DEPT.	AMOUNT
01 GENERAL FUND			
	PARKS DEPARTMENT		
AT012	AT & T MOBILITY	01-54	16.30
BO006	BOBCAT OF ST LOUIS	01-54	479.00
CH030	CHARTER COMMUNICATIONS	01-54	193.69
CI008	CITY OF BELLEVILLE	01-54	6,182.76
CJ001	C J GOODALL TIRE CO, INC	01-54	7.00
CL019	C & L BACKHOE	01-54	450.00
CO021	COMMERCIAL DOOR	01-54	184.80
DY003	DYNAMIC DISTRIBUTION CO	01-54	5,988.00
ES002	ADVANTICA	01-54	514.89
FA002	FASTENAL COMPANY	01-54	2.70
JO029	DEERE & COMPANY	01-54	9,813.94
JO048	JOHNNY ON THE SPOT 347	01-54	190.00
MA034	MAUE, CRAIG	01-54	112.15
OR001	O'REILLY AUTO PARTS	01-54	198.10
PL000	PLAZA AUTO PARTS	01-54	38.17
QU012	QUALITY CHEMICAL CO	01-54	438.08
RE058	REGIONS BANK	01-54	750.00
ST043	ST LOUIS COMPOSTING INC	01-54	140.00
ST162	STANDARD INSURANCE CO	01-54	40.25
UN027	UNIFIRST CORPORATION	01-54	254.57
UP000	UPS STORE, THE	01-54	10.41
	**TOTAL PARKS DEPARTMENT		40,569.97
	CEMETERY DEPARTMENT		
157	ATLAS ALARM CO., INC.	01-55	180.00
3916	VOGT OIL CO., INC.	01-55	743.82
500	HARTMANN FARM SUPPLY	01-55	82.79
515	HOME-BRITE ACE HARDWARE	01-55	9.99
AB006	ABSOPURE WATER CO	01-55	51.75
AD022	ADVANTICA	01-55	16.07
CI008	CITY OF BELLEVILLE	01-55	1,126.60
ES002	ADVANTICA	01-55	116.46
LU004	LUBY EQUIPMENT SERVICES	01-55	167.23
PL000	PLAZA AUTO PARTS	01-55	0.74
ST162	STANDARD INSURANCE CO	01-55	11.50
TY002	TYLER TECHNOLOGIES INC	01-55	266.74
UN027	UNIFIRST CORPORATION	01-55	161.78
	**TOTAL CEMETERY DEPARTMENT		2,935.47
	HEALTH & SANITATION		
1135	WISE EL SANTO COMPANY	01-56	612.72
1316	DOWNING SALES & SERVICE, INC	01-56	5,556.54
272	BUSTER'S TIRE MART	01-56	1,709.74
3445	DAVE SCHMIDT TRUCK SERVICE	01-56	8,902.49
3916	VOGT OIL CO., INC.	01-56	11,285.18
393	DUTCH HOLLOW JANITORIAL SUPPLIES	01-56	167.22
AD002	ADVANCE AUTO PARTS	01-56	72.14

VENDOR #	NAME	DEPT.	AMOUNT
01 GENERAL FUND			
	HEALTH & SANITATION		
AD022	ADVANTICA	01-56	179.23
AE007	A & E TRUCK CENTER, INC	01-56	419.89
BE056	BEL-O PEST SOLUTIONS	01-56	90.00
BE128	BECKER, GREG	01-56	150.00
CI008	CITY OF BELLEVILLE	01-56	16,247.86
CO073	COTTONWOOD HILLS RDF	01-56	35,459.85
DE018	DELTA GASES	01-56	73.10
ES002	ADVANTICA	01-56	1,265.87
OS005	OSDEN, JONATHAN	01-56	150.00
RE072	REPUBLIC SERVICES RECYCLING-SOUTH	01-56	1,410.40
ST162	STANDARD INSURANCE CO	01-56	97.75
UN027	UNIFIRST CORPORATION	01-56	504.48
	**TOTAL HEALTH & SANITATION		84,354.46
	POLICE & FIRE COMM.		
170	BAITMAN, CLAY	01-58	850.00
	**TOTAL POLICE & FIRE COMM.		850.00
	LEGAL DEPARTMENT		
6617	FLYNN, GUYMON & GARAVALIA	01-60	14.00
FR042	FREEBURG PRINTING & PUBLISHING, I	01-60	164.00
ST162	STANDARD INSURANCE CO	01-60	5.75
	**TOTAL LEGAL DEPARTMENT		183.75
	HEALTH & HOUSING		
3187	SHEAR DELIGHT	01-61	200.00
3916	VOGT OIL CO., INC.	01-61	336.69
402	EGYPTIAN STATIONERS, INC.	01-61	83.91
5796	STAN ERLINGER	01-61	180.00
7632	PATTERSON AUTOMOTIVE	01-61	593.70
7911	PROFESSIONAL TITLE INS & ESCROW C	01-61	75.00
884	ST CLAIR COUNTY RECORDER OF DEEDS	01-61	117.00
AD022	ADVANTICA	01-61	122.35
CI008	CITY OF BELLEVILLE	01-61	11,120.80
ES002	ADVANTICA	01-61	867.79
ME037	MEURER BROTHERS, INC	01-61	2,450.00
SP020	SPLISH SPLASH EXPRESS CAR WASH	01-61	7.50
ST152	STUTZ EXCAVATING INC	01-61	21,360.00
ST162	STANDARD INSURANCE CO	01-61	69.00
	**TOTAL HEALTH & HOUSING		37,583.74
	PLANNING & ECONOMIC DEVELOPMENT		
402	EGYPTIAN STATIONERS, INC.	01-62	174.18
7960	SCHAUSTER, ERIC	01-62	233.53
AD022	ADVANTICA	01-62	39.38

VENDOR #	NAME	DEPT.	AMOUNT
01 GENERAL FUND			
	PLANNING & ECONOMIC DEVELOPMENT		
CI008	CITY OF BELLEVILLE	01-62	4,033.89
ES002	ADVANTICA	01-62	275.31
ST162	STANDARD INSURANCE CO	01-62	23.00
	**TOTAL PLANNING & ECONOMIC DEVELOPMENT		4,779.29
	MAYOR		
3916	VOGT OIL CO., INC.	01-82	47.51
402	EGYPTIAN STATIONERS, INC.	01-82	132.61
6730	BELLE-SCOTT COMMITTEE	01-82	25.00
AD022	ADVANTICA	01-82	40.12
CI008	CITY OF BELLEVILLE	01-82	3,366.26
ES002	ADVANTICA	01-82	280.66
ST162	STANDARD INSURANCE CO	01-82	17.25
	**TOTAL MAYOR		3,909.41
	FINANCE		
AD022	ADVANTICA	01-83	32.77
CI008	CITY OF BELLEVILLE	01-83	2,887.33
ES002	ADVANTICA	01-83	233.27
RE058	REGIONS BANK	01-83	524.00
ST162	STANDARD INSURANCE CO	01-83	23.00
	**TOTAL FINANCE		3,700.37
	HUMAN RESCOURCES/COMMUNITY DEV		
7452	MIDWEST OCCUPATIONAL MEDICINE	01-84	403.00
AD022	ADVANTICA	01-84	10.72
AP006	APEX PHYSICAL THERAPHY LLC	01-84	150.00
CI008	CITY OF BELLEVILLE	01-84	1,126.60
ES002	ADVANTICA	01-84	75.12
ST162	STANDARD INSURANCE CO	01-84	11.50
	**TOTAL HUMAN RESCOURCES/COMMUNITY DEV		1,776.94
	CLERKS		
402	EGYPTIAN STATIONERS, INC.	01-85	61.22
AD022	ADVANTICA	01-85	32.77
CI008	CITY OF BELLEVILLE	01-85	3,556.82
ES002	ADVANTICA	01-85	233.27
FR042	FREEBURG PRINTING & PUBLISHING, I	01-85	153.00
ST162	STANDARD INSURANCE CO	01-85	23.00
	**TOTAL CLERKS		4,060.08
	TREASURER		
AD022	ADVANTICA	01-86	33.45
CI008	CITY OF BELLEVILLE	01-86	2,809.73

VENDOR #	NAME	DEPT.	AMOUNT
01 GENERAL FUND			
	TREASURER		
DO021	DOUBLE TREE BY HILTON	01-86	255.36
ES002	ADVANTICA	01-86	238.01
ST162	STANDARD INSURANCE CO	01-86	17.25
	**TOTAL TREASURER		3,353.80
	MAINTENANCE		
214	BELLEVILLE SUPPLY COMPANY	01-87	16.29
2435	GATEWAY INDUSTRIAL POWER	01-87	180.00
272	BUSTER'S TIRE MART	01-87	21.95
3916	VOGT OIL CO., INC.	01-87	208.01
393	DUTCH HOLLOW JANITORIAL SUPPLIES	01-87	247.77
515	HOME-BRITE ACE HARDWARE	01-87	64.55
661	LIESE LUMBER CO., INC.	01-87	49.40
726	CLEAN UNIFORM COMPANY	01-87	211.60
7313	BRAUER SUPPLY CO	01-87	42.03
AD022	ADVANTICA	01-87	78.88
AT019	ATIS ELEVATOR INSPECTIONS, LLC	01-87	93.75
BE056	BEL-O PEST SOLUTIONS	01-87	90.00
BE101	BELL CITY BATTERY	01-87	87.30
CH030	CHARTER COMMUNICATIONS	01-87	157.16
CI008	CITY OF BELLEVILLE	01-87	8,014.32
ES002	ADVANTICA	01-87	551.84
FA002	FASTENAL COMPANY	01-87	104.90
IL052	ILLINOIS OFFICE OF STATE FIRE MAR	01-87	125.00
KO022	KONE INC	01-87	175.01
ME065	METRO EAST OVERHEAD DOORS	01-87	400.00
MI046	MIDWEST PLUMBING & BACKFLOW LLC	01-87	3,570.00
MI078	MIDWEST ELEVATOR CO	01-87	311.89
ST162	STANDARD INSURANCE CO	01-87	46.00
	**TOTAL MAINTENANCE		14,847.65
	ENGINEERING		
3916	VOGT OIL CO., INC.	01-88	133.46
AD022	ADVANTICA	01-88	40.12
CA024	CARTER WATERS CORPORATION	01-88	170.25
CI008	CITY OF BELLEVILLE	01-88	2,809.73
ES002	ADVANTICA	01-88	280.66
ST162	STANDARD INSURANCE CO	01-88	17.25
	**TOTAL ENGINEERING		3,451.47
	01 GENERAL FUND	GRAND TOTAL	640,276.40

VENDOR #	NAME	DEPT.	AMOUNT
03	INSURANCE FUND		
IN033	IPMG	03-00	313,619.94
LD000	LDI INTEGRATED PHARMACY SERVICES	03-00	83,929.39
	**TOTAL		397,549.33
	03 INSURANCE FUND	GRAND TOTAL	397,549.33

VENDOR #	NAME	DEPT.	AMOUNT
04 LIBRARY			
2102	AMEREN ILLINOIS	04-00	1,636.40
551	ILLINOIS AMERICAN WATER	04-00	145.03
7103	WAL-MART	04-00	1,234.37
AD022	ADVANTICA	04-00	184.09
CH030	CHARTER COMMUNICATIONS	04-00	36.01
CI008	CITY OF BELLEVILLE	04-00	13,436.52
ES002	ADVANTICA	04-00	1,316.50
RE058	REGIONS BANK	04-00	77.40
ST162	STANDARD INSURANCE CO	04-00	144.40
WI097	WINDSTREAM COMMUNICATIONS	04-00	1,150.18
	**TOTAL		19,360.90
	04 LIBRARY	GRAND TOTAL	19,360.90

VENDOR #	NAME	DEPT.	AMOUNT
07	PLAYGROUND AND RECREATION		
1199	BELLEVILLE, DEBBIE	07-00	38.38
188	BEL-AIR BOWL	07-00	420.00
201	BELLEVILLE BOWLING & SPORTS SHOP	07-00	1,622.50
2244	SWITZER FOOD & SUPPLIES	07-00	591.90
2768	SONNENBERG ASPHALT CO.	07-00	6,517.00
3119	COMPUTYPE IT SOLUTIONS	07-00	187.50
402	EGYPTIAN STATIONERS, INC.	07-00	91.52
6155	STRUBHART, TODD	07-00	11.98
7103	WAL-MART	07-00	156.51
755	NEVCO, INC	07-00	307.17
957	CURT SMITH SPORTING GOODS, INC.	07-00	198.00
961	SOUTHWEST ILLINOIS ASSN. OF UMPIR	07-00	3,284.00
AD022	ADVANTICA	07-00	49.53
AM036	AMERICAN BOTTLING	07-00	14.80
CI008	CITY OF BELLEVILLE	07-00	2,816.50
DE064	ADVANTICA	07-00	37.56
DI036	DISCOVERY	07-00	50.90
DP001	DP GOLF CENTER INC	07-00	375.00
EL027	ELITE FT	07-00	1,512.50
ES002	ADVANTICA	07-00	313.13
HI041	HICKMAN, MICHAEL C.	07-00	201.74
JO048	JOHNNY ON THE SPOT 347	07-00	1,150.00
MU026	MOFFIT, CAROL	07-00	50.00
OW007	OWEN, VICKI	07-00	8.00
RE058	REGIONS BANK	07-00	790.96
ST162	STANDARD INSURANCE CO	07-00	42.90
WI130	WITTER, KEITH	07-00	476.25
	**TOTAL		21,316.23
	07 PLAYGROUND AND RECREATION	GRAND TOTAL	21,316.23

VENDOR #	NAME	DEPT.	AMOUNT
13	MOTOR FUEL TAX FUND		
486	HANK'S EXCAVATING & LANDSCAPING,	13-00	1,029.50
666	MACLAIR ASPHALT COMPANY	13-00	3,914.37
EL001	ELECTRICO, INC.	13-00	457.42
	**TOTAL		5,401.29
	13 MOTOR FUEL TAX FUND	GRAND TOTAL	5,401.29

VENDOR #	NAME	DEPT.	AMOUNT
14	FOUNTAIN FUND		
551	ILLINOIS AMERICAN WATER	14-00	269.26
	**TOTAL		269.26
	14 FOUNTAIN FUND	GRAND TOTAL	269.26

VENDOR #	NAME	DEPT.	AMOUNT
21	SEWER OPERATION & MAINTENANCE		
	SEWER COLLECTION		
1252	LOCIS	21-75	300.00
890	ST CLAIR TOWNSHIP	21-75	54.20
AD022	ADVANTICA	21-75	44.17
AM007	AMERICAN WATER	21-75	1,387.94
CI008	CITY OF BELLEVILLE	21-75	2,816.50
ES002	ADVANTICA	21-75	313.13
IN021	INPUT TECHNOLOGY, INC	21-75	4,979.70
PA076	PAYMENT SERVICE NETWORK, INC	21-75	149.60
ST013	STOOKEY TOWNSHIP	21-75	15,659.70
ST162	STANDARD INSURANCE CO	21-75	34.50
	**TOTAL SEWER COLLECTION		25,739.44
	SEWER LINES		
1423	EHRET PLUMBING & HEATING, INC.	21-77	325.00
371	DEVAN AUTOMOTIVE SERVICE	21-77	1,229.35
3916	VOGT OIL CO., INC.	21-77	254.33
413	ERB TURF EQUIPMENT, INC.	21-77	100.99
515	HOME-BRITE ACE HARDWARE	21-77	24.53
5416	AMERICAN MESSAGING	21-77	73.64
661	LIESE LUMBER CO., INC.	21-77	15.95
803	POELKER'S GARAGE INC.	21-77	82.00
AD022	ADVANTICA	21-77	84.30
BE101	BELL CITY BATTERY	21-77	79.95
CI008	CITY OF BELLEVILLE	21-77	6,061.06
CL019	C & L BACKHOE	21-77	17,197.50
DI036	DISCOVERY	21-77	25.30
ES002	ADVANTICA	21-77	590.01
GI020	GILKER, DEVIN	21-77	65.00
HA047	HALSEN PRODUCTS CO	21-77	697.13
MI072	MIDWEST VAC PRODUCTS, LLC	21-77	851.81
ST043	ST LOUIS COMPOSTING INC	21-77	60.00
ST162	STANDARD INSURANCE CO	21-77	53.30
UN027	UNIFIRST CORPORATION	21-77	193.09
	**TOTAL SEWER LINES		28,064.24
	SEWER PLANT		
1030	TEKLAB, INC.	21-78	100.00
2102	AMEREN ILLINOIS	21-78	53,386.53
214	BELLEVILLE SUPPLY COMPANY	21-78	65.63
272	BUSTER'S TIRE MART	21-78	21.00
3445	DAVE SCHMIDT TRUCK SERVICE	21-78	1,061.20
3916	VOGT OIL CO., INC.	21-78	1,835.17
393	DUTCH HOLLOW JANITORIAL SUPPLIES	21-78	564.72
402	EGYPTIAN STATIONERS, INC.	21-78	247.46
413	ERB TURF EQUIPMENT, INC.	21-78	212.75
486	HANK'S EXCAVATING & LANDSCAPING,	21-78	100.00
4902	AT & T	21-78	286.79

VENDOR #	NAME	DEPT.	AMOUNT
21	SEWER OPERATION & MAINTENANCE		
	SEWER PLANT		
515	HOME-BRITE ACE HARDWARE	21-78	357.91
551	ILLINOIS AMERICAN WATER	21-78	1,109.79
6122	VERIZON WIRELESS	21-78	87.48
6328	GRAINGER INDUS. & COMMERCIAL SUPP	21-78	366.75
661	LIESE LUMBER CO., INC.	21-78	71.50
7103	WAL-MART	21-78	14.08
782	OVERHEAD DOOR COMPANY OF ST. LOUI	21-78	1,188.00
8056	NEXTEL COMMUNICATIONS	21-78	23.16
AD022	ADVANTICA	21-78	242.27
BE101	BELL CITY BATTERY	21-78	17.50
CI008	CITY OF BELLEVILLE	21-78	19,621.14
DI036	DISCOVERY	21-78	38.45
ES002	ADVANTICA	21-78	1,723.45
GO005	GOODALL TRUCK TESTING	21-78	33.00
GR075	GRAHAM, JOHN A	21-78	1,455.00
HA143	HAWKINS, INC	21-78	11,006.90
HE086	HERITAGE-CRYSTAL CLEAN, LLC	21-78	197.50
IL082	ILLINOIS GAS & ELECTRIC	21-78	1,625.78
OS000	OSBORN, MICHAEL	21-78	209.40
OS006	OSBORN, ZACH	21-78	113.75
PL000	PLAZA AUTO PARTS	21-78	25.15
PL011	PLUMBERS SUPPLY	21-78	750.18
QU006	QUILL CORPORATION	21-78	431.59
SI024	EVOQUA WATER TECHNOLOGIES LLC	21-78	3,830.75
ST162	STANDARD INSURANCE CO	21-78	147.70
TR045	TRUCK CENTERS, INC	21-78	183.79
UN027	UNIFIRST CORPORATION	21-78	84.95
WI097	WINDSTREAM COMMUNICATIONS	21-78	1,091.22
	**TOTAL SEWER PLANT		103,929.39
	21 SEWER OPERATION & MAINTENANCE	GRAND TOTAL	157,733.07

VENDOR #	NAME	DEPT.	AMOUNT
24	SEWER CONSTRUCTION FUND		
299	CHELAR TOOL & DIE	24-00	125.00
486	HANK'S EXCAVATING & LANDSCAPING,	24-00	233,893.75
515	HOME-BRITE ACE HARDWARE	24-00	45.95
GO028	GONZALEZ COMPANIES, LLC	24-00	28,099.05
JA042	JACOBI GEOTECHNICAL ENGINEERING I	24-00	3,837.00
	**TOTAL		266,000.75
	24 SEWER CONSTRUCTION FUND	GRAND TOTAL	266,000.75

VENDOR #	NAME	DEPT.	AMOUNT
25	SEWER BOND AND INTEREST FUND		
6086	ILLINOIS EPA	25-00	18,369.24
	**TOTAL		18,369.24
	25 SEWER BOND AND INTEREST FUND	GRAND TOTAL	18,369.24

VENDOR #	NAME	DEPT.	AMOUNT
30	SPECIAL SERVICE AREA		
2102	AMEREN ILLINOIS	30-00	227.89
551	ILLINOIS AMERICAN WATER	30-00	973.38
	**TOTAL		1,201.27
	30 SPECIAL SERVICE AREA	GRAND TOTAL	1,201.27

VENDOR #	NAME	DEPT.	AMOUNT
38 TIF 3 (CITY OF BELLEVILLE)			
1547	THOUVENOT, WADE, & MOERCHEN INC	38-00	8,489.00
3153	SCI ENGINEERING INC	38-00	551.00
3443	KUHLMANN DESIGN GROUP	38-00	572.50
4578	SCHULTE SUPPLY	38-00	252.00
486	HANK'S EXCAVATING & LANDSCAPING,	38-00	115,662.99
5882	TOWN HALL SPORTS	38-00	2,675.00
6354	AUTO ACCENTS	38-00	300.00
AM053	AMEREN ILLINOIS	38-00	7,079.00
AN020	ANOVA	38-00	2,456.06
CA107	CANADIAN NATIONAL RAILROAD	38-00	38,203.00
KA009	KASKASKIA ENGINEERING GROUP LLC	38-00	17,877.09
QU003	QUALITY TESTING & ENGINEERING, IN	38-00	179.90
RE057	REUTHER FORD, INC	38-00	107,676.00
SO037	SOUTHERN ILLINOIS STRIPING	38-00	595.00
ST152	STUTZ EXCAVATING INC	38-00	41,680.00
VO006	VOLKERT INC	38-00	59,972.00
WA066	WARNING LITES OF SOUTHERN ILLINOI	38-00	952.92
	**TOTAL		405,173.46
	38 TIF 3 (CITY OF BELLEVILLE)	GRAND TOTAL	405,173.46

VENDOR #	NAME	DEPT.	AMOUNT
45 2015 PD PROJECT CONSTRUCTION FUN			
850	REJIS COMMISSION	45-00	830.00
CD001	CDS OFFICE TECHNOLOGIES	45-00	576.00
IM004	IMPERIAL LIFT INC	45-00	2,753.00
IM006	IMPACT STRATEGIES INC	45-00	141,854.87
TE006	TECH ELECTRONICS	45-00	670.00
	**TOTAL		146,683.87
	45 2015 PD PROJECT CONSTRUCTION FUNGRAND TOTAL		146,683.87

VENDOR #	NAME	DEPT.	AMOUNT
50	TIF 8 (DOWNTOWN SOUTH)		
486	HANK'S EXCAVATING & LANDSCAPING,	50-00	1,311.75
	**TOTAL		1,311.75
	50 TIF 8 (DOWNTOWN SOUTH)	GRAND TOTAL	1,311.75

VENDOR #	NAME	DEPT.	AMOUNT
54 TIF 12 (SHERMAN STREET)			
QU003	QUALITY TESTING & ENGINEERING, IN	54-00	132.30
	**TOTAL		132.30
	54 TIF 12 (SHERMAN STREET)	GRAND TOTAL	132.30

VENDOR #	NAME	DEPT.	AMOUNT
71 POLICE TRUST			
PE023	PETSMART	71-00	171.40
	**TOTAL		171.40
	71 POLICE TRUST	GRAND TOTAL	171.40

VENDOR #	NAME	DEPT.	AMOUNT
75 TIF 17 (EAST MAIN STREET)			
JO081	JOINER SHEET METAL & ROOFING	75-00	126,764.00
	**TOTAL		126,764.00
	75 TIF 17 (EAST MAIN STREET)	GRAND TOTAL	126,764.00
	GRAND TOTAL FOR ALL FUNDS:		2,207,714.52
	TOTAL FOR REGULAR CHECKS:		2,028,564.49
	TOTAL FOR DIRECT PAY VENDORS:		179,150.03

PAYROLL BREAKDOWN AS PER G/L DISTRIBUTION REPORT
PAYROLL ENDING DATE: **28-Oct-16**
DESCRIPTION:

01 50	ADMINISTRATION	14859.22
01 51	POLICE	286589.62
01 52	FIRE	196607.02
01 53	STREET	46254.28
01 54	PARKS	17135.04
01 55	CEMETERY	5079.88
01 56	SANITATION	32433.33
01 60	LEGAL	6728.92
01 61	HOUSING & INSPECTORS	25165.50
01 62	ECONOMIC DEVELOPMENT & PLANNING	8357.80
01 82	MAYOR	6485.14
01 83	FINANCE	8419.27
01 84	HUMAN RESOURCE	5440.81
01 85	CLERK	7294.57
01 86	TREASURER	4407.24
01 87	MAINTENANCE	16974.24
01 88	ENGINEER	6373.98
	TOTAL GENERAL FUND	**694605.86**
21 75	SEWER COLLECTIONS	10871.05
21 77	SEWER LINES	15514.86
21 78	SEWER PLANT	50975.08
	TOTAL SEWER DEPARTMENT	**77360.99**
4	LIBRARY	31550.35
7	RECREATION	14849.98
16	Employer's Portion of FICA (06-00-21500) cr	33749.80
	**********TOTAL PAYROLL**	**852116.98**

CITY ATTORNEY REPORT

TO: City Council

FROM: Garrett P. Hoerner, City Attorney

DATE: November 4, 2016

Pursuant to Section 3.14(D) of the Revised Code of Ordinances, I write to provide a quarterly report on pending legal matters.

A. **Ordinance Violation Cases**. The City currently has approximately 198 ordinance violation cases pending.

B. **Demolition/Foreclosure/Housing Cases**. The City currently has 39 cases pending involving demolition or foreclosure proceedings, or other housing code/building code violations. The addresses of the subject properties are as follows:

1. *Foreclosures*

1712 Scheel St. (Daughrity)
216 North 3rd St. (Gim)
214 N. 3rd St. (Hartmann)
33 Highwood Ct. (Haynes)
314 North Church St. (Morris)
316 E. B St. (Nelson)
818 W. Washington St. (Smiley)
124 North 15th St. (Stehlick)
500 S. Church St. (Stonecrest)
2021 Madison Ave. (Whittaker)
523 N. Jackson St. (Wittenauer)

2. *Demolitions*

24 Queensway Dr. (Antonoff)
2516 East Main St. (Bergadine)
410 S. 19th St. (Bowman)
2006 Madison St. (Brooks)
1810-1814 Laurette Lane (Brueggemann)
7015 West B St. (Doucette)
602 Abend St. (Hazzard)
17 Holdener Dr. (Hicks)
201 Portland St. (James)
611 E. McKinley Ave. (Keller)

3518 West A St. (Ladewig)
3509 West A St. (Lienesch)
226 N. 12th St. (Marino)
9909 and 9915 Olympia St. (Martin)
111 N. 18th St. (Myers)
10608 West Main St. (Nicholson)
1720 W. Belle Ave. (Ohl)
1801 E. Belle St. (Pick)
610 S. Douglas Ave. (Plants-N-More)
1018 West Main St. (Reichling)
1812 Jay Ave. (Residential Mortgage Loan Trust I)
1215 Patterson Court (GARAGE ONLY) (Ripplinger)
128 N. 8th St. (Secretary of Veterans Affairs)
1013 LaSalle St. (Sheets)
1200 Bel Aire Dr. (South)
210 McTeel St. (Southwestern Illinois Properties, LLC)
322 Pleasant Hill Dr. (Stonesifer)
509 West Adams St. (Wallace)

C. **Other Civil Cases**. The City currently has pending the following other civil cases in which I am representing the City:

1. *Rehkemper v. City of Belleville, et al.* This is a case filed against the City for damage because of leakage from the prior Belleville municipal landfill. The insurance company has declined coverage, because its policy was not in effect at the time of this incident. We have turned in a claim to our prior insurance company. This case is being defended by the attorney who was hired by our first insurance company. Both insurance companies have denied coverage. I am informed that the case is being prepared for trial.

2. *City of Belleville v. Leon Demond, d/b/a Kelly's Limousine.* This is a case filed against Kelly's Limousine to recover the money paid to Kelly's due to Kelly's breach of the contract by moving its operation. Judgment has been entered in favor of the City in the amount of $120,000.00. A prior Citation to Discover Assets revealed that Mr. Demond had few assets; I am seeking another Citation to Discover Assets to determine if that has changed.

3. *Larry Horne vs. City of Belleville*. This is a case filed by a firefighter against the City and Pension Board to have his start date moved back for pension purposes. Plaintiff's Counsel and the Pension Board's Attorney are still clarifying the administrative record.

4. *City of Belleville vs. Fischer Lumber*. This case is filed against Fischer Lumber for breach of a development agreement. The City is seeking $135,000.00 to be repaid. The Court ordered mediation was not successful. The City has filed an Amended Complaint. The Court has entered an Amended Case Management Order,

specifically setting discovery and dispositive-motion deadlines, and an April 10, 2017 trial date. The parties have completed written discovery and are conducting depositions; thereafter, I will be seeking summary judgment on the City's behalf.

5. *Orchards Homeowners Association of Belleville v. City of Belleville.* On April 22, 2015, Plaintiff filed a Complaint against the City alleging a breach-of-contract theory related to an IDNR Permit for the construction of improvements to an unnamed tributary of loop creek. On October 29, 2015, after the Court denied the City's Motion to Dismiss, I filed an Answer and Affirmative Defenses. The parties are proceeding with discovery.

There are other lawsuits being handled through the City's insurance company.

D. **Other Miscellaneous Cases**. In addition to the above cases, there are a number of cases where the City is named as a Defendant in mortgage foreclosure lawsuits. The City is named as a Defendant because of municipal liens. These liens are typically extinguished in the foreclosure action. It is doubtful if the City will collect any of the amounts liened from these cases. There are also a number of cases where the City has filed proof of claims in Bankruptcy Court. These proof of claims are normally for sewer or trash charges and, in most cases, the City is unable to collect on any of these.

CITY OF BELLEVILLE
Economic Development,
Planning & Zoning Department

Memo

To: City Council Members
From: Mayor Mark W. Eckert/Eric Schauster, Assistant Director of Economic Development
Date: November 1, 2016
Re: TIF Joint Review Board Annual Meetings

The City of Belleville will convene the annual meetings of the Joint Review Board for all active Tax Increment Financing (TIF) Districts for Fiscal Year 2014-2015 on Friday, December 16, 2016 in the Community Room at the Belleville Police Station located at 720 West Main Street. The purpose of these annual meetings is to "review the effectiveness and status" of each active TIF district, respectively, for the past fiscal year. Times for the respective annual meetings are as follows:

Time	TIF District
9:00	1
9:05	2
9:10	8/Downtown South
9:15	13/Drake Road
9:20	16/Route 15 Corridor
9:25	17/East Main Street
9:30	18/Scheel Street
9:35	19/Frank Scott Parkway
9:40	3
9:45	10/Lower Richland Creek
9:50	12/Sherman Street
9:55	11/Industrial Jobs Recovery
10:00	9/Southwinds
10:05	4
10:10	20/Route 15-South Green Mount Road
10:15	21/Belle Valley III
10:20	14/Route 15 East
10:25	15/Carlyle-Green Mount

This particular schedule has been determined in order to minimize the number of gaps in the schedule for most of the taxing bodies and allow for the best use of time.

Copies of the State Comptroller's Reports for each TIF District are available at the Economic Development, Planning & Zoning office or on the City of Belleville's website.

If you have any questions, please contact Eric Schauster, Assistant Director of Economic Development, Planning & Zoning at (618) 233-6810, Ext. 1249 or eschauster@belleville.net .

Only Member portions of this form are digitally enterable

IMRF BENEFIT PROTECTION LEAVE

IMRF Form 6.32 (Rev. 02/2013)

Avoid delays—read all instructions before completing this form.

PLEASE PRINT - You may also enter information into the PDF Form 6.32 at *www.imrf.org*.
Print, sign, and mail or fax the form to IMRF (*contact information below*).

MEMBER'S LAST NAME	FIRST NAME	MIDDLE INITIAL (JR.SR.II,ETC)	IMRF MEMBER ID OR LAST 4 DIGITS OF SSN
Belleville	Debra	L.	[redacted]
STREET (MAILING) ADDRESS	CITY, STATE AND ZIP		DAYTIME TELEPHONE NUMBER (with area code)
[redacted]			[redacted]
CURRENT EMPLOYER			EMPLOYER IMRF I.D. NUMBER
City of Belleville			[redacted]

CERTIFICATION BY MEMBER

I certify that I will be (or have been) on leave of absence beginning 1/24/87 (DATE (MM/DD/YYYY)) and ending 4/15/87 (DATE (MM/DD/YYYY)),
for a total of [redacted] months. (Indicate on Line 2 below)

I understand that service credit (not more than 12 months) for this leave cannot be established until I have paid my IMRF member contributions in an amount equal to the approximate contributions I would have made if actively employed during the leave of absence, plus interest (if applicable).

MEMBER SIGNATURE	DATE (MM/DD/YYYY)
X Debra L. Belleville	10/27/16

EMPLOYER AT TIME OF LEAVE	EMPLOYER IMRF I.D. NUMBER
City of Belleville	

CERTIFICATION BY AUTHORIZED AGENT — This section filled out manually

I certify that (1) I have calculated the estimated employer cost of the above member's leave, (2) I have advised the governing body of the amount of such cost and (3) that it will be paid through future monthly contributions.

1. **Average Monthly Earnings** *(Determine the monthly average by dividing by 12 the IMRF reported earnings for the 12 months prior to the leave)*	$ 1515.38	
2. **Number of Months Leave** *(limited to 12 months)*	1.5	
3. **Total estimated earnings that would have been paid during the leave of absence** *(line 1 times line 2)*	$ 2,273.07	
4. **Average Employer Cost Rate**	X 11.00%	
5. **Estimated cost of this leave to employer** *(line 3 times 11%)*	$ 250.04	
6. **Estimated/exact earnings to be reported when the employee returns to work** *(see bottom of previous page)*	Month in which earnings amount will be reported 4/87	Amount $ 757.69
AUTHORIZED AGENT SIGNATURE X Mary League	DATE (MM/DD/YYYY) 10/27/2016	

CERTIFICATION BY CLERK OR SECRETARY OF GOVERNING BODY — This section filled out manually

I certify that at a regular or special meeting held on 11/07/2016 (DATE (MM/DD/YYYY)), the City of Belleville (EMPLOYER)'s Governing Body approved the leave of absence stated herein and the estimated employer cost as herein determined.

SIGNATURE	CLERK OR SECRETARY	DATE (MM/DD/YYYY)
X		

APPLICATION WILL NOT BE PROCESSED WITHOUT AUTHORIZED AGENT AND BOARD CERTIFICATION

Illinois Municipal Retirement Fund
2211 York Road Suite 500 Oak Brook, IL 60523-2337
Member Services Representatives 1-800-ASK IMRF (1-800-275-4673) Fax: (630) 706-4289
www.imrf.org

PUBLISHER'S ACKNOWLEDGMENT

In the publication of this Code of Ordinances, every effort was made to provide easy access to local law by municipal officials, the citizens of this municipality, and members of the business community.

We want to express our grateful appreciation to all municipal officials for their untiring efforts in the preparation of this Code of Ordinances.

AMERICAN LEGAL PUBLISHING CORPORATION

Stephen G. Wolf, Esq.
President

OFFICIALS
of the
CITY OF BELLEVILLE, ILLINOIS

ELECTED OFFICIALS

Mark W. Eckert, Mayor
Dallas B. Cook, City Clerk
Dean Hardt, City Treasurer

City Council

Ward One	Ken Kinsella
	Joseph Hazel
Ward Two	Mike Buettner
	Jane Pusa
Ward Three	Kent Randle
	Scott Tyler
Ward Four	Johnnie Anthony
	Raffi Ovian
Ward Five	Phillip Silsby
	Edward Dintelman
Ward Six	Paul Seibert
	Bob White
Ward Seven	Trent Galetti
	Phillip Elmore
Ward Eight	James Musgrove
	Roger Wigginton

APPOINTED POSITIONS

Garrett P. Hoerner	City Attorney
Brian Flynn	Assistant City Attorney
Bill Clay	Police Chief
Tom Pour	Fire Chief
Jamie Maitret	Director of Finance
Tim Gregowicz	City Engineer
Ken Vaughn	Director of Maintenance and City Buildings, Assistant City Engineer
Jim Schneider	Director of Human Resources, Training and Community Development
Debbie Belleville	Director of Parks and Recreation
Bob Sabo	Director of Health, Housing and Building
Chuck Schaeffer	Director of Public Works - Streets, Sanitation and Cemetery
Royce Carlisle	Director of Waste Water Treatment Plant and Sewer Lines
Annissa McCaskill	Director of Economic Development, Planning and Zoning
Sharon Strausbaugh	Manager of City Website and Marketing
Erin Clifford	Executive Assistant to Mayor, Deputy Liquor Commissioner, FOIA Officer
Jim Rokita	Administrative Investigator
Patti Rompel	Delinquent Sewer Department Collector
Sherry Wright	Delinquent Sewer Department Collector
Rich Peppers	IT Specialist
Jerry Massey	Vehicle Maintenance Mechanic

BELLEVILLE, ILLINOIS
CODE OF ORDINANCES
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CHAPTER 30: CITY COUNCIL

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GENERAL PROVISIONS

§ 30.01 RULES OF COUNCIL.

The following rules of order and procedure shall govern the deliberations and meetings of the City Council.

(A) *Agenda.*

(1) The following agenda shall be followed by the City Council in conducting its business during its meetings:

(a) Call to order by Mayor;

(b) Roll call Aldermen;

(c) Roll call department heads;

(d) Pledge of Allegiance;

(e) Public participation.

1. Members of the public may address the City Council in accordance with § 2.06(g) of the state's Open Meetings Act (5 ILCS 120/2.06(g)).

2. Public comments are limited to three minutes per speaker.

3. The subject of public comments shall be reasonably related to matter(s) identified on the meeting agenda and/or other city business.

4. Repetitive public comments should be avoided, to the extent practical, through adoption of prior public comment (e.g., agreeing with a prior speaker).

5. The following conduct is prohibited during public participation:

a. Acting or appearing in a lewd or disgraceful manner;

b. Using disparaging, obscene or insulting language;

c. Personal attacks impugning character and/or integrity;

d. Intimidation; and

e. Disorderly conduct as defined in § 130.02 of this code of ordinances.

6. Any speaker who engages in such prohibited conduct during public participation shall be called to order by the Chair or ruling by the Chair if a point of order is made by a sitting Alderman.

(f) Presentations, recognitions and appointments;

(g) Reading of the minutes of past meeting or meetings, corrections and approval of the same, unless dispensed with by the Council;

(h) Claims, payroll and disbursements approved by Claims Committee;

(i) Reports;

(j) Oral reports from standing committees, special committees and any other oral reports from the elected officials or staff;

(k) Communications from Mayor, Clerk or other city officials;

(l) Petitions;

(m) Resolutions;

(n) Ordinances;

(o) Unfinished business;

(p) Miscellaneous and new business; and

(q) Adjournment.

(2) All questions relating to the priority of business shall be decided by the Chair (Mayor) without debate, subject to appeal.

(B) *Duties of the presiding officer.*

(1) The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order subject to appeal.

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

(C) *Duties of members.*

(1) While the presiding officer is putting the question, no member shall walk across or out of the Council chamber.

(2) Every member, previous to his or her speaking, making a motion or seconding the same, shall rise from his or her seat and address himself or herself to the presiding officer and say "Mr. Mayor" and shall not proceed with his or her remarks until recognized and named by the Chair. He or she shall confine himself or herself to the question under debate avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

(3) When two or more members rise at the same time, the presiding officer shall name the member who is first to speak.

(D) *Visitors.* No person other than a member of the Council shall address that body, except with the consent of the majority of the members present.

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

(F) *Debate.*

(1) No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so; provided, however, that, the proponent of the matter under consideration or the Chairperson of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member shall speak longer than ten minutes at any one time, except by consent of the Council; and in closing debate on any question, as above provided, the speaker shall be limited to five minutes, except by special consent of the Council.

(2) While a member is speaking, no member shall hold any private discussion, nor pass between the speaker and the Chair.

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

(H) *Appeals from decisions of the Chair.* Any member may appeal to the Council from a ruling of the Chair and, if the appeal is seconded, the member making the appeal may briefly state his or her reason for the same, and the Chair may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "No", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

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

(J) *Voting.* Every member who shall be present when a question is stated from the Chair shall vote thereon, unless excused by the Council, or unless he or she is personally interested in the question, in which case he or she shall not vote.

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

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

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

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

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

(P) *Taking and entering the votes; explanations of votes not permitted.*

(1) If any member requires it, the "yeas" and "nays" upon any question shall be taken and entered in the journal; but the "yeas" and "nays" shall not be taken unless called for prior to any vote on the question.

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

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

(R) *Precedence of motions.*

(1) When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

(a) To adjourn to a day certain;

(b) To adjourn;

(c) To take a recess;

(d) To lay on the table;

(e) The previous question;

(f) To refer;

(g) To amend;

(h) To defer or postpone to a time certain;

(i) To defer or postpone (without reference to time); and

(j) To defer or postpone indefinitely.

(2) Divisions (R)(1)(b), (R)(1)(d) and (R)(1)(e) above are to be decided without debate.

(S) *Motions to adjourn.*

(1) A motion to adjourn the Council shall always be in order, except:

(a) When a member is in possession of the floor;

(b) While the yeas and nays are being called;

(c) When the members are voting;

(d) When adjournment was the last preceding motion; or

(e) When it has been decided that the previous question shall be taken.

(2) A motion simply to adjourn shall no be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

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

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

(U) *Motions to lay on the table and to take from the table.*

(1) A motion simply to lay a question on the table shall not be debatable; but a motion to lay on the table and publish, or with any other condition, shall be subject to amendment and debate.

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

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

(V) *Indefinite postponement; motion to defer or postpone without any reference to time.*

(1) When consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

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

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

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

(X) *Motion to amend.*

(1) A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

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

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

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

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

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

(AA) *Reconsideration.*

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

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

(BB) *Adoption of Robert's "Rules of Order Revised"*. The rules of parliamentary practice comprised in the latest published edition of Robert's "Rules of Order Revised" shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Council.

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

(DD) *Censure of members; expulsion of members*. Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene or insulting language to or about any member of the Council, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the members present or expelled by a two-thirds vote of all members elected.
(1960 Code, § 2-2-1) (Ord. 5169, passed 11-15-1993; Ord. 7750, passed 2-18-2014)
Statutory reference:
Related provisions, see 65 ILCS 5/3.1-40-15

§ 30.02 WARDS ESTABLISHED.

The city shall be, and is hereby divided into eight wards, which shall be known and designated as follows: First Ward, Second Ward, Third Ward, Fourth Ward, Fifth Ward, Sixth Ward, Seventh Ward and Eighth Ward.

(A) *First Ward.* The First Ward shall comprise all that territory within the limits of this city embraced within the following description: commencing at the intersection of the centerline of State Route 159 (Illinois Street) and "J" Street; thence south along the centerline of State Route 159 (Illinois Street) to the intersection of the centerline of Douglas Avenue; thence easterly-southeasterly along the centerline of Douglas Avenue to the intersection of the centerline of "A" Street; thence northeast along the centerline of "A" Street to a point 751 feet southwest of the centerline of West Boulevard; thence following the easterly-northeasterly city limits line of the city as it meanders to the street centerline of Lebanon Avenue; thence following the northerly city limits line to the point of beginning.

(B) *Second Ward.* The Second Ward shall comprise all that territory within the limits of this city embraced within the following description: commencing at the intersection of the centerline of State Route 159 (Illinois Street) and "J" Street; thence west along the northerly city limits line of the City of

Belleville, Illinois, to its intersection with the street centerline of North 17th Street; thence north along the centerline of North 17th Street to its intersection with North 28th Street; thence west along the centerline of North 28th Street to its intersection with the centerline of West Main Street; thence south along the centerline of West Main Street to its intersection with the centerline of South 29th Street; thence west along the centerline of South 29th Street to a point 300 feet west of its intersection with the centerline of Otto Street; thence following the city limits line southeasterly and southwesterly to the endpoint of the centerline of South 23rd Street; thence southwesterly to the intersection of the centerline of South 2st Street and the centerline of Madison Street; thence southwesterly along South 21st Street to its endpoint; thence southwesterly along the westerly edge of "Roosevelt Heights" Subdivision; thence east along the city limits line to its intersection with South 16th Street; thence along the centerline of South 16th Street to its intersection with the centerline of West Main Street; thence east along the centerline of West Main Street as it turns into East Main Street, to its intersection with the centerline of Douglas Avenue; thence northwest along the centerline of Douglas Avenue its intersection with the centerline of State Route 159 (Illinois Street); thence north along the centerline of State Route 159 (Illinois Street) to the point of beginning.

(C) *Third Ward.* The Third Ward shall comprise all that territory within the limits of this city embraced within the following description: commencing at the intersection of the centerline of North 17th Street and the centerline of North 28th Street; thence north along the easterly city limits line of the City of Belleville, to its intersection with North Belt West; thence east along the northerly right-of-way line of North Belt East; thence following the northeasterly city limits line to its intersection with the centerline of Royal Heights Road; thence south along the centerline of Royal Heights Road to its intersection with the centerline of North Belt West; thence west along the centerline of North Belt West to its intersection with the centerline of West Main Street; thence east along the centerline of West Main Street to its intersection with the centerline of South 35th Street; thence west along the centerline of South 35th Street to a point 436 feet west of the terminus of the centerline of South 35th Street; thence south along the city limits line to its intersection with the centerline of South 29th Street; thence east along the centerline of South 29th Street to its intersection with the centerline of West Main Street; thence west along the centerline of West Main Street to its intersection with the centerline of North 28th Street; thence east along the centerline of North 28th Street to the point of beginning.

(D) *Fourth Ward.* The Fourth Ward shall comprise all that territory within the limits of this city embraced within the following description: commencing at the intersection of the centerline of North Belt West and the centerline of West Main Street; thence easterly along the centerline of North Belt West to its intersection with the centerline of Royal Heights Road; thence northerly along the centerline of Royal Heights Road to the northerly city limits line of the City of Belleville, Illinois; thence in a general northwest direction along the city limits line in its various courses and meanders to the centerline of West Main Street; thence southeast along the centerline of West Main Street to the centerline of North Belt West, being the point of beginning.

(E) *Fifth Ward.* The Fifth Ward shall comprise all that territory within the limits of this city embraced within the following description: commencing at the intersection of the centerline of West Main Street at its intersection with the centerline of South 16th Street; thence southwesterly along 16th

Street to its intersection with the southwesterly city limits line of the City of Belleville; thence in a general southeast direction along the city limits line in its various courses and meanders to its easternmost intersection with the centerline line of State Route 15; thence northwest along the centerline of State Route 15 to its intersection with the centerline of State Route 159 (Illinois Street); thence north along the centerline of North Illinois Street to its intersection with the centerline of West Main Street; thence west along the centerline of West Main Street to the point of beginning.

(F) *Sixth Ward.* The Sixth Ward shall comprise all that territory within the limits of this city embraced within the following description: commencing at the intersection of the centerline of Mascoutah Avenue and the centerline of East Main Street; thence west along the centerline of East Main Street to its intersection with the centerline of State Route 159 (Illinois Street); thence south along the centerline of State Route 159 (Illinois Street) to its intersection with the centerline of State Route 15; thence southeasterly along Route 15 to the city limits line of the City of Belleville, Illinois; thence in a general southeast direction along the city limits line in its various courses and meanders to the centerline of State Route 177 (Mascoutah Avenue); thence west along the centerline of State Route 177 (Mascoutah Avenue to its intersection with State Route 158 (South Belt East); thence continuing northwest along the centerline of Mascoutah Avenue to its intersection with East Main Street, being the point of beginning.

(G) *Seventh Ward.* The Seventh Ward shall comprise all that territory within the limits of this city embraced within the following description: commencing at the intersection of the centerline of East Main Street and its intersection with the centerline of Mascoutah Avenue; thence southeasterly along Mascoutah Avenue to its intersection with State Route 158 (South Belt East); thence continuing along the centerline of State Route 177 to the easterly city limits line of the City of Belleville, Illinois; thence in a general north-northwesterly direction along the city limits line in its various courses and meanders to its intersection with the centerline of East "A" Street; thence southwesterly along the centerline of East "A" Street to its intersection with the centerline of Douglas Avenue; thence southeasterly along the centerline of Douglas Avenue to its intersection with the centerline of East Main Street; thence along the centerline of East Main Street to the intersection with Mascoutah Avenue, being the point of beginning.

(H) *Eighth Ward.* The Eighth Ward shall comprise all that territory within the limits of this city embraced within the following description: commencing at the intersection of the centerline of South 35th Street with the centerline of West Main Street; thence northwesterly along the centerline of West Main Street to the western edge of the city limits line of the City of Belleville, Illinois; thence in a generally southerly-southeasterly direction along the city limits line in its various courses and meanders to its intersection with the westerly edge of "Roosevelt Heights" subdivision; thence northeasterly to the end point of the centerline of South 21st Street; thence northeasterly along the centerline of South 21st Street to its intersection with the centerline of Madison Avenue; thence northerly to the endpoint of the centerline of South 23rd Street; thence in a general northerly-northwesterly direction along the city limits line in its various courses and meanders to its interaction with a point 436 feet west of the terminus of the centerline of South 35th Street; thence east along the centerline of South 35th Street to a its intersection with the centerline of West Main Street, being the point of beginning.
(1960 Code, § 2-3-1) (Ord. 4801, passed 1-7-1991; Ord. 7594-2012, passed 4-30-2012)

§ 30.03 INSURANCE COVERAGE.

(A) *Continuation of availability and cost.* Any elected official of the city who has served one full term and is not re-elected or chooses to retire from his or her elected office, or a spouse of a deceased elected official, shall be allowed to continue to participate in the city's health insurance indefinitely, so long as they pay their own expenses for premiums and any other cost that may be associated with said coverage.

(B) *Additional insurance.* The elected official or spouse of a deceased elected official of the city shall additionally be allowed to purchase insurance coverage through the city so long as they pay their own expense for premiums and any other cost that may be associated with said coverage.
(1960 Code, § 2-4-1) (Ord. 5727, passed 4-21-1997)

COMPOSITION AND MEETINGS

§ 30.15 COUNCIL.

The City Council shall consist of the Mayor and 16 Aldermen. Two Aldermen are to be elected from each ward. In case any vacancy shall occur in the Office of Alderman by death, resignation, removal or any other cause, such vacancy shall be filled in accordance with statutes in effect at that time.
(1960 Code, § 2-1-1) (Ord. 6451, passed 8-19-2002)
Statutory reference:
Related provisions, see 65 ILCS 5/3.1-10-5 and 5/3.1-20-10

§ 30.16 COMPENSATION.

(A) Aldermen shall receive the compensation for attending Council meetings as set out by the Council from time to time.

(B) All Aldermen are allowed to miss two meetings each year. An Alderman may miss more than two meetings per year and shall receive payment at a set rate if such Alderman can show due cause for such additional absence such as illness of the Alderman, serious illness of any member of the Alderman's immediate family, a death in the Alderman's immediate family or other like causes. The compensation shall take effect on 5-1-2009 for those alderman elected at the consolidated election in April 2009. Those Alderman elected at the consolidated election in April 2011 shall not receive pay raise on the schedule until 5-1-2011. Any absence in excess of those permitted herein shall result in the reduction in pay at the rate of one-twenty-fourth of the annual salary per meeting missed.
(1960 Code, § 2-1-2) (Ord. 7055, passed 11-19-2007)

§ 30.17 REGULAR MEETINGS.

(A) The regular stated meetings of the City Council shall be held in the Council chambers in the City Hall building, on the first and third Mondays in each month, at 7:00 p.m. In addition to the aforesaid regular stated meetings, the City Council shall meet on two additional dates for the express purpose of discussing and adopting the annual city budget and tax levy ordinances.

(B) The just stated two meetings shall be called according to law. When any of the aforesaid meeting dates fall upon a legal holiday, the meeting shall be held on the Tuesday following at the same hour and place. Whenever it is deemed necessary by a majority vote of the Council, the hour of a regularly scheduled meeting may be changed to a different hour on the same date. Adjourned meetings may be held at such times as may be determined by the City Council.

(C) The City Council may also be convened on two additional dates, for special meetings, with no additional compensation for Aldermen, upon the giving of proper notice in accordance to § 30.18 of this chapter.

(1960 Code, § 2-1-3) (Ord. 5207, passed 1-17-1994)

Statutory reference:

Related provisions, see 65 ILCS 5/3.1-40-25

§ 30.18 SPECIAL MEETINGS.

Special meetings of the City Council may be called by the Mayor or any three Aldermen, by giving at least 24 hours' notice thereof, by delivering to them personally, or by leaving written or printed notices of the time of such meeting at the residences of the Aldermen.

(1960 Code, § 2-1-4)

Statutory reference:

Related provisions, see 65 ILCS 5/3.1-40-25 and 5 ILCS 120/2.02 and 120/2.03

§ 30.19 STANDING COMMITTEES.

(A) The following standing committees shall be appointed by the Mayor, subject to the advice and consent of the City Council, at the first meeting of the City Council occurring after its annual election for Aldermen, in each year, or as soon thereafter as may be convenient:

(1) Finance;

(2) Police and Fire;

(3) Master Sewer;

(4) Streets and Grades;

(5) Traffic;

(6) Public Health and Housing;

(7) Personnel;

(8) Economic Development and Annexation; and

(9) Ordinance and Legal Review.

(B) The above standing committees shall consist of the following members: Economic Development and Annexation Committee, Finance, Police and Fire, Master Sewer and Streets and Grades: eight Aldermen; all other standing committees shall consist of five Aldermen, except the Public Health and Housing Committee. The Public Health and Housing Committee shall consist of five Aldermen, one representative from Belleville Economic Progress, Inc., and one representative from the Belleville Board of Realtors. The Economic Development and Annexation Committee, Police and Fire, Master Sewer and Streets and Grades committees shall consist of one Alderman from each ward.

(C) The Mayor shall be ex-officio member of all committees.

(D) Notices to the members of the different committees of the Council, and notices to all other persons, whose attendance may be required before any such committee when so directed by the Chairperson thereof, shall be served by the Chief of Police.
(1960 Code, § 2-1-5) (Ord. 5420, passed 4-24-1995; Ord. 6987, passed 4-30-2007)
Statutory reference:
Related provisions, see 5 ILCS 120/1 and 120/2.06

§ 30.20 EXECUTIVE SESSIONS.

(A) *Regular and special meetings of the Council.*

(1) Executive sessions of the City Council may be held upon a motion being made on the floor at a regular or a special Council meeting requesting an executive session or upon a motion made at the caucus of the City Council. The motion shall state one or more of the following purposes for which this session is being called:

(a) Collective negotiating matters between the city and its employees or representatives;

(b) Acquisition of real property;

(c) Pending court proceedings against or on behalf of the city; and

(d) To consider information regarding appointment, employment or dismissal of an employee or officer or to hear testimony on a complaint lodged against the employee or officer of the city to determine its validity, but no final action may be taken at the closed session. If the motion to go into an executive session is made at the caucus of the City Council, and the executive session is held prior to the regular City Council meeting, it shall be the duty of the Mayor to announce at the regular City Council meeting that an executive session was held prior to the Council meeting for one of the purposes set forth in this division (A)(1).

(2) Minutes shall be taken during all executive sessions and the minutes shall be kept by the City Clerk in a special executive session minute book. Said minutes shall not be open to the general public or press for inspection thereof.

(B) *Committee meetings.*

(1) Meetings of committees of the City Council shall be open to the public.

(2) An executive session of any of said committees may be called by a motion of any one of the committee members at the committee meeting. The motion for the executive session shall state one or more of the following purposes for which the executive session is being called:

(a) Collective negotiating matters between the city and its employees or representatives;

(b) Acquisition of real property;

(c) Pending court proceedings against or on behalf of the city; and

(d) To consider information regarding appointment, employment or dismissal of an employee or officer or to hear testimony on a complaint lodged against the employee or officer of the city to determine its validity, but no final action may be taken at the closed session.

(3) The Chairperson of each committee or committee members shall give a report summarizing the business conducted at a regular or special meeting of this committee to the Aldermen monthly.

(C) *Notice.*

(1) The City Council and any committees thereof shall give public notice of the schedule of its regular meetings at the beginning of each fiscal year and shall state the regular dates, times and places of such meetings. Public notice of any special meeting or of any rescheduled regular meeting or any reconvened meeting shall be given at least 24 hours before such meeting. However, this requirement of public notice of reconvened meetings does not apply to any case where the meeting is to be reconvened within 24 hours, nor to any case where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. (Note: state statutes, in 65 ILCS 5/3.1-40-25, require a 48-hour meeting notice.)

(2) Public notice shall be given by posting a copy of the notice in the City Hall. Copies of the notice of regular meetings of the City Council and committees thereof and of the notice of any special, rescheduled or reconvened meeting shall be given to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Any such news media shall also be given the same notice of all special, rescheduled or reconvened meetings in the same manner as is given members of the body; provided, such news media has given the public body an address within the territorial jurisdiction of the body at which such notice may be given.

(3) If a change is made in regular meeting dates, at least ten days' notice of such change shall be given by publication in a newspaper of general circulation within the city. Notice of such change of regular meetings shall also be posted in the City Hall. Notice of such change of regular meetings shall also be supplied to those news media who have filed an annual request as provided for above.

(4) Notice requirements of these rules are in addition to and not in substitution of any other notice provided by law. Failure of any news media receiving notice provided for by these rules shall not invalidate any meeting provided notice was, in fact, given in accordance with this act.
(1960 Code, § 2-1-6) (Ord. 3225, passed 5-20-1974; Ord. 3279, passed 12-31-1974)

§ 30.21 CLOSED SESSIONS.

(A) *Recording closed sessions.* The city shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the city or any subsidiary "public body", as defined by the state's Open Meetings Act, 5 ILCS 120/1. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities.

(B) *Responsibility for recording closed sessions and maintaining recordings.* The City Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the City Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the City Council. Each subsidiary public body of the city shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the City Clerk with a copy of such recording. The City Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the city and all subsidiary public bodies of the city.

(C) *Closed session minutes.* In addition to the recordings of the closed and executive session as addressed in this section, the city will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/1.

(D) *Procedure for recording.* At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

(E) *Back-up equipment/procedure for equipment malfunction.* The city will maintain sufficient tapes, batteries and equipment for the city to comply with this section. The City Clerk or his or her designee will periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

(F) *Procedure for review of closed session minutes and recordings.* At one meeting at least every six months, the agenda shall include the item: "Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released." Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the city find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the "need for confidentiality still exists" as to those minutes. Minutes of closed sessions shall be kept indefinitely. Recordings shall be reviewed in a manner appropriate to the purpose for which they were intended.

(G) *Maintenance and public release of recordings and access of tapes.* The audio or video tape recordings of closed sessions shall be maintained for 18 months after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the City Council. Members of the corporate authorities may listen to the closed session recordings in the presence of the City Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the City Council.

(H) *Procedure for destruction of recordings.* The City Clerk or his or her designee is hereby authorized to destroy the audio or video recordings of those closed sessions for which:

(1) The corporate authorities of the city have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;

(2) More than 18 months have elapsed since the date of the closed session;

(3) There is no court order requiring the preservation of such recording; and

(4) The corporate authorities of the city have not passed a motion requiring the preservation of the verbatim recording of that meeting.
(1960 Code, § 2-1-7) (Ord. 6788, passed 11-7-2005)

§ 30.22 PUBLIC PARTICIPATION.

(A) Members of the public may address public officials at meetings of the City Council, its committees and other subsidiary bodies in accordance with § 2.06(g) of the state's Open Meetings Act (5 ILCS 120/2.06(g)).

(B) Public comments are limited to three minutes per speaker.

(C) The subject of public comments shall be reasonably related to matter(s) identified on the meeting agenda and/or other city business.

(D) Repetitive public comments should be avoided, to the extent practical, through adoption of prior public comment (e.g., agreeing with a prior speaker).

(E) The following conduct is prohibited during public participation:

(1) Acting or appearing in a lewd or disgraceful manner;

(2) Using disparaging, obscene or insulting language;

(3) Personal attacks impugning character and/or integrity;

(4) Intimidation; and

(5) Disorderly conduct as defined in § 130.02 of this chapter.

(F) Any speaker who engages in such prohibited conduct during public participation shall be called to order by the Chair or ruling by the Chair if a point of order is made by a sitting member of that body. (Ord. 7750, passed 2-18-2014)

CHAPTER 31: OFFICIALS AND EMPLOYEES; GENERAL ADMINISTRATION

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GENERAL PROVISIONS

§ 31.001 CORPORATE SEAL.

(A) The corporate seal of the city shall be the same as that heretofore provided and used by the city. It shall be circular in form with the words "City of Belleville, Illinois" in the exterior circle and the figure of an eagle in the center.

(B) The corporate seal shall be used as such seal in all cases provided for by law or by the ordinances of the city, and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal.
(1960 Code, § 3.01)

§ 31.002 CITY OFFICE HOURS.

The office hours of the city office in the City Hall, except the Police Department, shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday, except legal holidays.
(1960 Code, § 3.19) (Ord. 4788, passed 11-19-1990)

§ 31.003 WORK WEEK.

The work week for all employees of the city, other than police officers and firefighters, shall be Monday, through and including, Sunday.
(1960 Code, § 3.195) (Ord. 3275, passed 12-30-1974)

§ 31.004 FISCAL YEAR AND MUNICIPAL YEAR.

The fiscal year of the city shall end on April 30 in each year. The municipal year shall commence on the first Monday of May of each year.
(1960 Code, § 3.20)

§ 31.005 VACATIONS.

(A) Employees who have completed one year of service with the employer shall receive two weeks' vacation with pay per year. Employees who have completed seven years of service with the employer shall receive three weeks' vacation with pay per year. Employees who have completed 12 years of service with the employer shall receive four weeks' vacation with pay per year.

(B) Vacation lists are to be posted as of March 15 of each year and remain posted until April 15 of each year. Employees shall select their vacations according to seniority, and any employee not selecting his or her vacation by April 15 shall have his or her vacation scheduled by the department head.

(C) Appointed officers' vacations shall be designated by the Mayor.
(1960 Code, § 3.21) (Ord. 3264, passed 12-2-1974)

§ 31.006 HOLIDAYS.

(A) The following designated days shall be legal holidays for all employees:

(1) New Year's Day;

(2) Martin Luther King, Jr. Day;

(3) Presidents' Day;

(4) Memorial Day;

(5) Independence Day;

(6) Labor Day;

(7) Veteran's Day;

(8) Thanksgiving and day after;

(9) Christmas Day; and

(10) Good Friday.

(B) If any of the above holidays fall on Saturday, then the immediate preceding Friday shall be considered the holiday. If any of the above holidays fall on a Sunday, the next succeeding Monday shall be considered the holiday.

(C) (1) The following designated days shall be legal holidays for all employees and the city offices shall be closed for one-half day on such days:

(a) Christmas Eve; and

(b) New Year's Eve.

(2) Since a full day consists of eight hours, a half-day shall consist of four hours.

(D) If Christmas or New Year's falls on Saturday, the preceding Friday shall be considered the holiday and Thursday shall be considered the Christmas Eve or New Year's Eve holiday. If Christmas or New Year's falls on Sunday, the following Monday shall be considered the holiday and the preceding Friday shall be considered the Christmas Eve or New Year's Eve holiday. If Christmas or New Year's falls on a Monday, the preceding Friday shall be considered the Christmas Eve or New Year's Eve holiday.

(E) The provisions of this section shall not apply to members of the Police Department, Fire Department and shift operators at the city's sewer treatment plant. Such employees shall be governed by the provisions of their respective union contracts.
(1960 Code, § 3.211) (Ord. 3264, passed 12-2-1974; Ord. 4788, passed 11-19-1990)

§ 31.007 IMPROVEMENTS.

Any work or public improvement which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed $10,000, shall be constructed either by contract let to the lowest responsible bidder after advertising for bids, in the manner prescribed by ordinance; except that, any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two-thirds of all the aldermen or trustees then holding office.
(1960 Code, § 3.22) (Ord. 4724, passed 4-2-1990)

§ 31.008 TOWN OF BELLEVILLE.

(A) *Clerk and Collector.* The Town of Belleville and the City of Belleville are co-extensive, and the City Clerk is ex-officio Clerk of the Town of Belleville, and the City Treasurer is ex-officio Collector of the Town of Belleville.

(B) *Elections; meetings.* The Town of Belleville is divided into 33 election districts, each district to be co-extensive with and have the same boundaries as the election districts of the city. The voting place in each district shall be the same as that designated by the City Council as the voting place for the election of city officers. The judges of election at any town election shall be the same persons for each

district as are appointed as judges for an election for city officers held on the same day. The town meeting for the transaction of town business shall be held in the City Hall in the City of Belleville. (1960 Code, § 3.24) (Ord. 4888, passed 10-7-1991)

§ 31.009 APPOINTMENT OF EMPLOYEES.

(A) All persons seeking employment with the city, other than appointive officers, shall make application for such employment to the office of human resources.

(B) Any person hired on a full-time basis by the city shall become a resident of the city within 15 months from the date of his or her employment and his or her continuing residency from that date forward shall be condition of his or her employment. A city employee who has established legal residency outside the city prior to the effective date of this section shall be exempted from the aforesaid residency requirement; however, if any exempted city employee moves from his or her current address (outside the city) that employee must relocate within the city. If a city employee moves from the city while this requirement is in effect, his or her employment shall be terminated.

(C) All department heads, including the Director of the Public Library and the Director of Parks and Recreation shall become a resident of the city within 15 months from the date of his or her employment and his or her continuing residency from that date forward shall be a condition of his or her employment. If a department head, the Director of Public Library or the Director of Parks and Recreation moves from the city while this requirement is in effect or fails to move into the city within 15 months, his or her employment shall be terminated.

(D) Residency of the City Attorney shall be governed by § 31.130(F) of this chapter.
(1960 Code, § 3.295) (Ord. 5359, passed 12-5-1994; Ord. 6100, passed 4-3-2000; Ord. 7686, passed 5-6-2013)

§ 31.010 SICK LEAVE.

(A) The term ***SICK LEAVE***, as used in this section, means any illness or injury incurred while employee is actually in the service of the city.

(B) This section shall not apply to seasonal workers or employees serving under temporary appointments.

(C) All employees working under the jurisdiction of the agreement shall receive 15 days per year sick leave, accumulative at the rate of one and one-fourth days per month starting with the first month of employment and shall be able to accumulate an unlimited amount of sick leave; except that, the employees of the city's Fire Department shall receive 126 hours per year sick leave accumulative at the rate of ten and one-half hours per month starting with the first month of employment and shall be

allowed to accumulate an unlimited amount of sick leave. In the event the city deems it necessary to have a written statement from the doctor, the employee shall so present it. This is not to be construed that it is necessary to present a doctor's certificate at all times. The employees are not to abuse the provisions of this section. Over-time shall not be used for sick leave unless accumulated sick leave has been used. (1960 Code, § 3.30) (Ord. 2681, passed - -; Ord. 3264, passed 12-2-1974; Ord. 4788, passed 11-19-1990)

§ 31.011 FUNERAL LEAVE.

When there is a funeral within the immediate family of an employee, such employee shall be allowed five days' time off, not including Saturday, Sunday or holidays. (***IMMEDIATE FAMILY*** shall be husband, wife, father, mother, child or step-child of an employee.) Where there is a funeral for the sister, brother, father-in-law, mother-in-law, sister-in-law, brother-in-law, step-father, step-mother, grandfather, grandmother or grandchildren of an employee, such employee shall be allowed three days' time off, not including Saturday, Sunday or holidays.
(1960 Code, § 3.301) (Ord. 4788, passed 11-19-1990)

§ 31.012 OUTSIDE EMPLOYMENT, POLICE OFFICERS AND FIREFIGHTERS.

Members of the Police and Fire Departments of the city may be employed or engaged in a business or occupation compatible with their city employment, subject, however, to the following limitations.

(A) They shall not engage in the occupation of bartender, bouncer or tavern operator; if a police officer or firefighter is employed at an organizational dance within the city limits, he or she shall not be considered to be a bouncer.

(B) They shall not engage in any illegal occupation, such as gambling or working in gambling houses.

(C) They shall not be gainfully employed or engaged in any business or occupation other than their city employment for more than 20 hours in any calendar week.

(D) They shall not be gainfully engaged in any employment or other business or occupation outside the greater Belleville area.

(E) In the event of injury sustained in gainful employment, business or occupation other than city employment, police officers and firefighters shall not be entitled to time off with pay for any lost employment resulting therefrom. In the event that an injury is incurred in said outside gainful employment or occupation and sick pay is denied by the city, this shall in no way affect the employee's tenure in his or her position.

(F) Even though engaged in other approved employment, business or occupation, members of the Police and Fire Department shall be available for call to duty within a reasonable time.

(G) If the Chief of the Department has reason to believe that outside employment is adversely affecting the work of any of his or her employees, he or she should discuss the matter with that employee. After such discussion, if no agreement is reached, both the Chief and the employee should request a hearing before the Mayor and the Police and Fire Committees. If the Mayor and the Police and Fire Committees concur, in the opinion of the Chief, the employee may appeal to a committee composed of one Alderman who is not a member of the Police and Fire Committees, a representative of labor and a representative of the Chamber of Commerce. Such representatives shall be mutually agreed upon. If the findings of the Mayor and Police and Fire Committees concur in the opinion of the employee, there shall be no appeal.
(1960 Code, § 3.32) (Ord. 2503, passed - -)

§ 31.013 CONFLICT OF INTEREST.

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

APPOINTED OFFICIALS. Includes, but is not limited to, all members of any board, committee, commission or other body appointed by the city.

MUNICIPAL OFFICER. Any elected or appointed official of the city.

(B) No municipal officer shall vote on any proposition or issue before the body on which he or she sits if said officer will be directly or indirectly benefitted financially by the passage or failure of the proposition or issue.

(C) When a proposition or issue arises where a municipal officer will be directly or indirectly benefitted financially, it shall be the duty of said municipal officer to inform the body on which he sits of the possible financial benefit. If the proposition or issue is to be forwarded to the City Council for the final approval, then it shall further be the duty of said municipal officer to report to the City Council of his or her possible financial benefits from their action.
(1960 Code, § 3.34) (Ord. 3276, passed 12-30-1974)

§ 31.014 POWER TO DEDUCT WAGES FOR DEBTS.

(A) (1) When an employee of the city is indebted to the city, the city may withhold from the compensation of that employee the amount of the debt that is due and owing; provided, however, that, the maximum deduction for any work week shall not exceed the lesser of:

(a) Fifteen percent of the gross amount paid for that week; or

(b) The amount by which disposable earnings for a weed exceed 45 times the federal minimum hourly wage prescribed by 29 U.S.C. § 206(a)(1) as amended, in effect at the time the amounts are payable.

(2) No amounts required by law to be withheld may be taken for the amount collected by the creditor. The term disposable earnings means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(B) The city may deduct any amount from the salary or wage of an employee of this section. The employee shall be given an opportunity for a hearing to dispute the debt that is due and owing to the city. The hearing shall be conducted by the city's Finance Director.
(1960 Code, § 3.36) (Ord. 6484, passed 11-18-2002)

§ 31.015 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of § 5-15 (5 ILCS 430/5-15) and Art. 10 (5 ILCS 430/10-10 through 10-40) of the state's Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this section) are hereby adopted by reference and made applicable to the officers and employees of the city to the extent required by 5 ILCS 430/70-5.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the city, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the city under the Act, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the city, is hereby prohibited.

(E) For the purposes of this section, the terms ***OFFICER*** and ***EMPLOYEE*** shall be defined as set forth in 5 ILCS 430/70-5(c).

(F) The penalties for violations of this section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

(G) This section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of city officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this section, however, the provisions of this section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

(H) Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the city.

(I) If the state's Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed as of the date that the state's Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the corporate authorities of the city if the Act is found unconstitutional by the state's Supreme Court.

(J) If the state's Supreme Court declares part of the Act unconstitutional, but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the city.
(1960 Code, § 3.37) (Ord. 6650, passed 5-3-2004)

§ 31.016 FREEDOM OF INFORMATION ACT.

(A) *Freedom of information officers.*

(1) In accordance with § 3.5(a) of the state's Freedom of Information Act (FOIA) (5 ILCS 140/3.5), the City Clerk is hereby designated as the Chief FOIA Officer who, except in instances when records are furnished immediately, shall receive requests submitted to the city under the FOIA, shall ensure that the city responds to requests in a timely fashion and shall issue responses under the FOIA. As Chief FOIA Officer, the City Clerk shall develop a list of documents or categories of records that the city shall immediately disclose upon request. As further contemplated by § 3.5(a) of the FOIA, the following positions are hereby designated as Deputy FOIA Officers authorized to act in assistance to and/or in the stead of the Chief FOIA Officer under the FOIA and this section:

(a) Treasurer;

(b) Assistant to the Mayor;

(c) Assistant City Clerk;

(d) Assistant Treasurer;

(e) Police Chief or designee; and

(f) Fire Chief or designee.

(2) The Chief FOIA Officer and Deputy FOIA Officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor of the state and thereafter successfully complete an annual training program as required by § 3.5(b) of the FOIA (5 ILCS 140/3.5(b)).

(B) *FOIA request process.*

(1) (a) Upon receiving a request for a public record, the FOIA Officer shall:

1. Note the date the city receives the written request;

2. Compute the day on which the period for response will expire and make a notation of that date on the written request;

3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and

4. Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester and a copy of other communications.

(b) Except in instances when records are furnished immediately, within one business day of receiving the request, the FOIA Officer shall distribute a copy of same to the offices of the Mayor and all relevant city departments and request production of responsive documents maintained by such offices. Within two business days thereafter, the offices of the Mayor and each city department so contacted shall provide any responsive documents to the FOIA Officer. Within one business day thereafter, the FOIA Officer shall draft and compile a response to the request, and review same with the City Attorney as necessary to determine the applicability of any exemptions under § 7 of the FOIA (5 ILCS 140/7). Within one business day thereafter, or any further extension under § 3(e) of the FOIA (5 ILCS 140/3(e)), the FOIA Officer shall provide a final response to the request. In accordance with § 9 of the FOIA (5 ILCS 140/9), any denial of a request by the FOIA Officer shall notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial, and shall also inform the person of the right to review by the Public Access Counselor, including the address and phone number for the Public Access Counselor, as well as the right to judicial review under § 11 of the FOIA (5 ILCS 140/11).

(2) Any records which are the subject of a request under the FOIA shall be retrieved from such place as they are stored, by the FOIA Officer, or by an employee of the city acting under the direction of the FOIA Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the city.

(3) If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the FOIA Officer pursuant to § 6(b) of the FOIA (5 ILCS

140/6(b)). The City Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.

(C) *Preparation and maintenance of information.* As Chief FOIA Officer, the City Clerk shall prepare and maintain the information required by § 4 of the FOIA (5 ILCS 140/4) for display in offices and on the city's website, as well as inspection/copying.
(Ord. 7744, passed 1-21-2014)

OFFICERS AND SUBORDINATES

§ 31.030 ELECTIONS.

(A) *Election procedures.* The provisions of the 10 ILCS 5, concerning municipal elections, shall govern the conduct of the city elections.

(B) *Voting hours.* The judges of election shall keep the polls open during the hours prescribed by law.

(C) *Beginning of electives' terms.* The city hereby adopts the date of May 1 (the beginning of the city's fiscal year) as the date for the beginning of the term of officials elected at the April elections.
(1960 Code, § 3.02) (Ord. 2311, passed - -; Ord. 3779, passed 3-16-1981)

§ 31.031 CITY OFFICERS.

(A) *Appointment.* On the first Monday of May in each year, or as soon thereafter as possible, there shall be appointed by the Mayor, with the approval of the City Council, all appointive city officers, who shall hold their several offices for the term of one year and until their successors are appointed and qualified.

(B) *Offices vacated by removal.* Any officer of the city who leaves the city with the intention of permanently residing without the limits thereof shall be deemed to have vacated his office. If the City Attorney fails to qualify under § 31.130(F)(1) or (F)(2) of this chapter for any reason other than voluntarily discontinuance of the private practice of law, or fails to qualify under § 31.130(F)(3) or (F)(4) of this chapter for any reason, the Attorney's appointment shall be deemed terminated.

(C) *Leaves of absence.* Any officer desiring to be temporarily absent from the city shall apply to the Mayor for leave of absence, which may, in the discretion of the Mayor, be granted in writing for any time not exceeding 20 days and, when granted, shall be filed with the City Clerk.

(D) *Books delivered to successor.* Every officer shall, upon going out of office, deliver to his or her successor all books, papers, furniture and other things appertaining to such office and which is the property of the city.

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

(F) *Fees.* No officer of the city shall be entitled to charge or receive any fees as against the city.

(G) *Report of fees.* All officers of the city entitled to receive fees shall keep a correct amount thereof, and make a report thereof, under oath, to the Council on the first Monday of May, August, November and February in each year. In the report, they shall specify from whom such fees were received, for what service and when received. All fees received shall be paid over into the City Treasury, except when otherwise provided.

(H) *Building fees.* All plumbing fees, building permit fees and electrical inspection and boiler inspection fees shall be deposited with the City Clerk on or before the eighth day of each month by the city officials charged with the collection thereof.

(I) *Other rules and regulations.* Every officer of the city shall perform such other duties, and be subject to such other rules and regulations, as the Council may provide by ordinance.
(1960 Code, § 3.03) (Ord. 2169, passed - -; Ord. 7686, passed 5-6-2013)

§ 31.032 BONDS OF CITY OFFICERS.

(A) *Amount.*

(1) Bonds of city officers shall be executed in the following penal sums:

(a) Mayor: $3,000;

(b) City Clerk: $10,000;

(c) License Collector: $3,000;

(d) Chief of Police: $3,000;

(e) Lieutenants of Police: $500;

(f) Sergeants of Police: $500;

(g) Fire Chief: $500;

(h) City Attorney: $1,000;

(i) Assistant City Attorney: $1,000;

(j) City Engineer: $5,000;

(k) Superintendent of Streets: $4,000;

(l) Superintendent of Waste Water Treatment and Sewer Lines: $5,000;

(m) Electrical Inspector: $1,000;

(n) Inspector of Steam Boilers: $2,000;

(o) Superintendent of Cemetery: $2,000;

(p) Supervisor of Sewer Collections: $5,000;

(q) Director of Finance: $3,000; and

(r) Board of Police and Fire Commissioners: $1,000.

(2) The City Treasurer shall post a bond in the amount of $160,000; said bond shall be his or her public official bond and shall also be the bond for the Police Pension Fund, Firemen's Pension Fund, Sewer Rental Fund and the Cemetery Fund.

(B) *Premium payment by city.* Whenever the City Treasurer or City Clerk shall furnish a surety bond required by ordinance, the city may, upon proper allowance by the City Council, pay the premium due upon such bond, not exceeding 1% per annum on the amount of the bond.

(C) *Surety.*

(1) The City Council shall not receive or approve any bond or security whereon the name of the Mayor, any one of the Aldermen or any of the elected or appointed officers of the city appear as bondsman or security.

(2) If, by mistake, a bond containing the name of any such officer is approved by the Council, or if any bondsman, after becoming such is elected or appointed to any city office, this section shall not act as a release of any such obligation incurred.
(1960 Code, § 3.05) (Ord. 2539, passed - -; Ord. 2672, passed - -; Ord. 2677, passed - -; Ord. 3437, passed 6-20-1977; Ord. 5147, passed 11-1-1993; Ord. 5144, passed 11-1-1993; Ord. 5747, passed 7-21-1997)

§ 31.033 CITY OFFICES CONSOLIDATED.

(A) The City Council may, from time to time by ordinance, impose upon any officer, filling any office created by the ordinances of the city, any such other or further duties as shall be consistent with the laws of the state, and may consolidate any two or more of said offices and impose the duties thereof upon any other officer, and may make any such regulations respecting such offices as shall be consistent with the laws of the state.

(B) In case the City Council consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which he or she would not have been entitled to receive if such consolidation had not taken place.
(1960 Code, § 3.06)

§ 31.034 REFUSAL TO PERFORM DUTIES.

Any officer of the city who refuses to discharge any lawful duty imposed upon him or her by any ordinance of the city shall, on conviction thereof, be fined not less than $20, nor more than $200.
(1960 Code, § 3.07)

§ 31.035 DEPUTY CLERK.

(A) There is hereby created the Office of Deputy Clerk.

(B) The City Clerk shall appoint the Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the City Clerk and affix the seal of the city thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the City Clerk followed with the word "By" and the Deputy Clerk's own name and the words "Deputy Clerk".

(C) The powers and duties herein described shall be exercised by such Deputy Clerk only in the absence of the City Clerk from the City Clerk's office in the City Hall, and only when either written direction has been given by the City Clerk to such deputy to exercise such power or the City Council has determined by resolution that the City Clerk is temporarily or permanently incapacitated to perform such functions.
(1960 Code, § 3.11) (Ord. 2372, passed - -)

§ 31.036 PERSONNEL MANAGER AND AFFIRMATIVE ACTION OFFICER.

(A) *Created.* There is hereby created the appointive Office of Personnel Manager and Affirmative Action Officer. He or she shall be appointed and serve in accordance with the provisions of §§ 31.055 through 31.062 of this chapter.

(B) *Duties*. The Manager and Affirmative Action Officer shall:

(1) Ensure that all requirements of existing civil rights laws, Affirmative Action programs and all other legal requirements pertinent to equal employment opportunity and non-discriminatory practices are in place and properly functioning in the city;

(2) Work with the Personnel Committee of the City Council and the Mayor in developing personnel procedures, policies, wage guidelines, job descriptions and employee records systems;

(3) Train all management staff in personnel matters and administration;

(4) Assist with the development and implementation of new employee benefit programs;

(5) Participate with management and staff in day-to-day personnel activities, contract negotiations, addressing grievances, counseling and in the hiring process of the city employees;

(6) Attend City Council meetings, departmental meetings and such other meetings as may be necessary to adequately discharge his or her duties; and

(7) Perform any other duties that may be assigned by the city.
(1960 Code, § 3.15) (Ord. 5201, passed 1-3-1994)

§ 31.037 INSPECTOR OF WEIGHTS AND MEASURES.

The Mayor, by and with the advice and consent of the City Council, shall appoint an Inspector of Weights and Measures. The Inspector of Weights and Measures shall have the powers and perform the duties as are provided by law.
(1960 Code, § 3.16)

§ 31.038 CUSTODIAN OF CITY HALL.

The Mayor, with the approval of the City Council, shall appoint a custodian of the City Hall. The custodian shall be appointed in like manner and at such time as provided for the appointment of city officers and he or she shall be governed by the same rules and regulations prescribed for city officers.
(1960 Code, § 3.17) (Ord. 2071, passed - -)

§ 31.039 SALARIES AND INSURANCE.

(A) The salaries of the Mayor, City Clerk and City Treasurer shall be as set out by the Council from time to time.

(B) The Mayor, City Clerk and City Treasurer shall each be entitled to reimbursement for the actual expenditures incurred in the performance of his or her official duties; prior approval of the City Council shall be required only for those single item expenditures exceeding $100.

(C) All appointed municipal officers and employees shall receive the salary, wages or other compensation that is fixed by the annual budget ordinance. The salary of each elected official, appointed officer and appointed employee shall, for each department be scheduled as part of the budget document. The total for such schedule shall equal the line item "Personnel Services" object class of each department's budget. Once the annual budget ordinance is adopted, the salary, wages or other compensation of any appointed officer or appointed employee may not be increased without a duly-approved amendment to said budget. The salary, wages or other compensation so established shall be paid in bi-weekly installments. If a vacancy occurs after the annual budget ordinance is adopted and before a new appointment or temporary appointment is approved by the City Council, the salary, wages or other compensation for said vacancy may be raised or lowered by legally amending said budget.

(D) (1) *Elected official.* Any elected official who has served one full term, is not re-elected or chooses to retire from his or her elected office shall be allowed to continue to participate in the city health insurance indefinitely, so long as they pay their own expenses for premiums and any other cost that may be associated with said coverage.

(2) *Aldermen.* The Aldermen shall additionally be allowed to purchase insurance coverage through the city so long as they pay their own expense for premiums and any other cost that may be associated with said coverage.
(1960 Code, § 3.18) (Ord. 3404, passed 12-6-1976; Ord. 5419, passed 4-17-1995; Ord. 5716, passed 3-17-1997; Ord. 7057, passed 11-20-2007)

MAYOR

§ 31.055 APPOINTMENT OF OFFICERS.

The Mayor, by and with the advice and consent of the City Council, shall appoint all city officers whose election or appointment is not otherwise provided for by law. The Mayor, by and with the advice and consent of the Council, shall appoint such special legal counsel as the Mayor may deem expedient. Such consent for all such appointments or temporary appointments shall be expressed by a majority of the Council members authorized by law to be elected, by a vote taken by "yeas" and "nays" and entered upon its record.
(1960 Code, § 3.08)

§ 31.056 NOTICE TO CITY COUNCIL OF APPOINTMENT.

Whenever a vacancy occurs in any office which by law the Mayor is required to make an appointment, the Mayor shall, within 60 days after such vacancy occurs, communicate to the Council by written notice or verbally at a duly-called meeting of the City Council the name of the appointee or temporary appointee to such office. The City Council shall vote on the pending appointment in a period of time of not less than ten days, nor more than 21 days, after receiving such notification.
(1960 Code, § 3.08)

§ 31.057 TEMPORARY APPOINTMENT.

Pending the concurrence of the Council in such appointment, the Mayor may designate a suitable person to discharge the functions of such office. The Mayor shall notify members of the City Council of such temporary appointment within 48 hours of making the appointment. A temporary appointee shall not serve for more than 30 days without approval by a majority vote of the City Council.
(1960 Code, § 3.08)

§ 31.058 REJECTION OF APPOINTMENT.

(A) Should the name of any Mayoral appointment or temporary appointment fail to receive a majority vote by the members of the City Council authorized by law to be elected, the employment of the appointee so rejected shall cease within 60 days after the vote.

(B) The Mayor shall determine the exact date of termination, but in no case shall employment and accompanying salary, wages or compensation of the person so rejected continue beyond 60 days from the date so rejected by the City Council.

(C) Any person rejected for appointment shall not be further recommended to the City Council for the position so rejected or as a temporary appointee for the position so rejected until the beginning of the next fiscal year.

(D) Until a successor is appointed and qualified, the Mayor, by and with the advice and consent of the City Council, shall make a temporary appointment of a suitable person other than an appointee so rejected.
(1960 Code, § 3.08)

§ 31.059 REMOVAL OF OFFICERS.

The Mayor may remove any officer appointed by him or her as provided by law.
(1960 Code, § 3.08)

§ 31.060 SIGNATURE.

The Mayor shall sign all commissions and permits granted by authority of the City Council, except as may be otherwise provided.
(1960 Code, § 3.08)

§ 31.061 GENERAL DUTIES.

In addition to the foregoing, and to the duties imposed upon him or her by law, the Mayor shall perform such other duties pertaining to his or her office, as are or may be required of him or her by ordinance.
(1960 Code, § 3.08) (Ord. 5730, passed 5-5-1997)

§ 31.062 OVERTIME AND COMPENSATORY TIME REVIEW.

For budgetary purposes, all department heads shall turn over to the Mayor's office on a bi-monthly basis all overtime and compensatory time for their department during the preceding two weeks. Both the name of the employee, the date and hours worked and the reason for the overtime must be on this report. This report is separate from the report that must be turned in to Human Resources.
(1960 Code, § 3.08) (Ord. 6331, passed 9-17-2001)

CITY CLERK

§ 31.075 COUNCIL MINUTES.

The City Clerk shall attend all meetings of the City Council, and shall keep in a suitable book to be styled the "Journal of the City Council", a full and faithful record of its proceedings.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.076 RECORDS.

The City Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the City Council and at the foot of the record of each ordinance so recorded, he or she shall make a memorandum of the date of the passage, and when published, of the publication of such ordinance. He or she shall also record, in proper books for the purpose, all official bonds, and note upon each bond so recorded, when the same was entered of record and the book and pages where recorded.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.077 PAPERS.

(A) The City Clerk shall deliver to the several committees of the City Council, and to the officers of this city, all petitions, communications, reports, resolutions, orders, claims and other papers, referred to those committees or officers, by the Council, on demand therefor.

(B) He or she shall also, without delay, deliver to the Mayor all ordinances or resolutions in his or her charge, which may require to be approved or otherwise acted upon by the Mayor.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.078 LICENSES.

The City Clerk shall prepare all licenses, permits and other official documents required to be issued by him or her under this code and shall attest the same with the corporate seal, and he or she shall in like manner attest all deeds for the sale of real estate owned and conveyed by this city.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.079 REPORT ON LICENSES.

The City Clerk shall report to the City Council at its regular meetings held on the first Mondays in January, April, July and October in each year, and oftener if the Council so requires the data contained in his or her license register with respect to licenses issued during the previous quarter.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.080 LICENSE PLATES.

In all cases where the city requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain from the City Clerk plates, tags or stickers, it shall be the duty of the City Clerk to deliver such plates, tags or stickers free to the person paying the license fee.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.081 SUCCESSOR.

The City Clerk shall carefully preserve in his or her office all books, records, papers, maps and effects of every description belonging to the city or pertaining to his or her office, and not in actual use

and possession of other city officers, and upon the expiration of his or her official term, he or she shall deliver all such books, records, papers and effects to his or her successor in office.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.082 PAYMENTS.

The City Clerk shall daily prepare an itemized list of all moneys received and shall deliver a copy of the same to the City Treasurer and shall also daily pay over to the City Treasurer all moneys received by him or her and take a receipt therefor.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.083 WARRANT REGISTER.

The City Clerk shall keep an accurate register of warrants drawn upon the City Treasurer, specifying the date, to whom payable, the amount and the particular fund or appropriation to which the same is chargeable.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.084 EX-OFFICIAL CLERK OF TOWN.

The City Clerk shall be ex-officio clerk of the town, and shall keep a separate record of all proceedings in relation to the town.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.085 EX-OFFICIO CLERK OF BOARD OF LOCAL IMPROVEMENTS.

The City Clerk shall be ex-officio clerk of the Board of Local Improvements, and shall keep a separate record of all proceedings in relation thereto.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

§ 31.086 OTHER DUTIES.

In addition to the foregoing duties, the City Clerk shall perform all such other duties pertaining to his or her office as are or may be imposed upon him or her by law or by resolution or ordinance of the City Council.
(1960 Code, § 3.09) (Ord. 7951-2016, passed 5-16-2016)

CITY TREASURER

§ 31.100 MONEY; WARRANTS.

The City Treasurer shall receive all moneys belonging to the city, shall pay all warrants signed by the Mayor and countersigned by the City Clerk and not otherwise and shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto. He or she shall give to every person paying money into the City Treasury a receipt therefor, specifying the date of payment and upon what account paid, and he or she shall file copies of such receipts with the City Clerk with his or her monthly reports.
(1960 Code, § 3.13)

§ 31.101 REGISTER.

The City Treasurer shall keep a register of all warrants redeemed and paid by him or her, showing the number, date and amount of each, the fund from which paid and the name of the person to whom and when paid, and he or she shall cancel all warrants as soon as redeemed by him or her.
(1960 Code, § 3.13)

§ 31.102 FUNDS.

The City Treasurer shall keep all moneys in his or her hands belonging to the city separate and distinct from his or her own money, and he or she shall not use either directly or indirectly the city moneys or warrants in his or her custody and keeping for his or her own use and benefit, or that of any other person. Any violation of this section shall subject him or her to removal from office by the City Council.
(1960 Code, § 3.13)

§ 31.103 DELINQUENT OFFICERS.

The City Treasurer shall report to the City Council any officer authorized to receive money for the use of the city who may fail to make a return of the moneys received by him or her at the time required by law.
(1960 Code, § 3.13)

§ 31.104 BOOKKEEPING.

The City Treasurer shall keep his or her books and accounts in such manner as to show the accuracy all moneys received and disbursed by him or her for the city, stating from whom and on what account

received, and to whom and on what account paid out, and in such way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his or her office shall be at all times open to examination by the Mayor or the Finance Committee of the City Council.
(1960 Code, § 3.13)

§ 31.105 MONTHLY STATEMENTS.

The City Treasurer, at the end of each month, and oftener when required by the City Council, shall make a report in writing of all moneys collected by him or her and the account whereon collected.
(1960 Code, § 3.13)

§ 31.106 ANNUAL ACCOUNT.

The City Treasurer shall annually prepare and file an account with the City Clerk an account of all moneys received and expenditures incurred during the preceding fiscal year in accordance with the requirements set forth in Illinois Municipal Code. The City Clerk's office shall publish such account in accordance with the requirements of the Illinois Municipal Code, 65 ILCS 5/3.1-35-65.
(1960 Code, § 3.13) (Ord. 7056, passed 11-20-2007)

§ 31.107 EX-OFFICIO COLLECTOR OF SPECIAL TAXES AND SPECIAL ASSESSMENTS.

There is hereby created the Office of Collector of Special Taxes and Special Assessments. The City Treasurer shall be ex-officio Collector of Special Taxes and Special Assessments.
(1960 Code, § 3.13)

§ 31.108 FUNDS SEPARATE.

Moneys received by the City Treasurer on any special assessment shall be held by him or her as a special fund to be applied to the payment of the improvement for which such special assessment or special tax was made, or to reimburse the city for money expended for such improvement.
(1960 Code, § 3.13)

§ 31.109 DUTIES.

The City Treasurer as Collector of Special Taxes and Special Assessments shall execute all warrants for the collection of special taxes and special assessments, which by law and ordinance may be executed

by such Collector, and he or she shall collect all special taxes and special assessments which are or may be levied or assessed by virtue of any ordinance for the making of any local improvement.
(1960 Code, § 3.13)

§ 31.110 RECEIPTS; DISCOUNTS.

The City Treasurer shall receive and give a receipt for payment by any person against whose property special taxes are assessed for local improvements, or whose property is assessed for local improvements, or whose property is assessed as specially benefitted by local improvements, in the amount of his or her special tax or special assessment, less such discount as may be authorized by the contract for the making of such improvement. The City Treasurer shall not allow any discount upon any such special taxes or special assessments, except when paid before or within ten days from the completion and acceptance of the whole or such part of the improvement as may be provided in the contract.
(1960 Code, § 3.13)

§ 31.111 ADJUSTMENT OF ACCOUNTS.

In the adjustment of accounts of the City Treasurer with the City Clerk, there shall be an appeal to the Finance Committee of the City Council, whose decision in all matters of controversy arising between these officials shall be final, unless the Council shall otherwise provide.
(1960 Code, § 3.13)

§ 31.112 MUNICIPAL BONDS AND DEBT PAYMENTS; RESPONSIBILITY FOR ASSURING TIMELY DISBURSEMENTS.

It shall be the responsibility of the City Treasurer to pay all principal and interest payments for bond and other debt obligations of the city in a timely manner utilizing an automated payment scheduling system as well as assuring that all bond covenants are being met.
(1960 Code, § 3.13) (Ord. 5641, passed 10-21-1996)

CITY ATTORNEY

§ 31.125 DUTIES.

The City Attorney shall prosecute and defend all suits and actions originating and pending in any court of the state to which the city is a party, or in which, in the opinion of the Mayor or City Council,

the interests of the city are affected, or in which the official acts of any of the officers, agents or employees of the city are involved. He or she shall advise the City Council and its committees, and any city officer, on such legal questions as may arise in relation to the business of the city, and shall perform such other services as may be required of him or her.
(1960 Code, § 3.14)

§ 31.126 DOCUMENTS DRAFTED.

(A) The City Attorney shall draw ordinances as may be required by the City Council or by a committee thereof.

(B) He or she shall draw the leases, deeds, contracts and other papers connected with any of the departments of the city when required to do so by the head of such department or by the Mayor or Council.

(C) All ordinances introduced before the Council shall first be submitted to the City Attorney to consider their proper construction and legality.
(1960 Code, § 3.14)

§ 31.127 SUITS.

The City Attorney may dismiss any suit instituted by or in behalf of the city only with the written consent of the Mayor.
(1960 Code, § 3.14)

§ 31.128 REPORT.

The City Attorney shall make a report to the City Council on the first Monday of May, August, November and February in each year, and also at the close of his or her term in office, of all his or her acts and doings, including an abstract of his or her docket. He or she shall, at the same time, settle with the City Treasurer and pay over to him or her all moneys in his or her hands belonging to the city.
(1960 Code, § 3.14)

§ 31.129 SUCCESSOR.

Upon the expiration of his or her term of office, or his or her resignation or removal, the City Attorney shall forthwith, upon demand, deliver to his or her successor in office all deeds, leases, contracts, books and papers in his or her hands belonging to the city or delivered to him or her by the

city or any of its officers, and all papers in actions prosecuted or defended by him or her, then pending and undetermined.
(1960 Code, § 3.14)

§ 31.130 QUALIFICATIONS OF CITY ATTORNEY.

The City Attorney shall reside in Belleville or within ten miles of the city limits.
(1960 Code, § 3.14) (Ord. 7686, passed 5-6-2013)

§ 31.131 ASSISTANT CITY ATTORNEY.

There is hereby created the Office of Assistant City Attorney. The Assistant City Attorney shall assist the City Attorney in all matters outlined in §§ 31.125 through 31.130 of this chapter.
(1960 Code, § 3.141) (Ord. 2672, passed - -)

§ 31.132 FEES FOR SUITS.

In all suits prosecuted by the Office of the City Attorney, there shall be assessed a fee of $5 payable to the city.
(1960 Code, § 3.142) (Ord. 2688, passed - -)

CHAPTER 32: ORGANIZATIONS

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DEPARTMENT OF PUBLIC WORKS

§ 32.001 DEPARTMENT ESTABLISHED.

There is hereby established an executive department of the city, which shall be known as the Department of Public Works and shall embrace the Board of Local Improvements, the City Engineer, the Superintendent of Streets and Cemetery and such assistants and employees as the City Council may provide.
(1960 Code, § 6-1-1) (Ord. 5220, passed 2-7-1994)

§ 32.002 BOARD OF LOCAL IMPROVEMENTS.

There is hereby established a Board of Local Improvements of the city, which shall consist of the Mayor, who shall be president of the Board, the City Engineer and the Superintendent of Streets and Cemetery. The Board is charged with performing all duties relating to public improvements to be paid wholly or in part by special assessment or special taxation, as the laws of the state may prescribe. The City Clerk shall be the Clerk of the Board and keep a correct and full record of its proceedings.
(1960 Code, § 6-1-2) (Ord. 5220, passed 2-7-1994)

§ 32.003 DIVISION OF ASSESSMENT.

In all cases where any special assessment, payable in installments, is made by the city for any local improvement, and the owner of any lot, block or parcel of land so assessed desired to subdivide the same, and to apportion the assessment and the several installments thereof in such manner that each portion or parcel of such proposed subdivision shall bear its just and equitable portion thereof, the same may be done upon the presentation to the City Council of a petition setting forth the facts as required by the Illinois Compiled Statutes, and the payment in advance to the city of a fee of $5 for one lot or tract

and $1 additional for each additional lot or tract included in the petition to cover the expense of the service of the City Engineer, City Treasurer and other city officers in checking the petition and figuring the amounts of installments.
(1960 Code, § 6-1-3) (Ord. 5220, passed 2-7-1994)

§ 32.004 SUPERINTENDENT OF STREETS AND CEMETERY; DUTIES.

(A) There is hereby created the Office of Superintendent of Streets and Cemeteries. He or she shall be appointed by the Mayor, by and with the advice and consent of the City Council at the first regular meeting of the Council in May of each year.
(1960 Code, § 6-1-4)

(B) The Superintendent of Streets and Cemetery shall perform the following duties.

(1) *Assistants.* He or she may employ such assistants and subordinates as may be necessary or ordered by the Mayor or the City Council.

(2) *Local improvements.* He or she shall superintend and personally supervise all local improvements in the city and carry into effect all orders of the City Council in relation thereto. He or she shall superintend and supervise the opening of streets and the grading, improving and repairing thereof, and the construction and repairing of sidewalks, bridges, culverts and sewers not tributary to the plant.

(3) *Accounts.* He or she shall keep full and accurate accounts, in appropriate books, of all appropriations made for work pertaining to his or her office, and all disbursements thereof, specifying to whom made and on what account.

(4) *Records.* He or she shall keep a record of all tools and other property in his or her possession belonging to the city, and shall be responsible for the same, and shall deliver up to his or her successor in office such records and tools and other property or things, and shall receive therefor a receipt from his or her successor, which shall be filed with the City Clerk.

(5) *Report of obstructions.* He or she shall observe and report to the Mayor and Chief of Police all obstructions and nuisances in and upon any street or public place.

(6) *Reports.* He or she shall make out and lay before the City Council at the regular meetings thereof a full statement and detailed account of all work done by him or her or under his or her direction for the previous month. On the first Monday in May of each year, he or she shall make out and file with the City Clerk a complete report of all expenditures in his or her department during the previous year. All reports and accounts that come through Superintendent of Streets, before being allowed or passed upon by the City Council, shall be certified and subscribed by him or her under oath.
(1960 Code, § 6-1-5)
(Ord. 5220, passed 2-7-1994)

§ 32.005 PERSONNEL, STREET DEPARTMENT.

(A) There shall be appointed 25 assistants to the Superintendent of Streets and Cemetery, who shall be considered officers of the city.

(B) They shall be appointed by the Mayor, by and with the advice and consent of the City Council, at the first regular meeting of the Council in May of each year. They shall constitute the regular Street Department of the city and shall take the oath of office prescribed by law.
(1960 Code, § 6-1-6) (Ord. 2059, passed - -; Ord. 5220, passed 2-7-1994)

HISTORICAL PRESERVATION COMMISSION

§ 32.020 COMMISSION ESTABLISHED.

(A) A Historic Preservation Commission is hereby established, with the duty to identify and inventory those areas, places, buildings, structures, works of art and other objects having special historical, cultural, community or aesthetic interest or value; to prepare for consideration by the City Council, such proposed legislation as may be necessary to ensure preservation and continued utilization of the places and objects so identified; to act as the designated Commission for public hearings which may be required by law before adoption of any legislation proposed by the Commission; and to cooperate with state and national authorities in the identification and preservation of places and objects of historical, cultural, community or aesthetic interest or value.

(B) (1) The Commission shall consist of not more than nine members appointed by the Mayor, subject to confirmation by the City Council, and such additional non-voting consulting members as the Chair of the Commission may appoint, and should have a demonstrated interest in preservation.

(2) The Commission shall serve without compensation and shall elect a Chairperson, Vice-Chairperson, Secretary and a Treasurer from its own members, whose terms of office shall be for one year and until their successors are elected and have qualified.

(3) The Commission shall have power to adopt its own rules of procedure, and shall meet not less than four times each year, at the call of the Chairperson.

(4) A majority of duly-appointed Commissioners shall constitute a quorum.

(5) The City Council shall make annual appropriations for the payment of the Commission's expenses.
(1960 Code, § 9-1-1) (Ord. 3154, passed 7-16-1973; Ord. 5306, passed 9-6-1994; Ord. 7830, passed 12-16-2014)

DOWNTOWN BELLEVILLE DEVELOPMENT AND REDEVELOPMENT COMMISSION

§ 32.035 PURPOSE.

The purpose of this subchapter is to promote the economic development and redevelopment of property within the area of the Central Business District of the city (refer to Map, Exhibit I, attached to the ordinance codified herein). The detailed power and duties of said Commission shall be set forth in this subchapter.
(1960 Code, § 9-2-1) (Ord. 5035, passed 3-1-1993)

§ 32.036 COMMISSION ESTABLISHED.

The Downtown Belleville Development and Redevelopment Commission is hereby established pursuant to the Home Rule powers of the city.
(1960 Code, § 9-2-2) (Ord. 5035, passed 3-1-1993)

§ 32.037 MEMBERSHIP AND COMPENSATION.

(A) The Commission shall consist of the nine members and shall be composed of the following classification of members:

(1) *City officials.*

(a) The Mayor or his or her representative; and

(b) One Alderman selected by the Mayor, with the approval of the City Council.

(2) *Appointed members.* (Selected by the Mayor, with the approval of the City Council).

(a) Three persons from the downtown business community as identified in Exhibit I (attached to the ordinance codified herein) boundaries;

(b) One person with background in banking or finance;

(c) One person with background in commercial real estate;

(d) One person with professional/service background (architecture, engineering, accounting and the like); and

(e) One person of Belleville Economic Progress, Inc., as represented by the Director of Economic Development.

(B) Each Commission member shall serve without compensation.
(1960 Code, § 9-2-3) (Ord. 5035, passed 3-1-1993)

§ 32.038 APPOINTMENT, TERM, VACANCIES.

(A) The Mayor shall serve on the Commission by virtue of his or her office. All other Commission members shall be appointed by the Mayor with the advice and consent of the City Council. Each appointed Commission member shall hold office for four years and until his or her successor has been selected and qualified; provided, however, that, at the initial appointment of the Commission, three members shall be appointed for two-year terms, three members shall be appointed for four-year terms and two members shall be appointed for six years.

(B) Terms shall be considered by lot. Vacancies on the Commission shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members. All Commission members shall be voting members.
(1960 Code, § 9-2-4) (Ord. 5035, passed 3-1-1993)

§ 32.039 OFFICERS, BY-LAWS.

The Commission shall select one of its members to act as Chairperson and shall select such other officers as it deems necessary. The Commission is hereby authorized to adopt its own by-laws, including provisions relating to the frequency, place and conduct of its meetings.
(1960 Code, § 9-2-5) (Ord. 5035, passed 3-1-1993)

§ 32.040 COMMISSION POWERS AND DUTIES.

In its capacity as an advisory board to the City Council, the Commission is hereby authorized to exercise the powers listed below for the purpose of promoting the economic development and redevelopment of businesses and property within the Central Business District of the city:

(A) To manage the special service area taxing district(s) within the boundaries as identified in Exhibit A (attached to the ordinance codified herein), including determination of continuation, expansion and purpose of the district;

(B) To collect data, prepare informational material, develop plans and evaluate proposals relating to development activities within the special service area;

(C) To advise the city of the use eminent domain within the special service area;

(D) To acquire, sell, lease, trade, manage or improve real property in connection with development projects;

(E) To support the application of grants for projects within the Central Business District;

(F) To enter into contracts with any public or private agency or person for the purpose of implementing a development proposal;

(G) To employ such persons as may be necessary for planning, administering and implementing development/marketing projects;

(H) To develop and carry out a downtown master plan in accordance with the city's Comprehensive Plan;

(I) Develop and maintain a marketing package to encourage residential and commercial growth and redevelopment in the Central Business District;

(J) To borrow, and issue revenue bonds with consent of the City Council;

(K) To expend funds for the purpose of implementing plans and programs approved and adopted by the Commission; and

(L) Adopt an annual budget with the City Council approval.
(1960 Code, § 9-2-6) (Ord. 5035, passed 3-1-1993; Ord. 7429, passed 9-7-2010)

§ 32.041 BUDGET.

The Commission shall establish and operate under a yearly budget.
(1960 Code, § 9-2-7) (Ord. 5035, passed 3-1-1993)

HUMAN RELATIONS COMMISSION

§ 32.055 COMMISSION ESTABLISHED.

There is hereby established a Human Relations Commission for the city.
(1960 Code, § 9-3-1) (Ord. 5837, passed 1-20-1998)

§ 32.056 PURPOSE.

The city, through the Mayor and the City Council, has determined the Commission's purposes as the following.

(A) The Commission shall, in cooperation with the Mayor and the City Council, endeavor to ensure fair and equal treatment under the law for all citizens, to protect the rights of all persons to enjoy public accommodations and facilities, to receive equal treatment from all agencies of the city and from all holders of licenses, contracts and privileges from the city; and to ensure equality of opportunity for employment and advancement in the city government.

(B) The Commission shall advise and consult with the Mayor, and the Council as appropriate, in all matters involving prejudice or discrimination based upon race, gender, religion, ethnic origin, age, marital status, veteran's status or disability and recommend such action as it deems appropriate to eliminate prejudice or discrimination. The Commission shall also support and initiate activities to address the goals and purpose of the Commission through education and training workshops.
(1960 Code, § 9-3-2) (Ord. 5837, passed 1-20-1998)

§ 32.057 DEFINITIONS.

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

AGE. Limited to individuals who are at least 40 years of age.

COMMISSION. The City of Belleville Human Relations Commission.

CONTRACTOR. Any person who contracts with or proposes to contract with the city to provide goods and/or services in an amount greater than $10,000 during the last preceding fiscal year.

DISCRIMINATE or ***DISCRIMINATION.*** In employment, housing, public accommodations and financing, any difference in treatment based on race, color, gender, religion, age, ancestry, national origin, marital status, veteran's status or disability.

EMPLOYEE. Any and all persons who perform services under the direction and control of and for any employer for compensation, whether in the form of wages, salary, commissions or otherwise, excluding the parents, spouses or children of the employer and excluding independent contractors, although they may be subject to this subchapter as employers or in any other capacity covered hereunder.

EMPLOYER. Any person within the city, including, but not limited to, owners, managers, supervisors and others who serve supervisory functions, who hires or employs any employee whose services are to be partially or wholly performed in the city, but excluding any religious or fraternal

corporation, association, society or organization with respect to the hiring or employment of individuals from their membership.

EMPLOYMENT AGENCY. Any person regularly undertaking, with or without compensation, to procure employees for an employer, to procure for employees opportunities to work for an employer or to recruit, refer or to place employees.

DISABILITY. Any physical or mental impairment resulting from or manifested by anatomical, psychological, neurological or psychological conditions, demonstrable by medically-accepted clinical or laboratory diagnostic techniques, and which constitutes or is regarded as constituting a substantial limitation to one or more of the person's major life activities. A ***DISABLED INDIVIDUAL*** is one who has a physical or mental disability as defined above, has a history of such disability or is perceived as having such a ***DISABILITY***.

HOUSING ACCOMMODATIONS. All buildings, structures or any portions thereof, within the city which are used or occupied, or are maintained, arranged or designed to be used or occupied as a home, residence or sleeping place for one or more human beings.

HUMAN RELATIONS COORDINATOR. The Chair of the Human Relations Commission of the city whose duties are set forth in this subchapter.

MARITAL STATUS. The legal status of being married, single, separated, divorced or widowed.

PERSON. One or more individuals, partnerships, associations, organizations, corporations, legal representatives, joint stock companies, mutual companies, trustees, trustees in bankruptcy, receivers, labor unions or union labor organizations, and any other incorporated or unincorporated organized group. The term includes, but is not limited to, any real estate owner, lessor, assignor, builder, manager, broker, salesperson or agent, any lending institution, unit, officer, director or employee of any of the above.

PUBLIC ACCOMMODATION. Any business, enterprise or activity consisting of or involving furnishing, providing or making available to the pubic any goods, services, accommodations, entertainment, amusements, facilities, advantages or privileges.

SEXUAL HARASSMENT. Any sexual discrimination which involves unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constituting sexual harassment when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or in recruiting, training or hiring employees;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
(1960 Code, § 9-3-3) (Ord. 5837, passed 1-20-1998)

§ 32.058 PROHIBITED PRACTICES.

(A) The Commission recognizes the rights of all person to equal opportunity in employment, compensation, promotion, education and positions of leadership, and shall not tolerate discrimination because of race, color, gender, national origin, age, physical or mental disability, veteran's status or marital status.

(B) Prohibited discriminatory practices in employment, housing, public accommodations and financing including the following.

(1) ***DISCRIMINATION***, as applied under this section, means any difference in treatment based on race, color, religion, gender, age, ancestry, national origin, marital status, veteran's status or physical or mental disability.

(2) It shall be illegal for any person to commit any of the following acts of discrimination in employment, housing, public accommodations and financing:

(a) Permit to take any action which discriminantly affects a person's selection, status or eligibility for employment, promotion or transfer, or for apprenticeship, membership or conditions and privileges or benefits directly or indirectly related to one's employment;

(b) Cause or permit to be published, posted or circulated any notice, advertisement, job order, requisition or request for applicants for employment of apprenticeship for the referral thereof which makes or has the effect of making race, color, religion, veteran's status, gender, ancestry, national origin, marital status, age, (as defined herein) or physical or mental disability a condition of applying for employment or of referral therefor or indicates the existence of such a condition, except for a bona fide occupation qualification;

(c) For an employer, employment agency or labor organization to inquire on a written application whether a job applicant has ever been arrested or to use such knowledge of an arrest as a reason for denial or termination of employment. This section shall not be construed to prohibit any employer, employment agency or labor organization from obtaining the record or records concerning the conviction of any individual;

(d) Directly or indirectly discriminate against any person in any manner in the sale, rental, lease or occupancy of any residential real estate in the city, specifically relating to, but not limited to, the price, terms, conditions or privileges of any kind relating thereto or in the furnishing of any services or facilities in connection therewith, including advertisements thereof;

(e) Refuse to allow, permit or assist any person in the examination of any listing of real estate or real estate otherwise for sale within the city, except for non-discriminatory reasons applicable to all persons;

(f) Solicit either orally or in writing, or to distribute or cause to be distributed written material or statements designed to induce any owner of any housing accommodations in the city, to sell or refuse to sell or lease his or her property because of any present or prospective change in the race, color, religion, gender, ancestry, age, national origin, marital status, veteran's status or physical or mental disability of persons in the neighborhood;

(g) Refuse to rent, sell or lease any housing accommodations on the basis of mental or physical disability, including, but not limited to, people who require guide dogs;

(h) Require as a condition precedent to the rental of a housing accommodation that the prospective tenant shall not have, at the time application for rental is made, one or more children under the age of 14 years residing in his or her family;

(i) Insert in any lease or agreement for the rental of any housing accommodation a condition terminating the lease if there shall be one or more children under the age of 14 in the family of any person holding the lease and occupying the housing accommodation;

(j) Discriminate against any person in the full enjoyment of goods, services, facilities, advantages or privileges of any public accommodation; and/or

(k) Discriminate or to participate directly or indirectly in discrimination in connection with the terms of loans, guaranteeing loans, accepting mortgages or otherwise making available funds for loans; provided that, lending money is one of the principal aspects of the person's business.
(1960 Code, § 9-3-4) (Ord. 5837, passed 1-20-1998)

§ 32.059 MEMBERSHIP.

The members of the Commission shall be residents of the city or shall be owners of businesses that are located within the city. The members shall reflect a broad diversity of backgrounds in the areas of race, ethnic groups, gender, age, marital status, veteran's status or physical or mental disability, including at least three persons from the business community. Members of the Commission are expected to avoid conflict of interest by announcing that a conflict of interest is present and by abstaining in discussions or voting on matters that present a conflict of interest. There shall be 13 members who shall serve without compensation. In electing the first members of the Commission, the Mayor will select names of persons from those solicited from educational, religious, governmental and the business sector, including other recognized community organizations or entities. Such solicitation of names shall also occur subsequent to the first members selected to the Commission whenever vacancies occur.
(1960 Code, § 9-3-5) (Ord. 5837, passed 1-20-1998)

§ 32.060 APPOINTMENT AND TERMS.

The members of the Commission shall be appointed by the Mayor, by and with the consent of the City Council. The terms of the members shall be for two or three years; except that, appointments may be made for shorter terms to fill unexpired terms created by vacancies. The initial terms of the members of the Commission shall be drawn by lot for two- or three-year terms.
(1960 Code, § 9-3-6) (Ord. 5837, passed 1-20-1998)

§ 32.061 VACANCIES.

Vacancies shall be filled by the Mayor, by and with the consent of the City Council, within 60 days after the vacancy occurs.
(1960 Code, § 9-3-7) (Ord. 5837, passed 1-20-1998)

§ 32.062 VOTING.

All members of the Commission may vote. In the event of a tie, the Chair shall abstain from voting in the second round of voting.
(1960 Code, § 9-3-8) (Ord. 5837, passed 1-20-1998)

§ 32.063 REMOVAL.

The members of the Commission may be removed for bona fide or justifiable cause by the Mayor.
(1960 Code, § 9-3-9) (Ord. 5837, passed 1-20-1998)

§ 32.064 ORGANIZATION.

A Chair, Vice-Chair and a Secretary shall be elected by a majority vote of the members of the Commission for a term of one year and may be reelected for one additional term each. The Chair shall receive no salary. A Treasurer will be elected only if necessary and may also serve for one term with reelection for one term.
(1960 Code, § 9-3-10) (Ord. 5837, passed 1-20-1998)

§ 32.065 REGULAR MEETINGS.

All meetings shall be accessible to the public as required by law and will be held at City Hall. Special meetings may be called by the Chair of the Commission by giving notice of the time and place of such meeting to all Commissioners, to the news media as required by law, not fewer than ten days

prior to such meetings. The Chair of the Commission shall call meetings of the Commission on a regular basis, normally once a month on a schedule established by the Commission and published by the Chair as required by law.
(1960 Code, § 9-3-11) (Ord. 5837, passed 1-20-1998)

§ 32.066 CLOSED MEETINGS OR EXECUTIVE SESSIONS.

Should the Commission find it necessary to meet in closed session or in an executive session that is closed in accordance with state law, members of the Commission have a duty to keep all matters brought before the Commission confidential until such time as the Chair of the Commission shall make public information relative to a confidential matter.
(1960 Code, § 9-3-12) (Ord. 5837, passed 1-20-1998)

§ 32.067 DUTIES AND AUTHORITY.

It shall be the duty and authority of the Commission to:

(A) Conduct research, publish and utilize studies in the field of intergroup relations and to develop and implement procedures to educate the community, equalize opportunities, eliminate discrimination and promote good will among all persons;

(B) Receive and record any complaint alleging discrimination against any person because of race, color, religion, gender, national origin, marital status, veteran's status, ancestry, age or physical or mental disability in violation of this subchapter;

(C) Seek to resolve conflicts between persons involved in complaints which are within the jurisdiction of the Commission by specifically authorizing the Chair and Vice-Chair at a regular or special meeting to investigate particular complaints to determine if there is probable cause to believe a violation of this subchapter has occurred. If the Chair determines from the investigation of a complaint that there is probable cause to believe a violation has occurred, the Commission may authorize the Chair to give notice to all parties that a closed conciliators' conference will be held by impartial conciliators' who have been approved and appointed by the Commission. At the conciliation conference, an attempt shall be made to resolve the conflict between the parties by formulating a written agreement to eliminate the discriminatory situation which may be found to exist;

(D) If neither the fact finding, nor conciliation, phase produces a settlement between the complainant and the respondent, the Commission shall make its own determination in the case in light of the evidence before it and shall submit its report in writing to the appropriate city, state or federal agency or national organization with the recommendation that appropriate action be taken;

(E) Recommend to the appropriate agency or person legislative, administrative, legal or other ameliorative action to be taken to eliminate discrimination and foster good will;

(F) Invite and enlist the cooperation of any citizen, organization or committee which can be of benefit in fulfilling the responsibilities of the Commission in carrying out specific programs designed to lessen conflicts and in improving understanding in the community;

(G) Adopt such rules of procedure and regulations as may be deemed necessary to conduct its meetings, conciliation conferences and general operations and to carry out the purposes and provisions of this subchapter. Such rules of procedure and regulations shall be in written form, shall be submitted to the Mayor and City Council for review and comment and shall be approved by a majority of the members of the Commission;

(H) Cooperate and assist, at its discretion, any person who requests such cooperation or assistance for the purpose of developing or maintaining affirmative action programs;

(I) Prepare and submit annually to the Mayor and City Council, at or shortly after the end of each fiscal year, a report of its activities during such fiscal year; and

(J) May refer individuals and information to other agencies or persons when appropriate.
(1960 Code, § 9-3-13) (Ord. 5837, passed 1-20-1998)

§ 32.068 ACCOUNTABILITY.

The Commission shall report its recommendations and activities to the Mayor and/or the City Council upon the request of the Mayor. The Commission, not receiving such a request, shall report its recommendations at least annually. The Commission, and any subcommittees it may appoint, shall keep minutes and information concerning the activities of the Commission and shall be available to the City Council and the public through the Mayor or the Chair of the Commission upon request.
(1960 Code, § 9-3-14) (Ord. 5837, passed 1-20-1998)

§ 32.069 ANNUAL REPORT.

The Commission shall, not less than annually, report to the Mayor and the City Council its activities and recommendations. The Mayor's staff or secretary shall assist the Chair of the Commission in producing reports and documents. The annual report shall be due July 1 each year.
(1960 Code, § 9-3-15) (Ord. 5837, passed 1-20-1998)

§ 32.070 PROCEDURES.

(A) Should the Mayor, the City Council (either as a body or as individuals), appointive city officers or members of the Human Relations Commission (either as a body or as individuals) receive a written and signed statement alleging that a prohibited practice, as defined herein, has occurred within the city,

the Chair and Vice-Chair shall investigate the matter to ascertain that the allegation is substantive. In doing so, they shall keep the matter confidential until they have determined either that there is no foundation in fact for the allegation or determined that it should be forwarded to the Human Relations Commission for deliberation and/or action. If the Chair and Vice-Chair determine that there is no basis for the allegation, the complaining party will be notified in writing.

(B) Upon determining that the allegation has the probability of being a prohibited practice, the Chair shall inform the members of the Commission. The Chair shall determine whether the matter will be reviewed in a closed meeting or open meeting and shall inform the members of the Commission of his or her decision. All deliberations and findings of the Commission shall be held confidential until the Chair of the Commission, in consultation with the Commission and Mayor, has determined that the information may be released to the public.
(1960 Code, § 9-3-16) (Ord. 5837, passed 1-20-1998)

§ 32.071 QUORUM.

The Chair shall conduct the meetings in accord with Robert's "Rules of Order Revised". Five of 13 members shall constitute a quorum for the transaction of business. The Commission may consult with the City Attorney as appropriate.
(1960 Code, § 9-3-17) (Ord. 5837, passed 1-20-1998)

§ 32.072 DUTIES OF THE CHAIR.

(A) The Chair shall preside over all meetings and shall supervise the activities and duties of the Commission and shall preside over all meetings.

(B) The Chair shall have the following additional duties:

(1) Execute the policies of Commission and set the agenda for meetings;

(2) Prepare written plans for the achievement of the Commission's purposes and duties. Periodically review and evaluate such plans;

(3) Select and supervise any subcommittees which the Commission may appoint;

(4) Attend Committee meetings and serve as an ex-officio member of each committee appointed;

(5) Call and conduct executive committee meetings;

(6) Perform such other duties as may from time to time be assigned by the Mayor, City Council or Commission;

(7) Ensure that the Commission executes its duties as outlined herein; and

(8) Prepare reports and documents as requested and outlined herein.
(1960 Code, § 9-3-18) (Ord. 5837, passed 1-20-1998)

§ 32.073 DUTIES OF THE VICE-CHAIR.

The Vice-Chair shall perform such duties and responsibilities as may be prescribed from time to time by the Chair. The Vice-Chair shall be a member of the executive committee and shall preside over meetings when the Chair is absent.
(1960 Code, § 9-3-19) (Ord. 5837, passed 1-20-1998)

§ 32.074 DUTIES OF THE SECRETARY.

The Secretary shall keep the minutes of the meetings and send appropriate notices for all meetings. The Secretary shall prepare materials for all meetings with assistance and direction from the Chair. The Secretary shall submit a copy of all minutes, records and reports of all meetings to the members of the Commission and the Mayor. The Secretary is a member of the executive committee and shall perform such other duties as are customarily requested or required of a secretary of appointed committees or commissions.
(1960 Code, § 9-3-20) (Ord. 5837, passed 1-20-1998)

§ 32.075 COMMITTEES.

The Commission may appoint committees as it deems necessary. Committees may be appointed which focus on employment, youth education, complaints and compliance, housing and policies, among others deemed appropriate. The Chair shall utilize an executive committee which shall include the Vice-Chair, Secretary, subcommittee chairs (if any) and others deemed appropriate by the Chair. Any special committees deemed appropriate may be appointed by the Chair. Upon completion of specially assigned tasks, the special committee will be discharged.
(1960 Code, § 9-3-21) (Ord. 5837, passed 1-20-1998)

§ 32.076 VOTING.

(A) A majority of the members of each committee shall constitute a quorum. Each subcommittee may adopt rules of its own.

(B) The Chair of each subcommittee or special committee shall be a voting member.
(1960 Code, § 9-3-22) (Ord. 5837, passed 1-20-1998)

§ 32.077 FISCAL YEAR.

The fiscal year of the Commission shall begin on May 1 each year and end on April 30 of each year.
(1960 Code, § 9-3-23) (Ord. 5837, passed 1-20-1998)

§ 32.078 CONTRACTS.

The Commission may by specific action authorize the Chair or other officer to recommend to the Mayor and the City Council to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Commission.
(1960 Code, § 9-3-24) (Ord. 5837, passed 1-20-1998)

§ 32.079 INDEBTEDNESS.

No expenditures shall be made and no indebtedness shall be incurred by the Commission, except upon authorization of the Mayor and the City Council and the city.
(1960 Code, § 9-3-25) (Ord. 5837, passed 1-20-1998)

§ 32.080 COMMUNITY SUPPORT AND LEADERSHIP.

(A) The Commission is encouraged to support the community activities relative to multi-culturalism and cultural diversity.

(B) The Commission shall, when called upon or when appropriate, provide leadership for such activities as those identified below:

(1) Assist with the coordination of multi-cultural fairs and special diversity events with the city and surrounding communities;

(2) Assist agencies, institutions, churches and other organizations as they develop programs to increase understanding, tolerance and inclusiveness;

(3) Assist with the formation and conduct of public forums or other avenues for multi-racial and multi-ethnic dialogue;

(4) Support and encourage leadership among racial, ethnic and other minority groups;

(5) Assist with the formation of other commissions in neighboring communities; and

(6) Develop fund raising plans and seek grants or other sources of revenue to support multi-cultural activities.
(1960 Code, § 9-3-26) (Ord. 5837, passed 1-20-1998)

LIBRARY

§ 32.095 ESTABLISHED.

There is hereby established a free public library and reading room for the use and benefit of the citizens of the city, which shall be called the Belleville Public Library.
(1960 Code, § 3.25)

§ 32.096 BOARD CREATED.

The Mayor with the approval of the City Council shall appoint a board of nine directors, who shall be chosen from the citizens at large with respect to their fitness for such office. One member of the City Council shall be a member of the Board.
(1960 Code, § 3.25)

§ 32.097 POWERS AND DUTIES.

The Board of Directors shall hold office, have such powers and perform such duties as are prescribed by the Illinois Revised Statutes governing such bodies.
(1960 Code, § 3.25)

§ 32.098 TAX.

(A) In order to maintain the library and reading room, a tax not to exceed nine-tenths of a mill on the dollar may be levied annually.

(B) Such tax shall be levied and collected in like manner and in addition to the general rate and to be known as the Library Fund.
(1960 Code, § 3.25) (Ord. 1592, passed - -)

§ 32.099 INJURY TO BOOKS.

No person shall willfully or maliciously write upon, deface, tear or destroy any book, newspaper, plate picture, engraving or statue or piece of furniture belonging to the Belleville Public Library.
(1960 Code, § 3.25) Penalty, see § 10.99

§ 32.100 FAILURE TO RETURN BOOKS.

No person shall fail to return any book belonging to the library in the time and manner required by the library regulations.
(1960 Code, § 3.25) Penalty, see § 10.99

§ 32.101 FINES, LIBRARY FUND.

All fines collected under the provisions of this subchapter shall be paid into the City Treasury and shall be credited by the City Treasurer to the Library Fund and be kept as part of such Fund.
(1960 Code, § 3.25)

PLAN COMMISSION

§ 32.115 MEMBERSHIP.

(A) There is hereby created a City Plan Commission to consist of nine voting members appointed by the Mayor with the advice and consent of the City Council, two members of which shall be Aldermen. The term of office of members shall be three years or until a successor is appointed; except that, the terms of the members first appointed shall be so fixed that no more than three members shall be so reappointed or replaced. In the event of vacancies, the Mayor shall appoint with City Council consent and approval a replacement to fill the unexpired term members whose terms have expired shall hold office until their successors have been duly-appointed. All members of the Commission shall reside within the corporate limits of the city or within one and one-half mile planning area excluding territory within the corporate limits of any other municipality, community or village.

(B) The City Engineer, Director of Planning and Development and the Building and Zoning Commissioner shall serve as non-voting ex-officio members of the Commission and shall provide technical input and advice on matters.
(1960 Code, § 3.26) (Ord. 5344, passed 12-5-1994)

§ 32.116 DUTIES, COMPENSATION.

It shall be the duty of the City Plan Commission to consider a city plan for the city, and matters in regard to future growth, zoning, planning, traffic and the like in the city, and to make reports and recommendations to the City Council from time to time as occasion warrants. The Commission shall make no expenditure, except after appropriation by the Council, and it shall be optional with the Council whether or not to make appropriation in any year for the Commission. The Commissioners shall serve

without compensation and shall not be interested in any contracts with the city, directly or indirectly. Any Planning Commission member that misses three consecutive meetings of the Planning Commission shall forfeit his or her office as a member of the Planning Commission.
(1960 Code, § 3.26) (Ord. 5998, passed 7-6-1999)

PLAYGROUND AND RECREATION BOARD

§ 32.130 ESTABLISHED.

A playground and recreation system shall be established, conducted and maintained in the city.
(1960 Code, § 3.27)

§ 32.131 MEMBERS.

The establishment, conduct and maintenance of the playground and recreation system shall be under the jurisdiction of a Playground and Recreation Board consisting of five members, appointed by the Mayor with the consent of the City Council. The members of the Board shall serve without compensation. Terms of members of the Board shall be for five years; except that, the members of the Board first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. If a vacancy occurs in the office of any member, the Mayor shall appoint a successor to serve the unexpired term.
(1960 Code, § 3.27)

§ 32.132 POWERS.

The Playground and Recreation Board shall exercise all the powers and responsibilities, not reserved to the Council, as set forth in the 65 ILCS 5/11-95-1 to 11-95-10, inclusive. The object in exercise of the powers and responsibilities of the above statute shall be achieved so far as possible by providing a staff of employees trained in public recreation and leisure-time activities for children, young people, men and women in all walks of life; conducting a program, making use of the physical properties available in the community and surrounding territory; offering leadership in coordinating and correlating all those activities of a similar nature in the community to obtain maximum benefit to the citizens of the city; building the public recreation program into and about the public schools and public parks and by identifying it with all public and private organizations having to do with public welfare, education, family relations and juvenile delinquency; focusing public attention, constantly upon the need of adequate provision for year-round healthful recreation of all; solicitation and encouragement of gifts of money and property for the benefit of the community recreation program, but if the acceptance thereof for such

purposes shall subject the city to expense for improvements, maintenance or renewals, the acceptance of any grant or devise of real estate shall be subject to the approval of the Council.
(1960 Code, § 3.27) (Ord. 3823, passed 9-8-1981)

§ 32.133 OFFICERS, DUTIES, ELECTIONS.

The officers shall consist of a President, Vice-President and Secretary. The City Treasurer shall, by virtue of his or her office, be the Treasurer of the Board. The Secretary or Treasurer need not be a member of the Board. Two members of the Board shall serve as a standing Finance Committee. The elective officers of the Board shall be elected annually at the stated meeting of the Board in the month of May and shall serve until their successors are elected. Vacancies in the elective offices of the Board may be filled for the unexpired term at a stated or special meeting of the Board. The Board shall adopt an administrative manual with such rules, by-laws and regulations as it may deem proper for the conduct of its work.
(1960 Code, § 3.27) (Ord. 3823, passed 9-8-1981)

§ 32.134 FISCAL AFFAIRS.

(A) The fiscal year of the Board shall conform to the fiscal year of the city. The Board shall, prior to the adoption of annual budget ordinance by the Council each year, submit appropriate budgets as a request to the Council to levy and collect a playground and recreation tax, and any other requests for fund assistance, required by law. The proceeds of the playground and recreation tax and any funds coming into the Board for playground and recreation purposes, shall be held by the City Treasurer, required by law, and paid out by him or her only with the approval of the Board on vouchers signed by the President or Vice-President and Secretary of the Board.

(B) The City Treasurer shall, by virtue of his or her office, prepare an annual report in writing, which report shall show receipts from taxes and from other sources as a financial statement due prior to September 1.
(1960 Code, § 3.27) (Ord. 3823, passed 9-8-1981)

§ 32.135 MEETINGS AND PROCEDURE.

Special meetings of the Board shall be held on the call of the President. At the request of any two members of the Board, the President shall call a special meeting; notice of such meeting and the purpose thereof shall be given all members of the Board at least 24 hours in advance and the business transacted at such special meeting shall be limited to that contained in such notice, except when all members of the Board attend such special meeting, any business may be transacted. A quorum shall consist of a majority of the Board.
(1960 Code, § 3.27)

§ 32.136 ADMINISTRATIVE STAFF.

The administrative staff of the Board shall consist of a Director of Parks and Recreation, and such other employees as shall be deemed necessary. The Director of Parks and Recreation shall be a specially trained and qualified to organize and direct recreation and leisure-time activities of a public nature. Other employees shall be employed by the Board, upon recommendation of the Director of Parks and Recreation. The Director of Parks and Recreation shall be the chief administrative officer of the Board and shall be responsible for the program of the Board and for the proper discharge of their respective duties for all other employees. He or she may also serve as Secretary of the Board.
(1960 Code, § 3.27) (Ord. 3823, passed 9-8-1981)

PUBLIC UTILITY COMMISSION

§ 32.150 APPOINTMENT; PURPOSE.

The Mayor, with the consent and approval of the City Council, shall appoint a city's Public Utility Commission consisting of five citizens of the city, at least two of the members thereof to be members of the City Council. The purpose of the city's Public Utility Commission shall be to receive complaints and grievances of citizens against any alleged unfair treatment, excessive charges, poor service or any other complaints against utility companies.
(1960 Code, § 3.28) (Ord. 2285, passed - -)

JUVENILE DEPARTMENT

§ 32.165 CREATION.

There is hereby created the Office of Juvenile Department and the head of the Department shall be known as the Juvenile Officer.
(1960 Code, § 3.32)

§ 32.166 JUVENILE OFFICER.

The Juvenile Officer shall be appointed by the Mayor, by and with the consent of the City Council, and the Board of Police and Fire Commissioners of the city.
(1960 Code, § 3.32)

§ 32.167 DUTIES.

The Juvenile Officer shall have charge of all juveniles either in the police station or in any penal institution of the city, and his or her duties shall be as follows.

(A) He or she shall make investigations on all matters referred by the city's Police Department wherein juvenile subjects are involved.

(B) He or she shall complete all papers required by the Twentieth Judicial Circuit Court, St. Clair County, Juvenile Division, for and in the processing of juvenile subjects brought before that court by the Juvenile Department.

(C) He or she shall investigate all reports received by the city's Police Department or the Juvenile Department involving the desertion or neglect of minor children and make reports thereon to the Chief Probation Officer of the Twentieth Judicial Circuit Court, St. Clair County, Illinois.

(D) He or she shall process all juvenile subjects and maintain records on all juvenile subjects.

(E) He or she shall prosecute all juvenile offenders when, in his or her discretion, such prosecution is necessary, and further, shall prosecute parents when, in the opinion of the Juvenile Officer, such prosecution is warranted.

(F) He or she shall maintain liaison between the county's Probation Office, and the city's Police Department and the city's Juvenile Department.

(G) He or shall direct the Police Matron to assist him or her in all investigations involving female juvenile subjects and shall direct her to keep all papers necessary in the processing of all female subjects. (1960 Code, § 3.32)

§ 32.168 SUPERVISION.

The Juvenile Officer shall be under the direct supervision and control of the Chief of Police of the city and further shall be subject to executive directives of the office of the Mayor of the city. He or she shall be subject to 24-hour call, but during off-duty hours shall be called only when necessary to process a juvenile offender. Interrogation of juvenile offenders shall not in itself be considered as necessary in regard to this provision concerning off-duty call. The Juvenile Officer, as to the detention of a juvenile subject, shall have such authority as may be conferred upon him or her by the Juvenile Court Act, being 705 ILCS 405.
(1960 Code, § 3.32) (Ord. 2640, passed - -; Ord. 2877, passed - -)

CHAPTER 33: PUBLIC SAFETY; LAW ENFORCEMENT

Section

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GENERAL PROVISIONS

§ 33.001 BURGLAR AND FIRE ALARM SYSTEMS.

(A) The existing burglary, robbery and fire alarm systems connected to the city's Police Department for monitoring shall be connected to a central board owned and operated by the city, within 60 days after the acquisition by the city of such a central control board.

(B) An electric or control system covering fire, robbery and burglary alarm devices connected with the Police Department of the city shall only be installed in business or public establishments and with the prior permission of the City Council. No automatic telephone dial or radio alarms which are designed to call the city's Police Department shall be permitted in the city. Any corporation, person or individual servicing, installing or permitting the servicing or installation of an automatical telephone dial or radio alarm system in the city shall be assessed a fine of $500. A separate offense shall be deemed committed on each day a violation occurs. Corporations, persons or individuals already having an automatic

telephone dial or radio alarm system installed shall have six months from the effective date of this section to remove same.

(C) Any corporation, person or individual servicing or installing a burglary, robbery or fire alarm system in any commercial, institutional or industrial establishment within the city shall first submit a proposed installation plan to the Chief of Police and to the Chief of the Fire Department, and such system to be connected to the city-owned electric control board. Any such system proposed shall comply with all the rules and regulations for fire prevention and safety as established by the state's Department of Public Safety, as they are presently established or as they are, from time to time, amended.

(D) The installation of any such alarm on any premises in the city shall be installed under the supervision of the Chief of Police and the Chief of the Fire Department.

(E) The Chief of Police and the Chief of the Fire Department are hereby empowered to enforce the provisions of this section to the end that the said system may be unified and operated through the city-owned control board.

(F) The City Council shall decide all questions arising as to the use and operation of such systems, through the city-owned electric control board.

(G) Before permission is granted to any corporation, person or individual for the installation of a burglary, robbery or fire alarm system, or combination thereof, he, she or it shall pay to the City Clerk the sum of $100, constituting a connection fee for such system.

(H) The above connection fee hereby established shall be for the purpose of defraying the cost of supervising the installation of the fire, robbery and burglary alarm control systems to the city-owned central control board. The actual cost of installation shall be borne by the corporation, person or individual installing same and connecting it to the city-owned central control board.

(I) Any corporation, person or individual requesting permission to install a system through the city-owned electric control board shall be advised in writing by the City Clerk that the city assumes no liability whatsoever for the proper installation or maintenance of the system so installed, and shall be further advised in writing that the city assumes no liability whatsoever for the malfunctioning of any such system. The city's only obligation shall be to monitor any alarms sounded through its central control board, and to respond to such alarms in the manner such alarms are usually responded to by either the Police or Fire Departments of the city.

(J) In addition to the connection fee as hereinbefore established, the City Clerk shall collect a fee of $50 per annum from the corporation, person or individual connecting any such burglary, robbery or fire alarm system to the central control board owned and operated by the city. Such fees shall be collected annually at the beginning of each fiscal year. Any corporation, firm or individual connecting any such system to the city-owned central control board after May 1 of any given year shall pay the sum of $5 per month, based upon the remaining months of the year, and such sum to be paid in advance for the remainder of the year.

(K) Any corporation, person or individual already having installed a system through the city-owned electric control board shall not change from one alarm system to another without prior permission of the City Council. Any corporation, person or individual already having installed a system through the city-owned electric control board who wishes to disconnect same shall give written notification to the City Clerk prior to disconnection. Thereafter, any corporation, person or individual shall be permitted to reconnect only with prior permission of the City Council and the payment of a new connection fee. (1960 Code, § 3.33) (Ord. 2870, passed - -; Ord. 3394, passed 10-18-1976) Penalty, see § 33.999

POLICE DEPARTMENT

§ 33.015 DEPARTMENT ESTABLISHED.

It is hereby established that the Department of the municipal government shall be known as the Police Department and which shall consist of the following ranking officers: Chief of Police, Assistant Chief of Police, Captain, Lieutenant of Police, Sergeant and patrol officers.
(1960 Code, § 4.01) (Ord. 6805, passed 12-19-2005)

§ 33.016 APPOINTMENT OF POLICE CHIEF, ASSISTANT CHIEF OF POLICE AND MEMBERS.

(A) All members of the Police Department, with the exception of the Police Chief and Assistant Chief of Police, are hereby declared subject to the provisions of the 65 ILCS 5/10-2.11 et seq. The Board of Fire and Police Commissioners shall appoint all members of the Police Department in accordance with the above statute.

(B) (1) All original appointments to the Police Department under and in accordance with the rules and regulations of the Board of Fire and Police Commissioners shall be for a probationary period of one year.

(2) At the expiration of such probationary period, such appointment to the Police Department shall automatically become permanent; provided, however, that, the Board of Fire and Police Commissioners may, at any time during the probationary period, discharge such appointee after notice and assignment of cause for removal therefrom.

(C) (1) The Mayor is authorized to appoint, suspend or discharge the Police Chief and Assistant Chief of Police with the consent of the City Council.

(2) In the event the Mayor discharges the Police Chief and Assistant Chief of Police, he or she shall revert to his or her permanent rank, if any, as the Police Department has established under the Fire and Police Commission Act, being 65 ILCS 5/10-2.1.
(1960 Code, § 4.02) (Ord. 6759, passed 7-18-2005)

§ 33.017 DUTIES OF CHIEF OF POLICE.

The Chief of Police shall perform the following duties.

(A) *Management of Department.* He or she shall make such disposition of the police force as the public good may require. He or she shall be held responsible to the Mayor for the efficiency and good conduct of the force under his or her command; and he or she shall be governed in the discharge of his or her duties by the lawful commands of the Mayor.

(B) *Duties.* He or she shall execute all writs or other process issued by justices of the peace or police magistrates in city cases, collect all fines, forfeitures and penalties which may accrue to the city, remove all nuisances and do and perform all duties which may be enjoined upon him or her by ordinance or resolution of the Council.

(C) *Ex-officio License Inspector.* The Chief of Police is hereby designated as ex-officio Inspector of Licenses and it shall be his or her duty as such Inspector of Licenses to ascertain whether persons carrying on the business, occupations and pursuits required to be licensed have obtained necessary licenses. It shall be the further duty of the Inspector of Licenses to make inspection of the businesses, occupations and pursuits for which licenses are required, investigate complaints of violations with license ordinances and file charges against persons violating any of the license ordinances.

(D) *Preserve peace and quiet.* He or she shall cause the public peace and quiet to be preserved, and shall see that all the laws and ordinances of the city are enforced and complied with, and whenever any violation of the ordinances shall come to his or her knowledge, he or she shall make, or cause to be made, the requisite complaint before some justice of the peace or police magistrate of the city and prosecute the offender for such violation and he or she shall attend to procuring the evidence for the city.

(E) *Attend suits.* He or she shall attend all suits before the justices of the peace and police magistrates of the city, to which the city is a party, on behalf of the city and, if necessary, shall call upon the City Attorney to direct the prosecution of the offender.

(F) *Attend Council meetings.* He or she shall attend all meetings of the Council, shall notify each Alderman of any special meeting of the Council which may be called. He or she shall keep the key to the rooms of the Council, and shall keep said rooms in proper order and condition for the meetings and other business of the Council and Mayor.
(1960 Code, § 4.03)

§ 33.018 ASSISTANT CHIEF OF POLICE.

(A) *Creation.* There is hereby created the Office of Assistant Chief of Police, which office shall have the following duties.

(1) The Assistant Chief of Police shall be second in command of the Police Force of the city, and, in the absence of the Chief of Police from the city or during other periods of the Chief of Police's absence, shall assume all the duties herein before imposed by this chapter upon the Chief of Police.

(2) His or her hours of duty shall be fixed by the Chief of Police.

(3) The Assistant Chief of Police shall be subject to the orders of the Chief of Police and the Mayor.

(B) *Salary.* There shall be allowed and paid to the Assistant Chief of Police an annual salary as provided in the budget ordinance which shall be paid in equal semi-monthly installments.

(C) *Reversion of rank.* Whomever has been appointed to perform the duties of Assistant Chief of Police, and shall be subsequently relieved of those duties, or the office abolished, shall revert to the rank he or she held before his or her appointment to that office, if any, subject to the rules of the Fire and Police Commissioners Act.
(1960 Code, § 4.035) (Ord. 6759, passed 7-18-2005)

§ 33.019 RULES FOR DEPARTMENT.

The Mayor and Chief of Police are hereby authorized and required to make all needful rules and regulations not inconsistent with the laws of the state or the ordinances of the city, for the government and control of the Police Department, with the view, to making this Department, and all officers and members appointed under it, efficient, vigilant, prompt and useful to the city. All rules and regulations made in pursuance hereof shall be in writing, signed by the Mayor, and filed in the office of the City Clerk, and shall be binding on all persons connected with the Police Department.
(1960 Code, § 4.04)

§ 33.020 POLICE MANUAL.

The Manual hereto attached, entitled, *Manual, Police Department, Belleville, Illinois*, is hereby adopted as the rules and regulations governing the operation of the Police Department of the city, together with Ord. 2503.
(1960 Code, § 4.05) (Ord. 3260, passed 11-19-1974)

§ 33.021 UNIFORMS.

(A) Each member of the police force shall be uniformed as prescribed by the Mayor and Chief of Police. Officers shall furnish their own revolver and other articles needed in the service.

(B) Each member of the police force shall appear in uniform at all times while on duty. He or she shall be considered on duty whenever he or she appears upon the streets or other public places of the city.
(1960 Code, § 4.06)

§ 33.022 DUTIES OF POLICE OFFICERS.

(A) *Execution of duties.* It shall be the duty of police officers to obey punctually and to the best of their ability all the orders of their superiors in the Department and to remain at their posts during the time prescribed as the hours of duty, and not to leave the same, except in discharge of their duties. They shall, to the best of their ability, preserve peace, order and quiet at and in the vicinity of their posts, and they shall be active and vigilant in the discharge of their duties, and shall watch the conduct of persons of known or suspected bad character.

(B) *Arrest.* A police officer shall arrest without warrant or process any person found committing any offense against any law of the state or any ordinance of the city, or found aiding or abetting the commission of any such offense. He or she shall arrest or report all persons found throwing filth, dirt or rubbish in any street, alley or public place in the city.

(C) *Entering public places.* Police officers on duty shall not enter any house of ill-fame, or any house or place of amusement, except in the immediate discharge of their duties.

(D) *Gratuities.* No police officer shall accept from any person while in custody or after such person has been discharged, or from any other person for or on his or her account, any gratuity or reward.

(E) *Absence.* No police officer shall leave the city without permission from his or her superior officer.
(1960 Code, § 4.07) (Ord. 2529, passed - -)

§ 33.023 POWER OF SEARCH.

Whenever any person is arrested and confined to the city jail, it shall be the duty of the officer in charge to search and take from the person so committed all valuables, money, watches and all articles of personal property, and make a full and correct list or inventory of the same in a book to be kept for that purpose. The list or inventory shall be witnessed by the officer making the arrest or by some other credible person. Such property shall be retained by the officer until such person is discharged or committed to prison by the magistrate or court, when it shall be his or her duty to turn the property over to the person if he or she is discharged; and, if not, then to the officer taking such person to the county jail or other prison, to be delivered with the prisoner to the proper authorities. He or she shall take a receipt from the person to whom he or she delivers the property.
(1960 Code, § 4.08)

§ 33.024 AUXILIARY POLICE OFFICERS.

(A) *General.* There is hereby created a unit of auxiliary police officers appointed by the Mayor. Competent and qualified members of the unit shall be selected and assigned certain supervisory authority and duties in positions and numbers deemed necessary by the Chief of the Auxiliary Police Force with approval from the Chief of Police to provide supervision and direction to subordinate auxiliary officers. Auxiliary officers shall not supplement regular members of the Police Department, but shall only be assigned to aid or direct traffic within the city, weekend ride-along program, to aid in control of natural or human-made disasters and any other duties and any other duties as directed by the Chief of Police which are impractical for sworn members of the Police Department to perform.

(B) *Requirements for appointment.* To be eligible for appointment as an auxiliary police officer, an applicant must not be a full-time or auxiliary member of any other Police Department, must be at least 21 years of age and no more than 55 years of age, must not be convicted of a felony or crime of moral turpitude, must possess a valid state's driver's license (active military members exempt from the state's driver's license requirement) and must be recommended for the appointment by the Chief of Police.

(C) *Length of service; compensation.* Auxiliary police officers serve at the discretion of the corporate authorities and/or their designees on a voluntary basis (uncompensated position).

(D) *Part-time status.* Auxiliary police officers shall not be considered as full-time sworn members of the regular Police Department of the city and shall not function on a full-time basis.

(E) *Direction and control.* Auxiliary police officers while on duty and during the performance of their duties shall be under the supervision of a full-time officer and subject to the direction of the Chief of Police.

(F) *Authority and responsibilities.* Auxiliary police officers, when on duty shall not possess the authority or be considered "conservators of the peace". The auxiliary police unit shall have such powers and responsibilities as may be prescribed by statute and ordinance, and may from time to time adopt rules, regulations and by-laws not inconsistent with this section governing their unit; provided, however, that, no rule, regulation or by-law shall become effective until approved by the Chief of Police.

(G) *Uniforms and identification symbols.* The uniforms and identification symbols worn by members of the auxiliary police unit shall be different and distinct from those symbols used by full-time sworn members of the regular Police Department of the city, and shall be selected and chosen by the Chief of Police.

(H) *Use of force; firearms.* It shall be the duty of every member of the auxiliary police unit to conduct themselves in a proper and law-abiding manner at all times, and to refrain from any unnecessary use of force. In conjunction with employment as an auxiliary police officer, members shall carry their assigned or approved firearms and credentials (city ID and badge) only when in uniform while in the performance of assigned duties, which includes direct travel to and from the assignment location.
(1960 Code, § 4.09) (Ord. 6994, passed 6-4-2007)

§ 33.025 PRIVATE WATCHMEN.

Private watchmen may be appointed on the application and at the expense of railroad or other companies or corporations, or of individuals. Such person so appointed shall, before entering upon his or her duties, execute to the city a good and sufficient bond in the penal sum of $20,000 conditioned for the faithful performance of his or her duties. Thereupon, such person shall have the powers and exercise the duties of a police officer within the district for which he or she is appointed, and shall be subject to the orders of the Mayor and Chief of Police. He or she shall obey all provisions of this code and the rules and regulations of the Police Department, and shall wear such dress and emblems as may be directed. Any person so appointed may be removed at any time after due notice being given to the person who applied for his or her appointment.
(1960 Code, § 4.10) (Ord. 2887, passed - -)

§ 33.026 POLICE PENSION FUND.

There is hereby created a Police Pension Fund and a Board of Trustees of the Police Pension Fund in accordance with the provisions of 40 ILCS 5/3-101 et seq.
(1960 Code, § 4.11)

§ 33.027 WORK PERIOD.

The work period for the Police Department shall be a period consisting of 28 consecutive days.
(1960 Code, § 4.13) (Ord. 3277, passed 12-30-1974)

§ 33.028 DISPATCH CALL CENTER.

(A) The Police Department shall maintain at all times the city's Dispatch Call Center, including the maintenance of its 9-1-1 or Public Safety Answering Point (PSAP).

(B) Subject to applicable laws, the Dispatch Call Center shall:

(1) Answer 9-1-1 emergency and non-emergency calls from the public, the interdepartmental calls from police, fire and ambulance services and calls from other public safety agencies;

(2) Monitor multiple computer and/or video screens, gather, prioritize, and document caller information;

(3) Provide callers with the appropriate advice or referral, or initiate police, fire and/or emergency medical (EMS) services to the caller; and

(4) Operate Computer Aided Dispatch (CAD), 800 MHZ radio, and multiple sophisticated communications equipment systems.
(Ord. 7922, passed 12-21-2015)

FIRE DEPARTMENT

§ 33.040 DEPARTMENT ESTABLISHED.

(A) *Established.* There is hereby established a department of the municipal government of the city that shall be known as the Fire Department and shall consist of one Fire Chief, one Deputy Chief, four Battalion Chiefs, 16 Captains, 16 Engineers and 24 Pipemen.
(1960 Code, § 5-1-1)

(B) *Work period.* The work period for the Fire Department shall be a period consisting of 28 consecutive days.
(1960 Code, § 5-2-13)
(Ord. 3278, passed 12-30-1974; Ord. 7362, passed 3-15-2010)

§ 33.041 APPOINTMENT OF FIRE CHIEF AND MEMBERS.

(A) All members of the Fire Department, with the exception of the Fire Chief and the Deputy Fire Chief, are hereby declared subject to the provisions of 65 ILCS 5/10-2.1-1 et seq. The Board of Fire and Police Commissioners shall appoint all members of the Fire Department in accordance with the above statute.

(B) (1) All original appointments to the Fire Department under and in accordance with the rules and regulations of the Board of Fire and Police Commissioners shall be for a probationary period of one year.

(2) At the expiration of such probationary period, such appointment to the Fire Department shall automatically become permanent; provided, however, that, the Board of Fire and Police Commissioners may, at any time during the probationary period, discharge such appointee after notice and assignment of cause of removal therefrom.

(C) The Mayor is authorized to appoint, suspend or discharge the Fire Chief or the Deputy Fire Chief with the consent of the City Council. In the event the Mayor discharges the Fire Chief or the Deputy Fire Chief, he or she shall revert to the rank he or she held before his or her appointment to that office, if any, as the Fire Department has established under the Fire and Police Commission Act, being 65 ILCS 5/10-2.1.
(1960 Code, § 5-1-2) (Ord. 7362, passed 3-15-2010)

§ 33.042 DEPUTY FIRE CHIEF.

The Deputy Fire Chief shall perform such duties as may be assigned to him or her by the Fire Chief or the City Council.

(A) *Creation.* It is hereby created the Office of Deputy Fire Chief, which office shall have the following duties.

(1) The Deputy Fire Chief shall be second in command of the Fire Department in the city in the absence of the Fire Chief from the city and during such other periods of the Fire Chief's absence shall assume all the duties herein and before imposed by this subchapter upon Fire Chief.

(2) His or her hours of duty shall be fixed by the Fire Chief.

(3) The Deputy Fire Chief shall be subject to the orders of the Fire Chief and the Mayor.

(B) *Salary.* There should be allowed and paid to the Deputy Fire Chief an annual salary as provided in the budget ordinance which shall be paid in equal bi-weekly installments.

(C) *Reversion of rank.* If whomever has been appointed to perform the duties of Deputy Fire Chief shall be subsequently relieved of those duties, or the office abolished, he or she shall revert to the rank he or she held before his or her appointment to that office, if any, subject to the rules of the Fire and Police Commissioners Act.
(1960 Code, § 5-1-3) (Ord. 7362, passed 3-15-2010)

§ 33.043 DUTIES OF FIRE CHIEF.

The Fire Chief shall perform the following duties.

(A) *Attending fires.* The Fire Chief shall attend all fires and when there, assume and take control over the officers and employees of the city managing the different apparatus, direct where the same shall be stationed and give such orders as he or she shall deem necessary for the extinguishment of fires.

(B) *Inspections and reports.* The Fire Chief shall inspect and superintend the various fire apparatus belonging to the city, see that the same are kept in good repair and report the condition thereof to the Police and Fire Committee at its regular monthly meetings.

(C) *Examination of buildings.* Throughout the year, and at such times as the City Council may direct by ordinance or resolution, the Fire Chief shall examine all buildings and structures, and see that the same are not exposed to, or endangered by any combustible materials. It is the Fire Chief's duty to examine all buildings where fires are usually kept or generally used, and see that the fires, fireplaces,

grates, stoves, funnels, chimneys, ovens, forges and other places or apparatus used for burning fuel are in proper and safe condition, so as not to endanger buildings or property situated near the same.
(1960 Code, § 5-1-4) (Ord. 7362, passed 3-15-2010)

§ 33.044 OBSTRUCTING FIRE CHIEF.

No person shall resist the entrance of the Fire Chief or Chief of Police or willfully obstruct them in the discharge of their duties, or neglect or refuse to attend to all reasonable directions given by them or either of them, for altering, amending or removing any of the dangerous apparatus or fixtures aforesaid. In case any person is convicted of such neglect, or refuses to attend to the directions of the Fire Chief or Chief of Police for altering, amending or removing any of the aforesaid dangerous apparatus or fixtures, the court or magistrate before which conviction is had may order, as part of the judgment, the Fire Chief or Chief of Police to make such alteration, amendment or removal at the expense of the defendant in such cause.
(1960 Code, § 5-1-5) Penalty, see § 33.999

§ 33.045 MANUALS ADOPTED.

The Manuals hereby adopted shall be the rules and regulations, standard operating guidelines and current collective bargaining agreement governing the operation of the Fire Department of the city.
(1960 Code, § 5-1-6) (Ord. 7362, passed 3-15-2010)

§ 33.046 FIRE STATIONS.

The Fire Department shall consist of four stations designated as No. 1, Carlyle Avenue Station; No. 2, West Washington Street Station; No. 3, West Main Street Station; and No. 4, South Illinois Street Station. The number of Captains, Drivers and Pipemen to be stationed at a particular station shall be determined by the Fire Chief.
(1960 Code, § 5-1-7) (Ord. 7362, passed 3-15-2010)

§ 33.047 DUTIES OF FIREFIGHTERS.

(A) *General duties.* The members of the Fire Department shall be on duty at all such hours of the day and night as may be prescribed by the rules and regulations of the Fire Department, except when otherwise ordered by the Fire Chief, and shall perform whatever duties may be prescribed for the Department by the rules and regulations or by ordinance. An equal number of members shall serve in alternate shifts and all members shall be subject to call as defined in C.B.A.

(B) *Care of apparatus.* It shall be the special duty of all members of the Fire Department to keep, protect and preserve the fire apparatus and to work with skill and judgment. The fire apparatus shall be

kept in good order and repair and at all times in perfect readiness. Members of the Fire Department shall perform such other duties as from time to time may be required by the Fire Chief.
(1960 Code, § 5-1-8) (Ord. 1878, passed - -; Ord. 7362, passed 3-15-2010)

§ 33.048 FIREMEN'S PENSION FUND.

(A) There is hereby created a Firemen's Pension Fund and a Board of Trustees of the Firemen's Pension Fund in accordance with the provisions of 40 ILCS 5/4-109a et seq.
(1960 Code, § 5-1-9)

(B) The City Council reserves the right to amend this section to provide for the funds received from insurance companies specified in division (A) above to be paid to the Firemen's Pension Fund in the event it so desires at some future date.
(Prior1960 Code, § 5-1-4)
(Ord. 1710, passed - -; Ord. 7362, passed 3-15-2010)

BUREAU OF FIRE PREVENTION

§ 33.060 BUREAU OF FIRE PREVENTION.

(A) *Creation.* A Bureau of Fire Prevention in the Fire Department of the city is hereby established, which shall be operated under the supervision of the Chief of the Fire Department.

(B) *Inspector.* The Chief of the Fire Department shall designate an officer or member of the Fire Department as Chief Inspector of the Bureau of Fire Prevention, who shall hold this office at the pleasure of the Chief of the Fire Department. The Chief of the Fire Department may also designate such number of Assistant Inspectors as are authorized by the City Council.

(C) *Duties.* It shall be the duty of the officers of the Bureau of Fire Prevention to enforce all laws and ordinances of the state, county and city, covering the following:

(1) The prevention of fires;

(2) The storage and use of explosives, flammables and hazardous materials;

(3) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;

(4) The maintenance and regulation of fire escapes;

(5) The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters and all other places in which numbers of persons work, live or congregate from time to time for any purpose; and

(6) The investigation of the cause, origin and circumstances of fires.

(D) *Delegation of powers and duties.* The Chief of the Fire Department may delegate any of his or her powers or duties set forth in § 33.043 of this chapter to the Chief Inspector.
(1960 Code, § 5-2-1) (Ord. 7362, passed 3-15-2010)

§ 33.061 INVESTIGATION AND REPORT OF FIRES.

(A) (1) The Bureau of Fire Prevention shall investigate the cause, origin and circumstances of every fire occurring in the city by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Immediately upon the occurrence of such fire, the assistant in whose district the fire occurs shall begin the investigation and, if it appears to the officer making the investigation that the fire is of suspicious origin, the Chief of the Fire Department shall be immediately notified of the fact.

(2) The officer making the investigation shall take charge of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

(B) Every fire shall be reported in writing to the Bureau of Fire Prevention within two days after its occurrence by the officer in whose jurisdiction the fire has occurred. The report shall be in the form prescribed by the Chief of the Fire Department and shall contain a statement of all facts relating to the cause, origin and circumstances of the fire, the extent of the damage thereof, the insurance upon the property and such other information as may be required.
(1960 Code, § 5-2-2)

§ 33.062 RECORD OF FIRES.

The Chief of the Fire Department shall keep in the office of the Bureau of Fire Prevention a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance and, if so, in what amount. Such record shall be made daily from the reports made by the inspectors under the provisions of this subchapter. All such records shall be public.
(1960 Code, § 5-2-3)

§ 33.063 INSPECTIONS.

(A) *Hazardous occupations.* The Chief of the Fire Department, Chief Inspector or an assistant specially designated thereto shall inspect, as often as may be necessary, but not less than one time per year, all specially hazardous manufacturing processes, storages or installations of acetylene or other gases, chemicals, oils, explosives and hazardous materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as the Chief of the Fire Department shall designate, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property.

(B) *Fire hazards in building.* The Chief of the Fire Department shall inspect, or cause to be inspected by the Bureau of Fire Prevention, or by the Fire Department officers and members, as often as may be necessary, but not less than one time per year, all buildings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of this subchapter or any ordinance affecting fire hazards.
(1960 Code, § 5-2-4) (Ord. 7362, passed 3-15-2010)

§ 33.064 ORDER TO REMOVE HAZARD.

(A) *Order.* Whenever an inspector finds any building or other structure which, for want of repairs, lack of or insufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, and whenever an inspector finds in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof or finds dangerous accumulations of rubbish, or finds obstructions on fire escapes, stairs, passageways or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, he or she shall order such dangerous conditions or materials to be removed or remedied and such order shall forthwith be complied with by the owner or occupant of such premises or building.

(B) *Service of order.* The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve the order upon the owner of the premises, it may be served either by delivering to and leaving with the person a copy of the order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing a copy to the owner's last known post office address.

(C) *Appeal.* If an order is made by the Chief Inspector or any of the Assistant Inspectors, such owner or occupant may, within 24 hours, appeal to the Chief of the Fire Department, who shall, within five days, review such order and file his or her decision thereon and, unless by his or her authority the order is revoked or modified, it shall remain in force and be complied within the time fixed in the order or decision of the Chief of the Fire Department.

(D) *Appeals Board.* Any owner or occupant may, within five days after the making or affirming of any such order by the Chief of the Fire Department, file his or her petition with the Appeals Board as defined in the Fire Code, praying a review of such order and it shall be the duty of such Board to hear the same within not less than five days, nor more than ten days, from the time the petition is filed, or as soon thereafter as reasonably can be, and to make such order in the premises as right as justice may require, and such decision shall be final. The person appealing to the Board shall file with the Board within two days a bond in an amount to be fixed by and approved by the Board, conditioned to pay all the costs of such appeal in case the appellant fails to sustain his or her appeal or the same be dismissed for any cause.
(1960 Code, § 5-2-5) (Ord. 7362, passed 3-15-2010)

§ 33.065 ACCESS TO PREMISES.

The Chief of the Fire Department, the Chief Inspector or any Assistant Inspector may, at all reasonable hours, enter any building or premises within his or her jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this subchapter he or she deems necessary.
(1960 Code, § 5-2-6) (Ord. 7362, passed 3-15-2010)

§ 33.066 ASSISTANCE OF CITY ATTORNEY.

The City Attorney, upon request of the Bureau of Fire Prevention, shall assist the Inspectors in the investigation of any fire which, in their opinion, is of suspicious origin.
(1960 Code, § 5-2-7)

§ 33.067 SCHOOL FIRE DRILLS.

The Chief of the Fire Department shall require teachers of public, private and parochial schools and educational institutions to conduct fire drills each year, in accordance with 105 ILCS 128 School Safety Drill Act and to keep all doors and exits accessible during school hours and anytime the building is occupied.
(1960 Code, § 5-2-8) (Ord. 7362, passed 3-15-2010)

§ 33.068 PERMITS FOR FLAMMABLES, EXPLOSIVES AND OTHER HAZARDOUS MATERIALS.

Before licenses may be issued for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly inflammable materials and rubbish, crude petroleum or any of its products, gun or blasting powder, dynamite, or explosives of any kind, including fireworks, firecrackers and signaling explosives, the Chief of the Fire Department, the Chief Inspector or his or her

assistants shall inspect and approve the receptacles, vehicles, building or storage places to be used for any such purposes, in accordance with the adopted Fire Code.
(1960 Code, § 5-2-9)

§ 33.069 ANNUAL REPORTS.

(A) The annual report of the Bureau of Fire Prevention shall be made on or before the first Monday of February and transmitted to the Mayor.

(B) It shall contain all proceedings under this subchapter with such statistics as the Chief of the Fire Department may wish to include therein.

(C) The Chief of the Fire Department shall also recommend any amendments to the subchapter which, in his or her judgment, shall be desirable.
(1960 Code, § 5-2-10)

§ 33.070 FORMS AND REPORTS.

The Chief of the Fire Department shall prepare instructions for the Chief Inspector and his or her assistants, and forms for their use in the reports required by this subchapter.
(1960 Code, § 5-2-11)

§ 33.071 USE OF FIRE HYDRANTS.

(A) (1) It shall be unlawful for anyone to use fire hydrants within the city without first obtaining a written permit from the Fire Department and Illinois American Water Company.

(2) Upon issuing such a permit, the Water Company shall immediately notify the Fire Chief that the permit was issued.

(B) A person obtaining a permit to use a fire hydrant must have the permit in his or her possession at all times while operating the hydrant.

(C) (1) All fire hydrants privately owned and within the jurisdictional boundaries of the city's Fire Department must provide written verification for yearly flow testing and inspection of parts and equipment.

(2) Upon yearly Fire Inspection, a copy of this test must be provided to the Fire Department for their records.
(1960 Code, § 5-2-12) (Ord. 3267, passed 12-2-1974; Ord. 7150, passed 7-8-2008) Penalty, see § 33.999

FIRE CODE AND SAFETY PROVISIONS

§ 33.085 FIRE CODE ADOPTED.

(A) *Adoption of Fire Prevention Code.*

(1) There is hereby adopted by the city for the purpose of establishing rules and regulations to safeguard life, property and public welfare from the hazards of fire, and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property and public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises, that certain code known as the 2006 International Fire Code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and the same are hereby adopted and incorporated as fully as if set out in length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the corporate limits of the city.

(2) (a) Wherever the word "municipality" is used in the Code hereby adopted, it shall be held to mean the "City of Belleville, Illinois".

(b) Wherever the term "fire official" is used in the Code hereby adopted, it shall be held to mean the "Fire Chief of the City of Belleville, Illinois".
(1960 Code, § 5-3-1)

(B) *Adoption of Appendices.* Appendices A through G of the 2006 International Fire Code are hereby adopted and incorporated as fully as if set out in length herein.
(1960 Code, § 5-3-2)

(C) *Adoption of additional codes.*

(1) Section 605.11, Solar Photovoltaic Power Systems is hereby....*[missing material]*
(Ord. 7212, passed 1-5-2009; Ord. 7610, passed 6-4-2012)

§ 33.086 MUTUAL AID BOX ALARM SYSTEM ESTABLISHED.

Pursuant to Ord. 6359, the City Council does hereby establish a mutual aid box alarm system, as provided in Exhibit "A" (attached to the ordinance codified herein).
(1960 Code, § 5-4-1)

§ 33.087 KEY LOCK BOX SYSTEM.

(A) The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required by the Fire Chief:

(1) All commercial or industrial buildings identified by the fire officials as difficult to access during emergencies;

(2) All new commercial construction and/or new businesses within the city having an automatic alarm system, or equipped with an automatic fire suppression system;

(3) Multi-family residential structures (more than two units), including senior citizen apartment/condominium complexes, that have restricted access through a common corridor for access to the living units or those identified by the fire officials as difficult to access during emergencies; and

(4) All other buildings as recommended by the Fire Chief.

(B) All new construction subject to this section shall have the key lock box installed and operational prior to the issuance of a certificate of occupancy.

(C) The owner of a structure and the owner of any business in a structure required to have a key lock box shall, at all times, keep a key or keys, in the lock box that will allow for complete and unobstructed access to the structure interior. These keys are to be marked and identified in a manner approved by the Fire Chief.
(1960 Code, § 5-6-1) (Ord. 7425, passed 8-16-2010)

§ 33.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Corporations, persons or individuals permitted to install a system through the city-owned electric control board shall be responsible for any and all false alarms. Each such corporation, person or individual, per § 33.001 of this chapter, shall be subject to a fine of not less than $10, nor more than $500, for each false alarm received in excess of six during any 12-month period.

(C) Any person violating any provisions of §§ 33.040 through 33.048, 33.060 through 33.072 and 33.085 through 33.087 of this chapter or neglecting to comply with any order issued pursuant to §§ 33.040 through 33.048, 33.060 through 33.072 and 33.085 through 33.087 of this chapter shall be fined not less than $10, nor more than $500. Each day a violation is permitted to exist beyond the time specified in any notice is a separate offense.
(1960 Code, § 5-5-1) (Ord. 3309, passed 9-15-1975)

CHAPTER 34: FINANCE AND REVENUE; TAXATION

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BUDGET SYSTEM

§ 34.001 ADOPTION OF ANNUAL BUDGET.

The city hereby adopts 65 ILCS 5/8-2-9.1, through and including 5/8-2-9.10, providing for an annual municipal budget in lieu of the passage of an annual appropriation ordinance.
(1960 Code, § 3.12) (Ord. 3192, passed 1-21-1974; Ord. 5587, passed 5-20-1996)

§ 34.002 DIRECTOR OF FINANCE.

(A) The Mayor, with the approval of the City Council, shall appoint a Director of Finance, who shall have the powers, duties and responsibilities enumerated in the above sections of the Illinois Compiled Statutes as they are now or may hereafter be required by the City Council, however, such bond shall not be less that required by statute.

(B) In addition to the powers, duties and responsibilities enumerated in the above section of the Illinois Compiled Statutes, the Director of Finance shall be responsible for direct management and supervision of the financial affairs of the city not otherwise reserved to the City Treasurer. Such functions shall include, but not be limited to: responsibility for the general accounting and financial reporting of the city's operations; supervision and coordination of the preparation of the annual city budget; analyzing financial records to forecast future cash flow and financial results; evaluating needs and sources for short-term and long-term financing; directing and formulating internal control systems; supervising all accounts payable functions; oversee the centralized purchasing functions; coordinate the annual audit; evaluate, plan and develop management information system for all areas of the city's operations; develop a Capital Improvement Plan; supervise all employee payroll and pension functions; discharge such duties as may be assigned by the Mayor or the City Council.
(1960 Code, § 3.12) (Ord. 5584, passed 6-18-1996; Ord. 5587, passed 5-20-1996; Ord. 7951-2016, passed 5-16-2016)

§ 34.003 ASSISTANT BUDGET OFFICER.

The Mayor, with the approval of the City Council, may appoint an Assistant Director of Finance whose duties and responsibilities shall be to assist the Director of Finance in all matters set forth in § 34.002 of this chapter. The Assistant Director of Finance shall give a bond in each sum as may be required by the City Council; however, such bond shall not be less than required by statute.
(1960 Code, § 3.12) (Ord. 3236, passed 7-1-1974; Ord. 5587, passed 5-20-1996)

§ 34.004 COMPENSATION.

The Director of Finance and Assistant Director of Finance shall receive such compensation as set from time to time by the Mayor and City Council.
(1960 Code, § 3.12) (Ord. 3236, passed 7-1-1974; Ord. 5587, passed 5-20-1996)

§ 34.005 OFFICE OF PURCHASING.

(A) *Duties and responsibilities.*

(1) There is hereby established an Office of Purchasing under the direction of the Purchasing Agent and the office will be responsible to the Finance Director for the entire purchasing program.

(2) The office or designee shall have the following responsibilities, in addition to any others designated by the City Council:

(a) Act to procure all necessary supplies, materials and services subject to City Council approval, for the efficient operation of the city at the lowest possible cost;

(b) Discourage collusive or restrictive bidding and endeavor to obtain as full and open competition as possible on all purchases;

(c) Establish all rules and regulations authorized by this ordinance and amend, when necessary, with the approval of the City Council;

(d) Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and keep abreast of the benefits of research done in the field of purchasing by: other governmental jurisdictions, national technical associations, trade associations having national recognition and by private businesses and organizations;

(e) Prescribe and maintain forms necessary to the operation of this ordinance;

(f) Prepare, adopt and maintain a vendor's catalog file; said catalog shall be filed according to materials and shall contain descriptions of vendor's commodities and prices;

(g) Exploit the possibilities of buying "in bulk" to take full advantage of discounts;

(h) Act to procure all federal and state tax exemptions to which the city is entitled;

(i) Cooperate with other personnel to secure the maximum efficiency in budgeting and accounting; and

(j) Declare as irresponsible those bidders or vendors who default on their quotations, and to disqualify them from receiving any business from the city for a stated period of time, as determined by the City Council.

(B) *Operation procedures.*

(1) All departments shall henceforth submit requisition orders to the Purchasing Office as the first step in procuring supplies, materials, services or equipment.

(2) The purchasing designee shall review each request form, have the authority to consult the Requesting Department, and make any necessary revisions. The designee must communicate with the Requesting Department before making any decision that deviates from the original request.

(3) When the estimated cost of materials, supplies and contractual services, except as otherwise provided herein, exceeds $10,000, they shall be purchased by sealed bids, formal bidding procedures, and from the lowest and best bidder after an adequate period of public notice.

(a) Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and supplied needed for use by the city, and when the expense thereof will exceed $10,000 shall be constructed either:

1. By a contract let by the City Council to the lowest responsible bidder after advertising for bids; or

2. Any such contract may be entered into by the proper officers without advertising for bid, if authorized by a vote of two-thirds of all the Aldermen then holding office.

(b) Public notices shall be published in at least one newspaper of general circulation in the city and shall be published at least ten days prior to bid closing. The newspaper notice required herein will include at a minimum: a brief description of the item to be purchased or sold, where bid blanks and specifications may be secured, the time and place for bid opening and a rejection rights clause.

(c) The Purchasing Office shall also solicit sealed bids from all responsible prospective suppliers, vendors and contractors. The Purchasing Agent shall have the authority to pre-qualify any potential contractor or vendor and solicit sealed bids from them.

(d) The Purchasing Agent shall have the authority to call a pre-bid conference with prospective bidders after draft specifications have been prepared. Such conferences help detect unclear provisions and tend to widen competition by removing unnecessarily restrictive language.

(e) Liability protection shall be sought on service procurement specifications to protect the city from any unforeseen liability or loss. Service procurement specifications shall include a hold-harmless and a certificate-of-insurance clause. The hold-harmless insert requires the contractor or service provider to save and hold-harmless the city from any alleged damage as a result of work performed or not performed. The certificate-of-insurance clause specifies the contractor must furnish a proof of purchase, which indicates the existence of insurance in sufficient quantities to protect all parties in the event of loss.

(f) Bond, with sufficient sureties, in such amount as shall be deemed adequate, not only to insure performance of contract in the time and manner prescribed in the contract, but also to save, indemnify, and keep harmless the city against loss, may be required of each bidder upon contracts involving amounts in excess of $10,000 when, in the opinion of the Purchasing Office, the public interest will be served thereby.

(g) All sealed bids shall be publicly opened by the Purchasing Agent of the city, or by an officer or employee in the office of the Purchasing Agent duly-authorized in writing by the Purchasing Agent to open such bids. Bid openings shall be witnessed by a representative of the City Clerk's office and the involved department head or designee. Written notice of all bid opening dates and times shall be forwarded to the City Clerk and involved department head or designee upon bid letting. All such bids shall be open to public inspection in the office of the Purchasing Agent for a period of at least 48 hours before award is made.

(h) Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void. Each bidder shall accompany his bid with a sworn statement, or otherwise swear or affirm, that he or she has not been a party to any such agreement. Any disclosure in advance of the opening of bids, of the terms of the bids submitted in response to an advertisement, made or permitted by the Purchasing Agent shall render the proceedings void and shall require re-advertisement and re-award.

(4) The purchasing designee, with consent of the City Council, shall have the authority to reject any or all sealed or quoted bids.

(a) In determining the responsibility of any bidder, the Purchasing Agent may take into account other factors in addition to financial responsibility, such as past records of transaction with the bidder, experience, adequacy of equipment, ability to complete performance within a specified time limit and other pertinent considerations.

(b) Any and all bids received in response to an advertisement may be rejected by the Purchasing Agent if the bidder is not deemed responsible, or the character or quality of the services, supplies, materials, equipment or labor does not conform to requirements or if the public interest may otherwise be served thereby. If the contract is awarded to a bidder other than the lowest, a written statement of reasons shall be prepared and placed into the public record.

(5) Purchases of materials, supplies and contractual services with the estimated value of less than $10,000 may be made on the open market without public advertisement, and the requirements of the formal bid procedures are not applicable.

(a) Open market purchases shall be based on three competitive bids, whenever possible, and shall be solicited by mail, phone and bulletin board notice.

(b) Open market purchases shall also be based on the lowest responsible bidder, whenever feasible.

(6) Emergency purchases above $10,000 may be made in order to protect life, health or safety of citizens. Those permitted to purchase emergency materials shall be department heads and they shall be required to submit a monthly record of emergency purchases. All emergency purchases must be approved by the City Council as required by state law.

(7) Disposition of surplus, obsolete or worn-out material or equipment for sale, shall be done by the Purchasing Office in conformance with competitive conditions, including when necessary, newspaper advertising and sealed bids. Items valued at $10,000 or less may be sold by Purchasing. Items valued greater than $10,000 must be approved for sale by the City Council. The sale or trade of vehicles, regardless of value, must be approved by the City Council.

(8) All contracts to which the city is party shall contain a non-discrimination in employment clause which provides, "The contractor shall not discriminate against any employee or applicant because of race, creed, sex, color or national origin throughout the contract period".

(9) The purchasing designee, or authorized representative, shall assist in the inspection or supervise the inspection of all deliveries or contractual services to determine adherence to advertised specifications.

(10) The purchasing designee shall be vested with the authority to require the prompt reporting and subsequent reassignment of any surplus materials, supplies or equipment. These transfer capabilities include, but are not limited to, obsolete items, surplus items and items no longer in use. (1960 Code, § 3.12) (Ord. 5587, passed 5-20-1996)

TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

§ 34.020 DEFINITIONS.

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

GROSS CHARGES.

(1) The amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the city, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. ***GROSS CHARGES*** for private line service shall include charges imposed at each channel point within the city, charges for the channel mileage between each channel point within the city and charges for that portion of the interstate interoffice channel provided within the city.

(2) However, ***GROSS CHARGES*** shall not include:

(a) Any amounts added to a purchaser's bill because of a charge made under:

1. The fee imposed by this section;

2. Additional charges added to a purchaser's bill under 220 ILCS 5/9-221 or 9-222 of the Public Utilities Act;

3. Amounts collected under 65 ILCS 5/8-11-17;

4. The tax imposed by the Telecommunications Excise Tax Act;

5. 911 surcharges; or

6. The tax imposed by I.R.C. § 4251.

(b) Charges for a sent collect telecommunication received outside the city;

(c) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(d) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(e) Charges to business enterprises certified under 220 ILCS 5/9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the city;

(f) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly-owned subsidiaries or between wholly-owned subsidiaries; and only to the extent that the charges between the parent corporation and wholly-owned subsidiaries or between wholly-owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(g) Bad debts (***BAD DEBT*** means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(h) Charges paid by inserting coins in coin-operated telecommunications devices; or

(i) Charges for telecommunications and all services and equipment provided to the city.

PUBLIC RIGHT-OF-WAY. Any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the city has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. ***PUBLIC RIGHT-OF-WAY*** shall not include any real or personal city property that is not specifically described in the previous sentence and shall not include city buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE. (or any like term) Any retailer having or maintaining within the state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within the state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in the state.

SALE OF TELECOMMUNICATIONS AT RETAIL. The transmitting, supplying or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly-owned subsidiaries or between wholly-owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SERVICE ADDRESS. The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems and the like, ***SERVICE ADDRESS*** shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in the state where bills are sent.

TELECOMMUNICATIONS. Includes, but is not limited to, messages or information transmitted through use of local, toll and wide-area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities. Unless the context clearly requires otherwise, ***TELECOMMUNICATIONS*** shall also include wireless telecommunications as hereinafter defined. ***TELECOMMUNICATIONS*** shall not include value-added services in which computer-processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. ***TELECOMMUNICATIONS*** shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities and all telecommunications resold in the subsequent provisions and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. ***TELECOMMUNICATIONS*** shall not include the provision of cable service through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. §§ 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the city through an open video system as defined in the rules of the Federal Communications Commission (47 C.D.F. §§ 76.1550 and following) as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER.

(1) Any telecommunications retailer; and

(2) Any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER or ***RETAILER*** or ***CARRIER.*** Every person engaged in the business of making sales of telecommunications at retail as defined in this section. The city may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within the state, who, to the satisfaction of the city, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business in the city.

WIRELESS TELECOMMUNICATIONS. Includes cellular mobile services, personal wireless services as defined in § 704(C) of the Telecommunications Act of 1996 (Pub. Law No. 104-104), 42 U.S.C. § 331(c)(7), as now or hereafter amended, including all commercial mobile radio services and paging services.
(1960 Code, § 43-7-1) (Ord. 6091, passed 3-20-2000)

§ 34.021 REGISTRATION OF TELECOMMUNICATIONS PROVIDERS.

(A) Every telecommunications provider, as defined by this subchapter, shall register with the city within 30 days after the effective date of this subchapter or becoming a telecommunications provider, whichever is later, on a form to be provided by the city; provided, however, that, any telecommunications retailer that has filed a return pursuant to § 34.023(C) of this chapter shall be deemed to have registered in accordance with this section.

(B) Every telecommunications provider who has registered with the city pursuant to division (A) above has an affirmative duty to submit an amended registration form or current return as required by § 34.023(C) of this chapter, as the case may be, to the city within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the city.
(1960 Code, § 43-7-2) (Ord. 6091, passed 3-20-2000)

§ 34.022 MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.

(A) A city telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1 % of all gross charges charged by the telecommunications retailers to service addresses within the city for telecommunications originating or received in the city.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this subchapter, the city infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the

use of all public rights-of-way within the city by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this subchapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The city telecommunications infrastructure maintenance fee authorized by this section shall be collected, enforced and administered as set forth in § 34.023 of this chapter.
(1960 Code, § 43-7-3) (Ord. 6091, passed 3-20-2000)

§ 34.023 COLLECTION, ENFORCEMENT, AND ADMINISTRATION OF TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEES.

(A) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the city infrastructure maintenance fee attributable to that customer's service address.

(B) Unless otherwise approved by the city, the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the city not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that, the telecommunications retailer may retain an amount not to exceed 2% of the city infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(C) Remittance of the municipal infrastructure fee to the city shall be accompanied by a return, in a form to be prescribed by the city, which shall contain such information as the city may reasonably require.

(D) Any infrastructure maintenance fee required to be collected pursuant to this subchapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the city. The charge imposed under division (A) above by the telecommunications retailer pursuant to this subchapter shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(E) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this subchapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this subchapter, from the telecommunications retailer who made the erroneous payment; provided, however, the city may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless:

(1) The credit is used only to offset a claim of underpayment made by the city within the applicable statutory period of limitations; and

(2) The credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this subchapter by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

(1) Gross charges for purposes of the Telecommunications Excise Tax Act;

(2) Gross receipts for purposes of the municipal utility tax as prescribed in 65 ILCS 5/8-11-2;

(3) Gross charges for purposes of the municipal telecommunications tax as prescribed in 65 ILCS 5/8-11-17; and/or

(4) Gross revenue for purposes of the tax on annual gross revenue of public utilities in 220 ILCS 5/2-202 of the Public Utilities Act.

(G) The city shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this subchapter to determine whether the telecommunications retailer has properly accounted to the city for the city infrastructure maintenance fee. Any underpayment of the amount of the city infrastructure maintenance fee due to the city by the telecommunications retailer shall be paid to the city, plus 6% of the total amount of the underpayment determined in an audit, plus any costs incurred by the city in conducting the audit, in an amount not to exceed 6% of the total amount of the underpayment determined in an audit. Said sum shall be paid to the city within 21 days after the date of issuance of an invoice for same.

(H) The city, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this subchapter consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to § 34.021 of this chapter of such regulations.
(1960 Code, § 43-7-4) (Ord. 6091, passed 3-20-2000)

§ 34.024 COMPLIANCE WITH OTHER LAWS.

Nothing in this subchapter shall excuse any person or entity from obligations imposed under any law, including, but not limited to:

(A) Generally applicable taxes;

(B) Standards for construction on, over, under or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided;

(C) Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under or within, use of or repair of the public rights-of-way; and

(D) Compliance with any ordinance or provision of this subchapter concerning uses or structures not located on, over or within the right-of-way.
(1960 Code, § 43-7-5) (Ord. 6091, passed 3-20-2000)

§ 34.025 EXISTING FRANCHISES AND LICENSES.

Any franchise, license or similar agreements between telecommunications retailers and the city entered into before the effective date of this subchapter regarding the use of public rights-of-way shall remain valid according to and for their stated terms, except for any fees, charges or other compensation to the extent waived.
(1960 Code, § 43-7-6) (Ord. 6091, passed 3-20-2000)

§ 34.026 PENALTIES.

Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this subchapter shall be subject to fine in accordance with the general penalty provisions of the city's municipal code.
(1960 Code, § 43-7-7) (Ord. 6091, passed 3-20-2000) Penalty, see § 34.999

§ 34.027 ENFORCEMENT.

Nothing in this subchapter shall be construed as limiting any additional or further remedies that the city may have for enforcement of this subchapter.
(1960 Code, § 43-7-8) (Ord. 6091, passed 3-20-2000)

§ 34.028 WAIVER AND FEE IMPLEMENTATION.

(A) The city hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the city by a telecommunications retailer pursuant to any existing city franchise, license or similar agreement with a telecommunications retailer during the time the city imposes the telecommunications infrastructure maintenance fee. This waiver shall only be effective during the time the infrastructure maintenance fee provided for in this subchapter is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

(B) The City Clerk shall send a notice of the waiver by certified mail/return receipt requested to each telecommunications retailer with whom the city has a franchise.

(C) The city infrastructure maintenance fee provided for in this subchapter shall become effective and imposed on the first day of the month not less than 90 days after the city provides written notice by certified mail to each telecommunications retailer with whom the city has an existing franchise, license or similar agreement that the city waives all compensation under such existing franchise, license or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the city. The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence.
(1960 Code, § 43-7-11) (Ord. 6091, passed 3-20-2000)

SPECIFIC TAXES

§ 34.040 UTILITY TAX.

(A) *Tax imposed.* A tax is imposed on all persons engaged in the following occupations or privileges:

(1) Persons engaged in the business of transmitting messages by means of electricity, at the rate of 5% of the gross receipts from such business originating within the corporate limits of the city;

(2) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the city, and not for resale, at the rate of 5% of the gross receipts therefrom;

(3) Persons engaged in the business of distributing, supplying, furnishing or selling water for use or consumption within the city, and not for resale, at the rate of 5% of the gross receipts therefrom; and

(4) No tax imposed by this section, with respect to any transaction and interstate commerce as enunciated in divisions (A)(1) through (A)(3) above shall include a tax on any tax.
(1960 Code, § 43-1-1)

(B) *Exclusions.* No tax imposed by this section with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and the statutes of the United States, be made subject to taxation by the state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas, water or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this section for such transactions as are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act, authorized by 65 ILCS 5/8-11-1.
(1960 Code, § 43-1-2)

(C) *Tax shall be in addition to other taxes.* Such tax shall be in addition to the payment of money, or value of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.
(1960 Code, § 43-1-3)

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

GROSS RECEIPTS. The consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas, electricity, or water for use or consumption and not for resale, as the case may be; except for that consideration received from the city; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever.

PERSON. Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of the state, or a receiver, trustee, conservator or other representative appointed by order of any court.

TRANSMITTING MESSAGES. In addition to the usual and popular meaning of person-to-person communication, shall include the furnishing, for a consideration of services or facilities (whether owned or leased), or both, to persons in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages.
(1960 Code, § 43-1-4)

(E) *Effective date.* This section took effect after publication and the tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after 7-1-1981.
(1960 Code, § 43-1-5)

(F) *Reports due.*

(1) On or before 4-30-1981, make a return to the City Treasurer for the month of July, 1981, stating:

(a) His or her name;

(b) His or her principal place of business;

(c) His or her gross receipts during those months upon the basis of which the tax is imposed;

(d) Amount of tax; and

(e) Such other reasonable and related information as the corporate authorities may require.

(2) On or before the last day of every month thereafter, each taxpayer shall make a like return to the City Treasurer for the preceding month.

(3) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer the amount of tax herein imposed; provided that, in connection with any return the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.
(1960 Code, § 43-1-6)

(G) *Tax overpayment; limitations.* If it shall appear that an amount of tax has been paid which was not due under the provisions of this section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this section from the taxpayer who made the erroneous payment; provided that, no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.
(1960 Code, § 43-1-7)

(H) *Actions to recover.* No action to recover any amount of tax due under the provisions of this section shall be commenced more than three years after the due date of such amount.
(1960 Code, § 43-1-8)
(Ord. 3792, passed 5-4-1981; Ord. 3868, passed 3-30-1982; Ord. 6409, passed 4-1-2002; Ord. 7927, passed 1-19-2016)

§ 34.041 HOME RULE MUNICIPAL AND SERVICE OCCUPATION TAX.

(A) *Imposition of tax.*

(1) A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of the state's government, at retail, in the city at the rate of 3/4% of the gross receipts from such sales made in the course of such business while this code is in effect; and a tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, at the rate of 3/4% of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service.

(2) The imposition of these home rule taxes are in accordance with the provisions of 65 ILCS 5/8-11-1 and 5/8-11-5.
(1960 Code, § 43-2-1)

(B) *Administration.* The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the state. The Department of Revenue shall have full power to administer and enforce the provisions of this code.
(1960 Code, § 43-2-2)
(Ord. 4740, passed 5-21-1990; Ord. 7524, passed 9-19-2011; Ord. 7704, passed 8-19-2013)

§ 34.042 FOREIGN FIRE INSURANCE TAX.

(A) *License fee.* All corporations, companies and associations not incorporated under the laws of the state, which are engaged in the city in effecting fire insurance, shall pay to the City Treasurer on July 15 of each year, a sum equal to 2% of the gross receipts of the premiums received by such corporation, association or company, or their agency, agent or agents, for business effected for fire insurance or property situated within the city, for the year preceding July 1. The sum above named shall be as a tax or license fee upon all such corporations, companies or associations transacting business within the city.
(1960 Code, § 43-3-1)

(B) *Report.* Every person acting as an agent or otherwise for or on behalf of any such corporation, company or association, shall on or before July 15 of each year, render to the City Clerk a full, true and just account, verified by oath of all premiums which during the year ending on July 1 preceding were received by him or her or any other person for him or her, in behalf of such corporation, company or association and shall fully and specifically set out in said report, the amount or amounts received as premiums for fire insurance.
(1960 Code, § 43-3-2)

(C) *Payment to Treasurer.* The agent shall also, at the time of making the above mentioned report, pay to the City Treasurer the tax or license fee imposed by this section.
(1960 Code, § 43-3-3)

(D) *Unlawful to do business.* If such an account is not rendered on or before July 15, or if the above mentioned tax or license fees are unpaid after that day, it shall be unlawful for any such corporation, company or association to transact any business of fire insurance in the city, until the requirements hereof are fully complied with. This provision shall not relieve any company, corporation or association from the payment of any such risk that may be taken in violation hereof.
(1960 Code, § 43-3-4)

(E) *Fund.* The moneys received under the provisions of this section shall be paid into the City Treasury and applied for the maintenance, use and benefit of the Fire Department of the city, and shall

form and constitute a fund to be kept separate by the City Treasurer, and same shall be annually appropriated by the City Council for the above purpose.
(1960 Code, § 43-3-6)

(F) *Funds appropriated to Firemen's Pension Fund.* All funds now standing to the credit of the Foreign Fire Fund be and the same hereby are appropriated to the Firemen's Pension Fund.
(1960 Code, § 43-3-7)

(G) *Use of funds.* All sums of money collected henceforth, pursuant to 65 ILCS 5/11-10-1 be set apart and appropriated for the use of the Firemen's Pension Fund, for the purpose of pensioning disabled and superannuated members of the Fire Department, and of the widows and orphans of deceased members of the Fire Department.
(1960 Code, § 43-3-8)
(Ord. 3014, passed 6-1-1971) Penalty, see § 34.999

§ 34.043 HOTEL AND MOTEL TAX.

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

HOTEL ROOM or ***MOTEL ROOM.*** A room within a structure offered to the public for rental on a daily basis and containing facilities for sleeping. One room offered for rental with or without an adjoining bath shall be considered as a single ***HOTEL OR MOTEL ROOM***. The number of ***HOTEL OR MOTEL ROOMS*** within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

OWNER. Any person having an ownership interest in or conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room.

PERSON. Any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative, acting either for himself or herself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural in included in any circumstances.
(1960 Code, § 43-4-1)

(B) *Tax imposed.*

(1) Beginning on January 1, 2016, there is hereby levied and imposed a tax of 8% of the rent charged for the privilege and use of renting a hotel or motel room within the city for each 24-hour period

or any portion thereof for which a daily room charge is made; provided, however, that the tax shall not be levied and imposed upon any person who works and lives in the same hotel or motel and received living accommodations as compensation for work performed.

(2) The ultimate incidence of and liability for payment of the tax is to be borne by the person who seeks the privilege of occupying the hotel or motel room, said person hereinafter referred to as "renter".

(3) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner of every hotel or motel to secure the tax from the renter of the motel or hotel room and to pay over to the City Treasurer or any authorized representative of the city the tax under procedures prescribed by the city, or as otherwise provided in this section.
(1960 Code, § 43-4-2)

(C) *Books and records.* The City Treasurer, or authorized representative, may enter the premises of any hotel or motel for inspection and examination of records in order to effectuate the proper administration of this section, and to assure the enforcement of the collection of tax imposed. It shall be unlawful for any person to prevent, hinder or interfere with the City Treasurer or authorized deputy or representative in the discharge of their duties in the performance of this section. It shall be the duty of every owner to keep accurate and complete books and records to which the City Treasurer, or authorized representative, shall at all times have full access, which records shall include a daily sheet showing:

(1) The number of hotel or motel rooms rented during the 24-hour period, including multiple rentals of the same hotel or motel room where such shall occur; and

(2) The actual hotel or motel tax receipts collected for the date in question.
(1960 Code, § 43-4-3)

(D) *Transmittal of tax revenue.*

(1) Commencing on 1-1-1991, the owner or owners of each hotel or motel within the city shall file tax returns showing tax receipts received with respect to each hotel and motel room during the previous month. The return shall be due on or before the last day of each succeeding calendar month and the return is to be filed (i.e., return for December tax receipts due on or before the last day of January).

(2) Commencing on 1-1-1991, the tax return and payment for such period shall be due on or before 1-31-1991. Thereafter reporting periods and taxes shall be paid in accordance with the provisions of this section. At the time of filing the tax returns, the owner shall pay to the City Treasurer all taxes due for the period to which the tax return applies.

(3) If, for any reason, any tax is not paid when due, a penalty at the rate of 1-1/2% per 30-day period, or portion thereof, from the date of delinquency shall be added and collected.
(1960 Code, § 43-4-4)

(E) *Collection.* Whenever any person shall fail to pay any tax as herein provided, the Corporation Counsel shall, upon the request of the City Treasurer bring or cause to be brought an action to enforce the payment of the tax on behalf of the city in any court of competent jurisdiction.
(1960 Code, § 43-4-5)

(F) *Proceeds of tax and fines.* All proceeds resulting from the imposition of the tax under this section, including penalties, shall be paid into the General Corporate Fund of the city.
(1960 Code, § 43-4-6)

(G) *Suspension of licenses.* If the Mayor, after hearing held by or for him or her, shall find that any person has willfully avoided payment of the tax imposed by this section, he or she may suspend or revoke all city licenses held by such tax-evader. The owner, manager or operator of the hotel or motel shall have an opportunity to be heard at such hearing to be held not less than five days after notice of the time and place of the hearing to be held, addressed to him or her at his or her last known place of business.
(1960 Code, § 43-4-7)
(Ord. 4775, passed 10-1-1990; Ord. 6996, passed 6-18-2007; Ord. 7893, passed 9-8-2015)

§ 34.044 ELECTRIC UTILITY TAX.

(A) *Tax imposed.* A tax is imposed on all persons engaged in the following occupations or privileges:

(1) (a) The privilege of using or consuming electricity acquired in a purchase at retail or used or consumed within the corporate limits of the city at the following rates, calculated on a monthly basis for each purchaser using an alternative rate promulgated pursuant to 65 ILCS 5/8-11-2(3) (as modified by Public Act 90-561):

First 2,000 KWH	0.5135 cents per KWH
Next 48,000 KWH	0.3790 cents per KWH
Next 50,000 KWH	0.3461 cents per KWH
Next 400,000 KWH	0.3076 cents per KWH
Next 500,000 KWH	0.2684 cents per KWH
Next 2,000,000 KWH	0.2683 cents per KWH
Next 2,000,000 KWH	0.2682 cents per KWH
Next 5,000,000 KWH	0.2681 cents per KWH
Next 10,000,000 KWH	0.2680 cents per KWH
Over 20,000,000 KWH	0.2678 cents per KWH

(b) The privilege of using or consuming electricity acquired in a purchase at retail or used or consumed within the corporate limits of the city at the following rates, calculated on a monthly basis for each purchaser using an alternative rate promulgated pursuant to 65 ILCS 5/8-11-2(3) (as modified by Public Act 90-561).

(2) Pursuant to 65 ILCS 5/8-11-2, the rates set forth in division (A)(1) above shall be effective:

(a) Upon approval by the Illinois Commerce Commission for residential customers; and

(b) For non-residential customers:

1. On the date of the first bill issued pursuant to 220 ILCS 5/16-104, but in no case later than the last bill issued to that customer before 12-31-2000; or

2. The date of the first bill issued pursuant to 220 ILCS 5/16-104, for non-residential customers.

(3) Until such time as division (A)(2)(b) above becomes applicable for non-residential customers pursuant to this division (A)(3), persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within corporate limits of the city, and not for resale, at a rate of 5% of the gross receipts therefrom for non-residential customers.

(4) The tax imposed hereunder shall not apply to any utility accounts of the city.
(1960 Code, § 43-5-1)

(B) *Exceptions.* None of the taxes authorized by this section may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privileges may not, under the Constitution and statutes of the United States, be made the subject of taxation by the state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling or transmitting gas, water or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by 65 ILCS 8/8-11-1; nor shall any tax authorized by this section be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the city, whether privately or municipally owned or operated, or exercising the same privilege within the city.
(1960 Code, § 43-5-2)

(C) *Additional taxes.* Such tax shall be in addition to other taxes levied upon the taxpayer or its business.
(1960 Code, § 43-5-3)

(D) *Collection.* The tax authorized by this section shall be collected from the purchaser by the person maintaining a place of business in the state who delivers the electricity to the purchaser. This tax

shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this section and any such tax collected by a person delivering electricity shall constitute a debt owed to the city by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the city upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the city in the manner prescribed by the city. Persons delivering electricity who file returns pursuant to this section shall, at the time of filing such return, pay the city the amount of the tax collected pursuant to this section.
(1960 Code, § 43-5-4)

(E) *Reports to municipality.*

(1) On or before the last day of each month, each taxpayer shall make a return to the City Treasurer for the preceding month stating:

(a) His or her name;

(b) His or her principal place of business;

(c) His or her gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed;

(d) Amount of tax; and

(e) Such other reasonable and related information as the corporate authorities may require.

(2) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the city, the amount of tax herein imposed; provided that, in connection with any return, the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.
(1960 Code, § 43-5-5)

(F) *Credit for over-payment.*

(1) If it shall appear that an amount of tax has been paid which was not due under the provisions of this section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this section from the taxpayer who made

the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.

(2) No action to recover any amount of tax due under the provisions of this section shall be commenced more than three years after the due date of such amount.
(1960 Code, § 43-5-6)
(Ord. 5883, passed 5-18-1998; Ord. 6409, passed 4-1-2002; Ord. 7928, passed 2-1-2016)

§ 34.045 F.S.P. SALES TAX.

(A) *Tax imposed on tangible personal property.* A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of the state's government, at retail within the boundaries of the Business District at the rate of 1% of the gross receipts from such sales made in the course of such business while this section is in effect; and a tax is hereby imposed upon all persons engaged within the boundaries of the Business District in the business of making sales of service, at the rate of 1% of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. This Business District retailers' occupation tax and this Business District service occupation tax shall not be applicable to the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes and needles used by diabetics.
(1960 Code, § 43-8-1)

(B) *Tax on hotel rooms.* A tax is hereby imposed upon all persons engaged in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, being 35 ILCS 145, at a rate of 1% of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the Business District, excluding, however, from gross rental receipts the proceeds of renting, leasing or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under § 13(c) of the Metropolitan Pier and Exposition Authority Act (720 ILCS 210/13(c)).
(1960 Code, § 43-8-2)

(C) *Purpose of tax.*

(1) The imposition of such taxes shall be for the planning, execution and implementation of the Business District Plan and the revenues from such taxes shall be applied to payment of the authorized expenditures of the Business District or to payment of bonds, notes or other obligations (the "obligations") issued to fund such expenditures of the Business District. The taxes shall be in full force and effect until all obligations of the Business District have been paid in accordance with the Business District Plan.

(2) The imposition of these Business District taxes is in accordance with the provisions of § 11-74.3-6(b), (c) and (d), respectively of the Illinois Compiled Statutes (65 ILCS 5/11-74.3-6).
(1960 Code, § 43-8-3)

(D) *Collection and enforcement.* The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the state Department of Revenue shall have full power to administer and enforce the provisions of this section.
(1960 Code, § 43-8-4)

(E) *Filing.* The City Clerk is hereby directed to file a certified copy of this section with the Department of Revenue on or before 4-1-2007.
(1960 Code, § 43-8-5)

(F) *Effective.* This section took effect on the first day of July next following the adoption and filing of this section with the state's Department of Revenue.
(1960 Code, § 43-8-6)

(G) *State statute compliance.* This section shall be governed exclusively by and construed in accordance with the applicable laws of the state.
(1960 Code, § 43-8-8)

(H) *Delivery of official papers.* The Mayor of the City is hereby authorized and directed to execute and deliver for and on behalf of the city, and the City Clerk is hereby authorized and directed where appropriate to attest, all certificates, documents, agreements or other instruments, and the Mayor of the city or his or her designated representative is hereby authorized and directed to take any and all actions, as may be necessary, desirable, convenient or proper to carry out and comply with the provisions of all agreements or contracts, necessary or reasonably incidental to the implementation of this section.
(1960 Code, § 43-8-9)
(Ord. 6926, passed 11-6-2006)

§ 34.046 GAS USE TAX.

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

PERSON. Any individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation or political subdivision of the state, or a receiver, trustee, conservator or other representative appointed by order of any court.

PUBLIC UTILITY. A public utility as defined in 220 ILCS 5/3-105 of the Public Utilities Act.

PUBLIC UTILITIES ACT. The Public Utilities Act as amended, (220 ILCS 5/1-101 et seq.).

RETAIL PURCHASER. Any person who purchases gas in a sale at retail.

SALE AT RETAIL. Any sale of gas by a retailer to a person for use or consumption, and not for resale. For this purpose, the term ***RETAILER*** means any person engaged in the business of distributing, supplying, furnishing or selling gas.

(B) *Tax imposed.*

(1) Except as otherwise provided by this section, a tax is imposed on the privilege of using or consuming gas in the city that is purchased in a sale at retail at the rate of $0.05/therm. Such tax shall be in addition to other taxes levied by the city upon the taxpayer.

(2) The ultimate incidence of and liability for payment of the tax is on the retail purchaser, and nothing in this subchapter shall be construed to impose a tax on the occupation of distributing, supplying, furnishing, selling or transporting gas.

(3) The retail purchaser shall pay the tax, measured by therms of gas delivered to the retail purchaser's premises, to the public utility designated to collect the tax pursuant to § 34.045(E) of this chapter on or before the payment due date of the public utility's bill first reflecting the tax, or directly to the City Treasurer on or before the fifteenth day of the second month following the month in which the gas is delivered to the retail purchaser if no public utility has been designated to collect the tax pursuant to § 34.035 or if the gas is delivered by a person other than a public utility so designated.

(4) Nothing in this subchapter shall be construed to impose a tax upon any person, business or activity which, under the constitutions of the United States or state, may not be made the subject of taxation by the city.

(5) A person who purchases gas for resale and therefore does not pay the tax imposed by this section with respect to the use or consumption of the gas, but who later uses or consumes part or all of the gas, shall pay the tax directly to the City Treasurer on or before the fifteenth day of the second month following the month in which the gas is used or consumed.

(6) The tax shall apply to gas for which the delivery to the retail purchaser is billed by a public utility on or after 12-1-2014.

(7) To prevent multiple taxation, the use of gas in the city by a retail purchaser shall be exempt from the tax imposed by this section if the gross receipts from the sale at retail of such gas to the retail purchaser are properly subject to a tax imposed upon the seller of such gas pursuant to the city's utility tax under § 34.040, as amended from time to time, authorized pursuant to 65 ILCS 5/8-11-2.

(8) The tax imposed hereunder shall not apply to any utility accounts of the city.

(C) *Collection of tax by public utility.* The tax authorized by this section shall be collected from the retail purchaser by the public utility providing gas service to the retail purchaser. This tax shall constitute

a debt of the retail purchaser to the public utility providing to the retail purchaser and if unpaid, is recoverable in the same manner as the original charge for providing the gas service. Any tax required to be collected pursuant to this section and any such tax collected by a public utility shall constitute a debt owed to the city by such public utility. Public utilities providing gas service shall collect the tax from the retail purchaser by adding such tax to the gross charge for providing the gas service. Public utilities shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the public utility providing gas service for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the city upon request. If the public utility providing gas service fails to collect the tax from the retail purchaser, then the retail purchaser shall be required to pay the tax directly to the city in the manner prescribed by the city. Public utilities providing gas service in the city shall pay the city the amount of the tax collected pursuant to this section. The Mayor, City Treasurer and City Finance Director are each authorized to enter into a contract for collection of the tax imposed by this section with any public utility providing gas service in the city.

(D) *Books and records.* Every taxpayer shall keep accurate books and records, including original source documents and books of entry, denoting the activities or transactions that gave rise, or may have given rise to any tax liability or exemption under this section. All such books and records shall, at all times during business hours, be subject to and available for inspection by the city.
(Ord. 7820, passed 11-17-2014; Ord. 7927, passed 1-19-2016)

TAXPAYERS' RIGHTS CODE

§ 34.060 TITLE.

This subchapter shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Code".
(1960 Code, § 43-6-1) (Ord. 6254, passed 1-16-2001)

§ 34.061 SCOPE.

The provisions of this subchapter shall apply to the city's procedures in connection with all of the city's locally imposed and administered taxes.
(1960 Code, § 43-6-2) (Ord. 6254, passed 1-16-2001)

§ 34.062 DEFINITIONS.

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

ACT. The Local Government Taxpayers' Bill of Rights Act, being 50 ILCS 45/1 et seq.

CITY. The City of Belleville, Illinois.

CORPORATE AUTHORITIES. The city's Mayor and City Council.

LOCAL TAX ADMINISTRATOR. The City's Treasurer, charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the *LOCAL TAX ADMINISTRATOR* to act in the local Tax Administrator's stead. The *LOCAL TAX ADMINISTRATOR* shall have the authority to implement the terms of this subchapter to give full effect to this subchapter. The exercise of such authority by the *LOCAL TAX ADMINISTRATOR* shall not be inconsistent with this subchapter and the Act.

LOCALLY IMPOSED AND ADMINISTERED TAX or *TAX.* Each tax imposed by the city that is collected or administered by the city not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the city other than infrastructure maintenance fees.

NOTICE. Each audit notice, collection notice or other similar notice or communication in connection with each of the city's locally imposed and administered taxes.

TAX ORDINANCE. Each ordinance adopted by the city that imposes any locally imposed and administered tax.

TAXPAYER. Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the city.
(1960 Code, § 43-6-3) (Ord. 6254, passed 1-16-2001)

§ 34.063 NOTICES.

(A) Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local Tax Administrator.

(B) The notice shall be sent by the local Tax Administrator as follows:

(1) First class or express mail, or overnight mail, addressed to the person concerned at the persons' last known address; or

(2) Personal service or delivery.
(1960 Code, § 43-6-4) (Ord. 6254, passed 1-16-2001)

§ 34.064 LATE PAYMENT.

Any notice, payment, remittance or other filing required to be made to the city pursuant to any tax ordinance shall be considered late unless it is:

(A) Physically received by the city on or before the due date; or

(B) Received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the city, with adequate postage prepaid.
(1960 Code, § 43-6-5) (Ord. 6254, passed 1-16-2001)

§ 34.065 PAYMENT.

Any payment or remittance received for a tax period shall be applied in the following order:

(A) First to the tax due for the applicable period;

(B) Second to the interest due for the applicable period; and

(C) Third to the penalty for the applicable period.
(1960 Code, § 43-6-6) (Ord. 6254, passed 1-16-2001)

§ 34.066 CERTAIN CREDITS AND REFUNDS.

(A) The city shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be four years after the end of the calendar year in which payment in error was made. The city shall not grant a credit or refund of locally imposed and administered taxes, interest or penalties to a person who has not paid the amounts directly to the city.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows.

(1) The taxpayer shall submit to the local Tax Administrator in writing a claim for credit or refund together with a statement specifying:

(a) The name of the locally imposed and administered tax subject to the claim;

(b) The tax period for the locally imposed and administered tax subject to the claim;

(c) The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;

(d) The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

(e) A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that, there shall be no refund and only a credit given in the event the taxpayer owes any moneys to the city.

(2) Within ten days of the receipt by the local Tax Administrator of any claim for a refund or credit, the local Tax Administrator shall either:

(a) Grant the claim; or

(b) Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the local Tax Administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 5% per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.
(1960 Code, § 43-6-7) (Ord. 6254, passed 1-16-2001)

§ 34.067 AUDIT PROCEDURE.

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this subchapter.

(A) Each notice of audit shall contain the following information:

(1) The tax;

(2) The time period of the audit; and

(3) A brief description of the books and records to be made available for the Auditor.

(B) Any audit shall be conducted during normal business hours and, if the date and time selected by the local Tax Administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted no more than 30 days from the date the notice is given, unless the taxpayer and the local Tax Administrator agreed to some other convenient time. In the event the taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the local Tax Administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the city.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the city. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local Tax Administrator may issue a tax determination and assessment based on the Tax Administrator's determination of the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within 30 days of the city's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local Tax Administrator shall notify the local governmental entity imposing such tax.
(1960 Code, § 43-6-8) (Ord. 6254, passed 1-16-2001)

§ 34.068 APPEAL.

(A) The local Tax Administrator shall send written notice to a taxpayer upon the local Tax Administrator's issuance of a protestable notice of tax due, a bill, a claim denial or a notice of claim reduction regarding any tax. The notice shall include the following information:

(1) The reason for the assessment;

(2) The amount of the tax liability proposed;

(3) The procedure for appealing the assessment; and

(4) The obligations of the city during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the local Tax Administrator of a determination of tax due or assessment may file with the local Tax Administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local Tax Administrator within 45 days of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the local Tax Administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the 45-day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local Tax Administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45-day period.
(1960 Code, § 43-6-9) (Ord. 6254, passed 1-16-2001)

§ 34.069 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under § 34.068 of this chapter, the local Tax Administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted, except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.

(C) At the hearing, the local Tax Administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local Tax Administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.
(1960 Code, § 43-6-10) (Ord. 6254, passed 1-16-2001)

§ 34.070 INTEREST AND PENALTIES.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) *Interest.* The city hereby provides for the amount of interest to be assessed on a late payment, underpayment or non-payment of the tax to be 9% per annum, based on a year of 365 days and the number of days elapsed.

(B) *Late filing and payment penalties.* If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of 5% of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of 5% of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the city issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 25% of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.
(1960 Code, § 43-6-11) (Ord. 6254, passed 1-16-2001)

§ 34.071 ABATEMENT.

The local Tax Administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local Tax Administrator shall determine reasonable cause exists for delay or failure to make a filing.
(1960 Code, § 43-6-12) (Ord. 6254, passed 1-16-2001)

§ 34.072 INSTALLMENT CONTRACTS.

The city may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local Tax Administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local Tax Administrator that the payment is 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the 14-day period or fails to demonstrate good faith in restructuring the installment contract with the local Administrator, the installment contract shall be canceled without further notice to the taxpayer.
(1960 Code, § 43-6-13) (Ord. 6254, passed 1-16-2001)

§ 34.073 STATUTE OF LIMITATIONS.

(A) The city, through the local Tax Administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have 45 days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(B) No determination of tax due and owing may be issued more than four years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(C) If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the city, the tax paid was less than 75% of the tax due,

the statute of limitations shall be six years' maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(D) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer. (1960 Code, § 43-6-14) (Ord. 6254, passed 1-16-2001)

§ 34.074 VOLUNTARY DISCLOSURE.

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment form the local Tax Administrator, a taxpayer is entitled to file an application with the local Tax Administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of 1% per month, for all periods prior to the filing of the application, but not more than four years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the local Tax Administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local Tax Administrator, whichever is longer. (1960 Code, § 43-6-15) (Ord. 6254, passed 1-16-2001)

§ 34.075 PUBLICATION OF TAX ORDINANCES.

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office. (1960 Code, § 43-6-16) (Ord. 6254, passed 1-16-2001)

§ 34.076 INTERNAL REVIEW PROCEDURE.

(A) The local Tax Administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local Tax Administrator that the lien is valid, the lien shall remain in full force and effect.

(B) If the lien is determined to be improper, the local Tax Administrator shall:

(1) Timely remove the lien at the city's expense;

(2) Correct the taxpayer's credit record; and

(3) Correct any public disclosure of the improperly imposed lien.
(1960 Code, § 43-6-17) (Ord. 6254, passed 1-16-2001)

§ 34.077 APPLICATION.

This subchapter shall be liberally construed and administered to supplement all of the city's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this subchapter, this subchapter shall be controlling.
(1960 Code, § 43-6-18) (Ord. 6254, passed 1-16-2001)

INTERESTED PARTIES REGISTRY REGISTRATION RULES

§ 34.090 DEFINITIONS.

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

ACT. The Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et seq., as amended from time to time.

CITY. The City of Belleville, Illinois.

INTERESTED PARTY(IES).

(1) Any organization(s) active within the city;

(2) Any resident(s) of the city; and

(3) Any other entity or person otherwise entitled under the Act to register in a specific registry who has registered in such registry and whose registration has not been terminated in accordance with these registration rules.

REDEVELOPMENT PROJECT AREA. A redevelopment project area that:

(1) Is intended to qualify (or has subsequently qualified) as a "redevelopment project area" under the Act; and

(2) Is subject to the "interested parties" registry requirements of the Act.

REGISTRATION FORM. The form appended to these registration rules or such revised form as may be approved by the city consistent with the requirements of the Act.

REGISTRY or ***REGISTRIES.*** Each interested parties registry, and all such registries, collectively, established by the city pursuant to § 11-74.4-4.2 of the Act for the redevelopment project area.
(Ord. 7841, passed 1-20-2015)

§ 34.091 ESTABLISHMENT OF REGISTRY.

The city shall establish a separate interested parties registry for each redevelopment project area, whether existing as of the date of the adoption of these rules or hereafter established. The city shall establish a new registry whenever it has identified an area for study and possible designation as a redevelopment project area; in any event, the process of establishing the new registry must be completed prior to the deadline for sending any of the notices required by § 34.099 of this chapter or any other notices required by the Act with respect to the proposed redevelopment project area.
(Ord. 7841, passed 1-20-2015)

§ 34.092 MAINTENANCE OF REGISTRY.

(A) The registries shall be maintained by the City Clerk or his or her designee.

(B) In the event the city determines that someone other than the City Clerk should maintain the registries, the city may transfer the responsibility for maintaining the registries to such other department; provided that, the city:

(1) Gives prior written notice to all interested parties not less than 30 days prior to such transfer; and

(2) Publishes notice of such transfer in a newspaper of general circulation in the city.
(Ord. 7841, passed 1-20-2015)

§ 34.093 REGISTRATION BY RESIDENTS.

(A) An individual seeking to register as an interested person with respect to a redevelopment project area must complete and submit a registration form to the City Clerk.

(B) Such individual must also submit a copy of a current driver's license, lease, utility bill, financial statement or such other evidence as may be acceptable to the Clerk to establish the individual's current city residency.
(Ord. 7841, passed 1-20-2015)

§ 34.094 REGISTRATION BY ORGANIZATIONS.

An organization seeking to register as an interested person with respect to a redevelopment project area must complete and submit a registration form to the City Clerk. Such organization must also submit a copy of a one-page statement describing the organization's current operations in the city.
(Ord. 7841, passed 1-20-2015)

§ 34.095 DETERMINATION OF ELIGIBILITY.

All individuals and organizations whose registration form and supporting documentation complies with these registration rules shall be registered in the applicable registry within ten business days of the City Clerk's receipt of all such documents. The City Clerk shall provide written notice to the registrant confirming such registration. Upon registration, interested parties shall be entitled to receive all notices and documents required to be delivered under these rules or as otherwise required under the Act with respect to the applicable redevelopment project area. If the City Clerk determines that a registrant's registration form and/or supporting documentation is incomplete or does not comply with these registration rules, the City Clerk shall give written notice to the registrant specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new registration form and supporting documentation.
(Ord. 7841, passed 1-20-2015)

§ 34.096 RENEWAL LAND TERMINATION.

An interested person's registration shall remain effective for a period of three years. At any time after such three-year period, the City Clerk may provide written notice by regular mail to the interested person stating that such registration shall terminate unless the interested person renews such registration within 30 days of the City Clerk's mailing of written notice. To renew such registration, the Interested person shall, within such 30-day period, complete and submit the same registration form and supporting documentation then required of initial registrants in order to permit the City Clerk to confirm such person's residency or such organization's operations in the city. The registration of all individuals and organizations whose registration form and supporting documentation is submitted in a timely manner and complies with these regulation rules shall be renewed for an additional, consecutive three-year period. If the City Clerk determines that a registrant's renewal registration form and/or supporting documentation is incomplete or does not comply with these registration rules, the City Clerk shall give written notice to the registrant at the address specified in the renewal registration form submitted by such registrant, specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration form and supporting documentation within 30 days of receipt of the City Clerk's notice. If all defects are not corrected within 30 days of the interested person's receipt of the City Clerk's notice, the interested person's registration shall be terminated. Any interested person whose registration is terminated shall be entitled to register again as if a first-time registrant.
(Ord. 7841, passed 1-20-2015)

§ 34.097 AMENDMENT TO REGISTRATION.

(A) An interested party may amend its registration by giving written notice to the City Clerk by certified mail of any of the following:

(1) A change in address for notice purposes;

(2) In the case of organizations, a change in the name of the contact person; and

(3) A termination of registration.

(B) Upon receipt of such notice, the City Clerk shall revise the applicable registry accordingly. (Ord. 7841, passed 1-20-2015)

§ 34.098 REGISTRIES AVAILABLE FOR PUBLIC INSPECTION.

Each registry shall be available for public inspection during normal city business hours. The registry shall include the name, address and telephone number of each interested person and for organizations, the name and phone number of a designated contact person.
(Ord. 7841, passed 1-20-2015)

§ 34.099 NOTICES TO BE SENT TO INTERESTED PARTIES.

Interested parties shall be sent the following notices and any other notices required under the Act with respect to the applicable redevelopment project area:

(A) Pursuant to § 74-4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information, such notice shall be sent by mail within a reasonable period of time after the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan;

(B) Pursuant to § 74-4.5(a) of the Act, notice of changes to proposed redevelopment plans that do not add additional parcels of property to the proposed redevelopment project area, substantially affect the general land uses proposed in the redevelopment plan, substantially change the nature of or extend the life of the redevelopment project, or increase the number of low or very low income households to be displaced from the redevelopment project area, provided that measured from the time of creation of the redevelopment project area the total displacement of households will exceed ten; such notice shall be sent by mail not later than ten days following the city's adoption by ordinance of such changes;

(C) Pursuant to § 74-4-5(c) of the Act, notice of amendments to previously approved redevelopment plans that do not: add additional parcels of property to the redevelopment project area; substantially affect the general land uses in the redevelopment plan; substantially change the nature of the

redevelopment project; increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted; add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan; or increase the number of low or very low income households to be displaced from the redevelopment project area; provided that, measured from the time of creation of the redevelopment project area the total displacement of households will exceed ten; such notice shall be sent by mail not later than ten days following the city's adoption by ordinance of any such amendment;

(D) Pursuant to § 74.4-5(d)(9) of the Act for redevelopment plans or projects that would result in the displacement of residents from ten or more inhabited residential units or that contain 75 or more inhabited residential units, notice of the availability of the annual report described by § 74.4-5(d), including how to obtain the annual report; such notice shall be sent by mail within a reasonable period of time after completion of the certified audit report; and

(E) Pursuant to § 74.4-6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed redevelopment project area that will result in the displacement of ten or more inhabited residential units or which will contain 75 or more inhabited residential units, such notice shall be sent by certified mail not less than 15 days before the date of such preliminary public meeting.
(Ord. 7841, passed 1-20-2015)

§ 34.100 NON-INTERFERENCE.

These registration rules shall not be used to prohibit or otherwise interfere with the ability of eligible organizations and individuals to register for receipt of information to which they are entitled under the Act.
(Ord. 7841, passed 1-20-2015)

§ 34.101 AMENDMENT OF REGISTRATION RULES.

These registration rules may be amended by the city subject to and consistent with the requirements of the Act.
(Ord. 7841, passed 1-20-2015)

§ 34.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provisions of § 34.040 of this chapter is guilty of a misdemeanor and, upon conviction

thereof, shall be fined not less than $100, nor more than $500; and, in addition, shall be liable in a civil action for the amount of tax due.
(1960 Code, § 43-1-9)

(C) If any such corporation, company or association fails to render the report, per § 34.042 of this chapter, designated by the day required, or if the above mentioned rates as a tax or license fee remains unpaid after the day designated, every such corporation, company or association shall forfeit and pay to the city the sum of $200 upon conviction for each offense; and, in addition to such penalty, the city shall recover in action, in its name, for its use, against such corporation, company or association the full amount of the tax or license fee which would be due under the provisions of § 34.042 of this chapter.
(1960 Code, § 43-3-5)

(D) Any person, firm or corporation found willfully guilty of failing to pay, collect, report and transmit the hotel or motel tax to the City Treasurer in accordance with the terms of § 34.043 of this chapter shall, except when otherwise specifically provided, upon conviction thereof, be punished by a fine not to exceed $500 for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof.
(1960 Code, § 43-4-8)

(E) Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of § 34.044 of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $100, nor more than $200; and, in addition, shall be liable in a civil action for the amount of tax due.
(1960 Code, § 43-5-7)

(F) Any retail purchaser who willfully violates any provision of § 34.046 of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $100, nor more than $200; and, in addition, shall be liable in a civil action for the amount of tax due.
(Ord. 3792, passed 5-4-1981; Ord. 4775, passed 10-1-1990; Ord. 5883, passed 5-18-1998; Ord. 7820, passed 11-17-2014)

TITLE V: PUBLIC WORKS

Chapter

50. SEWERS

51. INDUSTRIAL PRETREATMENT

CHAPTER 50: SEWERS

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GENERAL PROVISIONS

§ 50.001 SHORT TITLE.

This chapter shall be known and cited as "Sewer Code of the City of Belleville". (1960 Code, § 38-1-1)

§ 50.002 DEFINITIONS.

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

ACT. The Federal Water Pollution Control Act Amendments of 1972, being 33 U.S.C. §§ 1251 et seq., and regulations implementing said Act.

ADMINISTRATION. The Administration of the U.S. Environmental Protection Agency.

APARTMENT. Any structure containing two or more dwelling units.

BOD (BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C expressed in parts per million by weight.

BUILDING SANITARY SEWER. A sewer which carries only sewage and industrial wastes from the building plumbing to the public sanitary sewer.

BUILDING STORM SEWER. A sewer which carries storm drainage, surface water, foundation drainage and roof drainage, but excludes sewage and industrial wastes from the building plumbing to a public storm sewer or natural outlet.

CITY. The City of Belleville; and, any reference to ***WITHIN THE CITY*** shall mean all territory within the perimeter of the city boundaries or jurisdiction.

COMBINED SEWER. A sewer receiving both surface runoff and sewage. Any modification to, addition to or improvement of a combined sewer line shall be designed to effectively and efficiently carry the 20-year storm event, as defined in the State Department of Transportation's *Design Manuals* for the Belleville area.

COMMERCIAL CUSTOMER. All commercial establishments.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FEDERAL GRANT. United States government participation in the financing of the construction treatment works as provided for by the Title II Grants for Construction of Treatment Works of the Act, being 33 U.S.C. §§ 1281 et seq.

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. A wastewater shall be considered free of floatable fat if it is properly pretreated and the waste water does not interfere with the collection system.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL USER.

(1) Any non-governmental user of publicly-owned treatment works identified in the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(a) Division A - Agriculture, Forestry and Fishing;

(b) Division B - Mining;

(c) Division D - Manufacturing;

(d) Division E - Transportation, Communications, Electric, Gas and Sanitary Services; and

(e) Division I - Services.

(2) A user in the divisions listed may be excluded if it is determined by the Director that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences. Governmental users are excluded from the purposes of the industrial cost recovery, but are included along with non-governmental users for the purposes of the user charge system.

INCOMPATIBLE POLLUTANT. Any pollutant which is not a compatible pollutant, as herein defined.

INDUSTRIAL WASTES. The wastes from industries, trades or businesses as distinguished from employee's domestic wastes or wastes from sanitary conveniences.

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the publicly-owned treatment works that:

(1) Has a flow of 25,000 gallons or more per average work day;

(2) Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;

(3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under § 307(A) of the Act; or

(4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly-owned treatment works receiving the waste to have a significant impact either singly or in combination with other contributing industries on that treatment works or upon the quantity of effluent from that treatment works.

NATURAL OUTLET. Any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

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.

NPDES PERMIT. Any permit or equivalent document or requirements issued by the Administrator or other appropriate authority, or where appropriate by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, being 33 U.S.C. §§ 1251 et seq., to regulate the discharge of pollutants pursuant to § 402 of the Act.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

ppm. Parts per million by weight.

PRETREATMENT. The treatment of waste waters from sources before introduction into the waste water treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that has been shredded to such 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 in any dimension.

PUBLIC SEWER. A sewer which all owners of abutting properties have equal rights and obligations and is controlled by public authority.

REGIONAL ADMINISTRATOR. The U.S. EPA office which is required by law to approve a system of industrial cost recovery.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful 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***.

RESIDENTIAL CUSTOMER. Single-family dwellings.

SANITARY SEWAGE. The combination of the water carried from wastes from residences, business buildings, institutions and industrial establishments.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. The facilities for collecting, pumping, treating and disposing of sewage.

STORM DRAIN. A storm sewer, as herein defined.

STORM SEWER. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

DIRECTOR OF WASTEWATER TREATMENT AND SEWER LINES. The Director of Wastewater Treatment and Sewer Lines of the city or his or her authorized deputy, agent or representative.

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 or duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.

TOTAL SUSPENDED SOLIDS (SS). Solids that either float on the surface of, or are in the suspension in, water, sewage or other liquids and which are removable by laboratory filtering.

UNPOLLUTED WATER. Water on quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and waste water treatment facilities provided.

USER CHARGE. A charge levied on users of treatment works for the cost of operation and maintenance including replacement, but shall not include a capital cost charge.

USER CLASS. The type of user as determined by waste characteristics and process or discharge similarities.

USEFUL LIFE. The estimated period during which the treatment works will be operated and shall be 30 years from the date of start-up of any wastewater facilities constructed with a federal grant.

WASTEWATER (SEWAGE). 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 the any ground water, surface water and storm water that may be present.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

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 ***POLLUTION CONTROL PLANT.***

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (1960 Code, § 38-1-2) (Ord. 3633, passed 7-17-1979; Ord. 5143, passed 11-1-1993; Ord. 5312, passed 9-19-1994)

§ 50.003 DIRECTOR OF WASTEWATER TREATMENT AND SEWER LINES.

(A) (1) There is hereby created the Office of Director of Wastewater Treatment and Sewer Lines for the city, who shall herein be referred to as "Director".

(2) At the first regular meeting of the City Council after the election of Mayor, or as soon thereafter as is possible, the Mayor shall appoint, subject to the approval of the City Council, a Director who shall hold office until a successor is appointed and shall have qualified.

(3) The salary of the Director shall be fixed by resolution of the City Council at the time of his or her appointment.

(B) (1) The Director shall have general supervision of the public sewers tributary to the sewage treatment plants as well as the sewage treatment plants themselves. He or she shall ascertain the conditions and needs thereof and shall from time to time report the same to the City Council.

(2) The Director shall keep proper records of the location of all sewers, Y branches and building sewer connections and the condition of private sewage disposal systems and building sewers. He or she shall also have the duties specifically set forth in this chapter and shall have authority to supervise the construction of private sewage disposal systems and the construction and installation of building sewers and to issue permits therefor.

(3) The Director shall be responsible for the enforcement of the provisions of this chapter and he or she is hereby authorized to make such inspections, observations, measurements, samplings and tests as may be necessary in that regard and is authorized to enter upon any property for that purpose.

(C) The Director, whenever necessary, with regard to discharge or proposed discharge of industrial wastes into any sewer, shall have the right to:

(1) Reject the wastes in whole or in part for any reason deemed appropriate by him or her;

(2) Require pretreatment of such wastes to within the limits of normal sewage; and

(3) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.
(1960 Code, § 38-2-1) (Ord. 5203, passed 1-17-1994)

§ 50.004 GROUND WATER AS A POTABLE WATER SUPPLY.

(A) *Prohibited.*

(1) The use of, or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method is hereby prohibited within the portion of the city, depicted in Exhibit A and described in Exhibit B, which are attached hereto and incorporated herein by reference, as if set out in full.

(2) This prohibition includes the City of Belleville.
(1960 Code, § 38-11-1)

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

PERSON. Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision or any other legal entity, or their legal representatives, agents or assigns.

POTABLE WATER. Any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods.
(1960 Code, § 38-11-3)

(C) *Penalty.* Any person violating the provisions of this section shall be subject to a fine of up to $500 for each violation.
(1960 Code, § 30-1-48) (Ord. 7311, passed 9-21-2009; Ord. 7550, passed 12-19-2011; Ord. 7946, passed 4-18-2016)

USER CHARGES

§ 50.015 BASIC CHARGES FOR ALL USERS OF CITY SEWERS.

(A) *Rates and charges.* Rates and charges for the use and service of the sewage system of the city are hereby established. The owner, renter or the management company of each lot, parcel of land or premises shall be liable to pay for the service on said lot, parcel of land or premises. Such charges and

rates shall be made against any such lot, parcel of land or premises which may discharge sewage or industrial waste, either directly or indirectly, into said system or any part thereof. Such charges and rates shall be based upon the quantity of water used thereon or therein as such quantity may be measured by the water meter or meters of the Illinois American Water Company serving such lot, parcel of land or premises. Unless the City Treasurer or a designee determines that the city's interest is best served by sending a sewer bill to a renter, the sewer bill shall be sent to the owner or management company of the lot, parcel of land or premises. The municipal fee for the collection of residential refuse also shall be provided via the same vehicle as the sewer bill. The following rates shall be charged for sewer service to users of city sewers based upon metered water consumption.

(1) *Monthly residential billing.*

(a) Effective for bills generated on or after 5-1-2016, a monthly base charge of $7.50 will be applied to all bills. In addition to the base charge, unit rates will be added as prescribed below based on the unit of measure provided by Illinois American Water.

CCF Units of Usage	
1—3	$3.75 a unit
4—16	$4.57 a unit
17—33	$3.81 a unit
34 and beyond	$3.75 a unit

CGL Units of Usage	
1—22	$0.5114 a unit
23—119	$0.6125 a unit
120—246	$0.5100 a unit
247 and beyond	$.4980 a unit

(b) Effective for bills generated on or after May 1 of each fiscal year from 2016/2017 to 2025/2026, for those accounts billing on the CCF unit of measure, the monthly base charge and unit rates will increase 8% annually from the immediate preceding fiscal year's base charge and unit rates. On accounts whose usage is being reported on the CGL unit of measure refer to Exhibit A-2 at the end of this section for the applicable rates.

(c) Effective for bills generated on or after May 1 of each fiscal year from 2026/2027 to 2046/2047, for those accounts billing on the CCF unit of measure, the monthly base charge and unit rates will increase 1% annually from the immediate preceding fiscal year's base charge and unit rates. On accounts whose usage is being reported on the CGL unit of measure refer to Exhibit A-2 at the end of this section for the applicable rates.

(d) When a lot, parcel of land or premises is connected to the city sewer system but is not metered by the Illinois American Water Company, the owner or the management company shall be charged in accordance with the Illinois Environmental Protection Agency (IEPA) consumption guidelines in place for the fiscal year the service is rendered, at one and one-half times the current rate for city residents.

(e) All sewer users not living within the city limits will be charged at one and one-half times the current rate. See Exhibits A-1 and A-2 at the end of this section.

(2) *Monthly commercial billing.*

(a) Effective for bills rendered on or after 5-1-2016, a monthly base charge of $11.64 will be applied to all bills. In addition to the base charge, unit rates will be added as prescribed below based on the unit of measure provided by Illinois American Water.

Units of Usage	
1—19	$4.01 a unit
20—99	$3.84 a unit
100—499	$3.74 a unit
500 and beyond	$3.58 a unit

CGL Units of Usage	
1—142	$0.5365 a unit
143—740	$0.5137 a unit
741—3,739	$0.5000 a unit
3,740 and beyond	$0.4784 a unit

(b) Effective for bills generated on or after May 1 of each fiscal year from 2016/2017 to 2025/2026, for those accounts billing on the CCF unit of measure, the monthly base charge and unit rates will increase 8% annually from the immediate preceding fiscal year's base charge and unit rates. On accounts whose usage is being reported on the CGL unit of measure refer to Exhibit B-2 at the end of this section for the applicable rates.

(c) Effective for bills generated on or after May 1 of each fiscal year from 2026/2027 to 2046/2047, for those accounts billing on the CCF unit of measure, the monthly base charge and unit rates will increase 1% annually from the immediate preceding fiscal year's base charge and unit rates. On accounts whose usage is being reported on the CGL unit of measure refer to Exhibit B-2 at the end of this section for the applicable rates.

(d) When a lot, parcel of land or premises is connected to the city sewer system but is not metered by the Illinois American Water Company, the owner or the management company shall be charged in accordance with the Illinois Environmental Protection Agency (IEPA) consumption guidelines in place for the fiscal year the service is rendered, at one and one-half times the current rate for city residents.

(e) All sewer users not living within the city limits of Belleville will be charged at one and one-half times the current rate. (See Exhibit B-1 and B-2 at the end of this section.)
(1960 Code, § 38-11-1)

(B) *Each meter to be a separate billing unit.* Each meter shall be considered a separate billing unit in applying the above rates; provided, however, that in case a single enterprise located on contiguous property is served by more than one such water meter and the amount of water shown on each of the several meters shall in each case exceed 80,000 cubic feet or 598,400 CGL in any month, then the amount of water shown to have been consumed by such meters shall be totaled and the rates and charges shall be based upon the aggregate amount of water shown by all such meters.

(C) *Attorney's fees.* In the event that rates and charges for the use and service of the sewage system of the city are not paid by the owner, occupant or user of said lot, parcel of land or premises as provided for in divisions (A)(1) and (A)(2) above, then the city shall be entitled to collect, in addition to the basic charges enumerated in this section, reasonable attorney's fees and costs of collection.

(D) *Post judgment legal work.* In addition to attorney's fees provided for in division (C) above, in the event that the city undertakes any legal work concerning the owner, occupant or user not paying rates and charges levied by the city, and the city incurs post judgment legal work, the city shall be entitled to recover any and all attorney's fees and costs associated with post judgment legal work.

Exhibit A-1						
Residential Rate Structure - CCF (100 Cubic Feet)						
Fiscal Year	*Rate Increase*	*Base*	*1—3 Units*	*4-16 Units*	*17-33 Units*	*34 and Beyond Units*
2013/14	8%	$5.95	$2.97	$3.63	$3.03	$2.97
2014/15	8%	$6.43	$3.21	$3.92	$3.27	$3.21
2015/16	8%	$6.94	$3.47	$4.23	$3.53	$3.47
2016/17	8%	$7.50	$3.75	$4.57	$3.81	$3.75
2017/18	8%	$8.10	$4.05	$4.94	$4.11	$4.05
2018/19	8%	$8.75	$4.37	$5.34	$4.44	$4.37
2019/20	8%	$9.45	$4.72	$5.77	$4.80	$4.72
2020/21	8%	$10.21	$5.10	$6.23	$5.18	$5.10
2021/22	8%	$11.03	$5.51	$6.73	$5.59	$5.51

Exhibit A-1						
Residential Rate Structure - CCF (100 Cubic Feet)						
Fiscal Year	*Rate Increase*	*Base*	*1—3 Units*	*4-16 Units*	*17-33 Units*	*34 and Beyond Units*
2022/23	8%	$11.91	$5.95	$7.27	$6.04	$5.95
2023/24	8%	$12.86	$6.43	$7.85	$6.52	$6.43
2024/25	8%	$13.89	$6.94	$8.48	$7.04	$6.94
2025/26	8%	$15.00	$7.50	$9.16	$7.60	$7.50
2026/27	1%	$15.15	$7.57	$9.25	$7.68	$7.57
2027/28	1%	$15.30	$7.66	$9.34	$7.76	$7.66
2028/29	1%	$15.45	$7.74	$9.43	$7.84	$7.74
2029/30	1%	$15.60	$7.82	$9.52	$7.92	$7.82
2030/31	1%	$15.76	$7.90	$9.62	$8.00	$7.90
2031/32	1%	$15.92	$7.98	$9.72	$8.08	$7.98
2032/33	1%	$16.08	$8.06	$9.82	$8.16	$8.06
2033/34	1%	$16.24	$8.14	$9.92	$8.24	$8.14
2034/35	1%	$16.40	$8.22	$10.02	$8.32	$8.22
2035/36	1%	$16.56	$8.30	$10.12	$8.40	$8.30
2036/37	1%	$16.73	$8.38	$10.22	$8.48	$8.38
2037/38	1%	$16.90	$8.46	$10.32	$8.56	$8.46
2038/39	1%	$17.07	$8.54	$10.42	$8.65	$8.54
2039/40	1%	$17.24	$8.63	$10.52	$8.74	$8.63
2040/41	1%	$17.41	$8.72	$10.63	$8.83	$8.72
2041/42	1%	$17.58	$8.81	$10.74	$8.92	$8.81
2042/43	1%	$17.76	$8.90	$10.85	$9.01	$8.90
2043/44	1%	$17.94	$8.99	$10.96	$9.10	$8.99
2044/45	1%	$18.12	$9.08	$11.07	$9.19	$9.08
2045/46	1%	$18.30	$9.17	$11.18	$9.28	$9.17
2046/47	1%	$18.48	$9.26	$11.29	$9.37	$9.26

Exhibit A-2						
Residential Rate Structure - CGL (100 Gallons)						
Fiscal Year	*Rate Increase*	*Base*	*1—22 Units*	*23—119 Units*	*120—246 Units*	*247 and Beyond*
2013/14	8%	-	-	-	-	-
2014/15	8%	-	-	-	-	-
2015/16	8%	-	-	-	-	-
2016/17	8%	$7.50	0.5114	0.6125	0.5100	0.4980
2017/18	8%	$8.10	0.5523	0.6621	0.5502	0.5379
2018/19	8%	$8.75	0.5959	0.7157	0.5943	0.5804
2019/20	8%	$9.45	0.6436	0.7733	0.6425	0.6269
2020/21	8%	$10.21	0.6955	0.8349	0.6934	0.6773
2021/22	8%	$11.03	0.7514	0.9020	0.7483	0.7318
2022/23	8%	$11.91	0.8114	0.9743	0.8085	0.7902
2023/24	8%	$12.86	0.8768	1.0521	0.8728	0.8540
2024/25	8%	$13.89	0.9464	1.1365	0.9424	0.9217
2025/26	8%	$15.00	1.0227	1.2276	1.0173	0.9961
2026/27	1%	$15.15	1.0336	1.2397	1.0280	1.0067
2027/28	1%	$15.30	1.0445	1.2518	1.0387	1.0173
2028/29	1%	$15.45	1.0555	1.2638	1.0494	1.0280
2029/30	1%	$15.60	1.0664	1.2759	1.0602	1.0386
2030/31	1%	$15.76	1.0773	1.2893	1.0709	1.0492
2031/32	1%	$15.92	1.0882	1.3027	1.0816	1.0598
2032/33	1%	$16.08	1.0991	1.3161	1.0923	1.0705
2033/34	1%	$16.24	1.1100	1.3295	1.1030	1.0811
2034/35	1%	$16.40	1.1209	1.3429	1.1137	1.0917
2035/36	1%	$16.56	1.1318	1.3563	1.1244	1.1023
2036/37	1%	$16.73	1.1427	1.3697	1.1351	1.1130
2037/38	1%	$16.90	1.1536	1.3831	1.1458	1.1236
2038/39	1%	$17.07	1.1645	1.3965	1.1579	1.1342
2039/40	1%	$17.24	1.1768	1.4099	1.1699	1.1462

Exhibit A-2						
Residential Rate Structure - CGL (100 Gallons)						
Fiscal Year	*Rate Increase*	*Base*	*1—22 Units*	*23—119 Units*	*120—246 Units*	*247 and Beyond*
2040/41	1%	$17.41	1.1891	1.4246	1.1820	1.1581
2041/42	1%	$17.58	1.2014	1.4394	1.1940	1.1701
2042/43	1%	$17.76	1.2136	1.4541	1.2061	1.1820
2043/44	1%	$17.94	1.2259	1.4689	1.2181	1.1940
2044/45	1%	$18.12	1.2382	1.4836	1.2302	1.2059
2045/46	1%	$18.30	1.2505	1.4984	1.2422	1.2179
2046/47	1%	$18.48	1.2627	1.5131	1.2543	1.2298

Exhibit B-1						
Commercial Rate Structure - CCF (100 Cubic Feet)						
Fiscal Year	*Rate Increase*	*Base*	*1—19 Units*	*20-99 Units*	*100-499 Units*	*500 and Beyond Units*
2013/14	8%	$9.24	$3.18	$3.05	$2.97	$2.84
2014/15	8%	$9.98	$3.43	$3.29	$3.21	$3.07
2015/16	8%	$10.78	$3.71	$3.56	$3.46	$3.31
2016/17	8%	$11.64	$4.01	$3.84	$3.74	$3.58
2017/18	8%	$12.57	$4.33	$4.15	$4.04	$3.86
2018/19	8%	$13.58	$4.67	$4.48	$4.36	$4.17
2019/20	8%	$14.66	$5.05	$4.84	$4.71	$4.51
2020/21	8%	$15.84	$5.45	$5.23	$5.09	$4.87
2021/22	8%	$17.10	$5.89	$5.65	$5.50	$5.26
2022/23	8%	$18.47	$6.36	$6.10	$5.94	$5.68
2023/24	8%	$19.95	$6.87	$6.58	$6.41	$6.13
2024/25	8%	$21.54	$7.41	$7.11	$6.92	$6.62
2025/26	8%	$23.27	$8.01	$7.68	$7.48	$7.15
2026/27	1%	$23.50	$8.09	$7.76	$7.55	$7.22
2027/28	1%	$23.74	$8.17	$7.83	$7.63	$7.30
2028/29	1%	$23.97	$8.25	$7.91	$7.71	$7.37

Exhibit B-1						
Commercial Rate Structure - CCF (100 Cubic Feet)						
Fiscal Year	*Rate Increase*	*Base*	*1—19 Units*	*20-99 Units*	*100-499 Units*	*500 and Beyond Units*
2029/30	1%	$24.21	$8.33	$7.99	$7.78	$7.44
2030/31	1%	$24.45	$8.42	$8.07	$7.86	$7.52
2031/32	1%	$24.70	$8.50	$8.15	$7.94	$7.59
2032/33	1%	$24.95	$8.59	$8.23	$8.02	$7.67
2033/34	1%	$25.20	$8.67	$8.32	$8.10	$7.74
2034/35	1%	$25.45	$8.76	$8.40	$8.18	$7.82
2035/36	1%	$25.70	$8.85	$8.48	$8.26	$7.90
2036/37	1%	$25.96	$8.93	$8.57	$8.34	$7.98
2037/38	1%	$26.22	$9.02	$8.65	$8.43	$8.06
2038/39	1%	$26.48	$9.11	$8.74	$8.51	$8.14
2039/40	1%	$26.75	$9.20	$8.83	$8.60	$8.22
2040/41	1%	$27.01	$9.30	$8.92	$8.68	$8.30
2041/42	1%	$27.28	$9.39	$9.01	$8.77	$8.39
2042/43	1%	$27.56	$9.48	$9.10	$8.86	$8.47
2043/44	1%	$27.83	$9.58	$9.19	$8.95	$8.55
2044/45	1%	$28.11	$9.67	$9.28	$9.04	$8.64
2045/46	1%	$28.39	$9.77	$9.37	$9.13	$8.73
2046/47	1%	$28.68	$9.87	$9.47	$9.22	$8.81

Exhibit B-2						
Commercial Rate Structure - CGL (100 Gallons)						
Fiscal Year	*Rate Increase*	*Base*	*1—142 Units*	*143—740 Units*	*741—3,739 Units*	*3,740 and Beyond Units*
2013/14	8%	-	-	-	-	-
2014/15	8%	-	-	-	-	-
2015/16	8%	-	-	-	-	-
2016/17	8%	$11.64	0.5365	0.5137	0.5000	0.4784
2017/18	8%	$12.57	0.5794	0.5552	0.5401	0.5159

Exhibit B-2						
Commercial Rate Structure - CGL (100 Gallons)						
Fiscal Year	*Rate Increase*	*Base*	*1—142 Units*	*143—740 Units*	*741—3,739 Units*	*3,740 and Beyond Units*
2018/19	8%	$13.58	0.6249	0.5993	0.5829	0.5573
2019/20	8%	$14.66	0.6757	0.6475	0.6297	0.6027
2020/21	8%	$15.84	0.7292	0.6997	0.6805	0.6508
2021/22	8%	$17.10	0.7881	0.7559	0.7353	0.7030
2022/23	8%	$18.47	0.8510	0.8161	0.7941	0.7591
2023/24	8%	$19.95	0.9192	0.8803	0.8570	0.8192
2024/25	8%	$21.54	0.9915	0.9512	0.9251	0.8847
2025/26	8%	$23.27	1.0718	1.0274	1.0000	0.9556
2026/27	1%	$23.50	1.0825	1.0381	1.0094	0.9649
2027/28	1%	$23.74	1.0932	1.0475	1.0201	0.9756
2028/29	1%	$23.97	1.1039	1.0582	1.0307	0.9850
2029/30	1%	$24.21	1.1146	1.0689	1.0401	0.9943
2030/31	1%	$24.45	1.1266	1.0796	1.0508	1.0050
2031/32	1%	$24.70	1.1373	1.0903	1.0615	1.0144
2032/33	1%	$24.95	1.1494	1.1010	1.0722	1.0250
2033/34	1%	$25.20	1.1601	1.1130	1.0829	1.0344
2034/35	1%	$25.45	1.1721	1.1237	1.0936	1.0451
2035/36	1%	$25.70	1.1842	1.1344	1.1043	1.0558
2036/37	1%	$25.96	1.1949	1.1465	1.1150	1.0665
2037/38	1%	$26.22	1.2069	1.1572	1.1270	1.0772
2038/39	1%	$26.48	1.2189	1.1692	1.1377	1.0879
2039/40	1%	$26.75	1.2310	1.1813	1.1497	1.0986
2040/41	1%	$27.01	1.2444	1.1933	1.1604	1.1092
2041/42	1%	$27.28	1.2564	1.2054	1.1725	1.1213
2042/43	1%	$27.56	1.2685	1.2174	1.1845	1.1320
2043/44	1%	$27.83	1.2818	1.2294	1.1965	1.1427
2044/45	1%	$28.11	1.2939	1.2415	1.2086	1.1547

Exhibit B-2						
Commercial Rate Structure - CGL (100 Gallons)						
Fiscal Year	*Rate Increase*	*Base*	*1—142 Units*	*143—740 Units*	*741—3,739 Units*	*3,740 and Beyond Units*
2045/46	1%	$28.39	1.3073	1.2535	1.2206	1.1667
2046/47	1%	$28.68	1.3206	1.2669	1.2326	1.1774

(1960 Code, § 38-3-1)
(Ord. 5493, passed 6-3-1993; Ord. 5461, passed 9-5-1995; Ord. 6290, passed 4-16-2001; Ord. 7732, passed 12-2-2013; Ord. 7970-2016, passed 7-18-2016)

§ 50.016 SEPARATE WATER SUPPLY.

If any lot, parcel of land or premises which discharges sewage or industrial waste into the sanitary sewage system, either directly or indirectly, obtains part of all of the water used thereon from sources other than the Illinois American Water Company, and the water so obtained is not measured by a water meter or is measured by a water meter which is not acceptable to the Director, then in such case the city shall permit the discharge of sewage or industrial waste into its sanitary sewage system only when the owner of such lot, parcel of land or premises or some other interested party shall, at his or her expense, install and maintain a water meter which shall be satisfactory to the Director of Wastewater Treatment and Sewer Lines. Such water meters shall be installed so as to measure all water received on such lot, parcel of land or premises and the charges and rates shall be based upon the aggregate quantity of water received as measured by all such meters.
(1960 Code, § 38-3-2)

§ 50.017 METER DEDUCTION.

Users who, at their own expense, install a meter which measures water not entering the sanitary sewer system shall be eligible for deduction of that water use throughout the year.

(A) Any such meter shall be of approved design, shall be registered with the City Treasurer prior to use, and shall be used only by the user to whom it is registered and at the service location to which it is assigned.

(B) Thereafter, the user shall bring said meter to the City Treasurer's office in October of each year where it may be read and those readings utilized to determine any meter usage since the previous reading.

(C) The City Treasurer shall then credit the user's sewer account by subtracting the previous reading from the current reading as taken from the meter and multiplying the difference by the sewer charge and then deducting 100% of that product from the next billing cycle.

(D) The City Treasurer shall have authority over the installation of the meters used for deduction and from time to time may test the accuracy of said meters. Any necessary repairs to such meters shall be at users expense.

(E) No deductions shall be granted for users of the sewer system who are delinquent in their payments to the city for such service.

(F) (1) The Treasurer and/or his or her designee may make adjustments downward in readings of water usage for sewer billing when there is evidence of a water leak; extensive watering of grass, flowers, shrubs and/or trees; and filling and maintaining a swimming pool. The city's "history" of water usage may be used to substantiate adjustments. ***EXTENSIVE*** is defined as three or more units of CCF usage or 22 units of CGL usage beyond what the "history" shows to be the norm, and a CCF unit is 748 gallons and a CGL unit is 100 gallons. Further, three units of CCF usage or 22 units of CGL usage beyond a customer's typical usage during only one billing cycle will qualify for an adjustment. When there is sufficient history, adjustments shall be made by averaging the water usage for a minimum of three months before the abnormal usage, and then using that average for figuring the monthly bill(s). When there is insufficient history, the norm for billing may be established by using either the water consumption of the months immediately following the period for a requested adjustment or the Environmental Protection Agency's rule of thumb that each individual in a household will use 2,992 gallons of water a month, i.e., four units CCF or 30 units CGL.

(2) Adjustments due to water leaks will be made when proof that a leak has been repaired is received.

(3) The period of time for "extensive" watering of grass, flowers, shrubs and trees and the filling and maintaining of swimming pools is defined as from May through September, and although requests for adjustments may be made at any time, only one adjustment per year will be made, usually in October.

(4) Individuals who currently have deduction meters are encouraged to continue to use them. This especially applies to those who have sprinkler systems.

(5) Decisions made by Sewer Collection Department personnel may be appealed to the City Treasurer. The City Treasurer's decisions are not subject to appeal.
(1960 Code, § 38-3-3) (Ord. 4945, passed 4-6-1992; Ord. 4996, passed 9-21-1992; Ord. 7633, passed 10-15-2012; Ord. 7970-2016, passed 7-18-2016)

§ 50.018 NEW USERS.

No person shall connect to any part of the city sanitary sewer system or discharge sewage or industrial waste into the city's sanitary sewer system without first acquiring permission from the city to do so. It shall be in the sole discretion of the city as to whether it grants said permission to connect to the city's sanitary system or to discharge sewage or industrial waste into the city's sanitary sewer system. For any lot, parcel of land or premises from which connection is made with the city sanitary sewage

system or which begins to discharge sewage or industrial waste into the city sewage system, either directly or indirectly, the charges and rates for the first payment period after the beginning date of sewage discharged into the city sewage system shall be based upon per diem pro rata amount of the established basic charge herein established or shall be based upon the water consumed at the established rates, whichever is the larger.
(1960 Code, § 38-3-4) (Ord. 6299, passed 5-21-2001) Penalty, see § 50.999

§ 50.019 SURCHARGE TO INDUSTRIAL USERS.

(A) A surcharge will be levied upon all users whose wastes exceed a concentration of 200 milligrams per liter of BOD or 250 milligrams per liter of SS. The surcharge shall be expressed as dollars per pound of each constituent (BOD or SS).

(B) Quarterly the number of pounds of each constituent from each user subject to a surcharge shall be computed as follows:

B.O.D. (pounds) = (Average analysis per quarter in mg/l - 200) x total flow (MG) x 8.34

S.S. (pounds) = (Average analysis per quarter in mg/l - 250) x total flow (MG) x 8.34

Total flow for the quarter shall be either water meter or flow meter readings and shall be expressed in million gallons (MG).

(C) The surcharge shall be the pounds of each constituent per billing period times the unit cost for each constituent.

(D) The unit cost for BOD shall be $0.178 per pound and the unit cost for S.S. shall be $0.164 per pound.
(1960 Code, § 38-3-5) (Ord. 4949, passed 5-4-1992)

§ 50.020 ANNUAL REVIEW.

The Director shall revise the surcharge costs annually during the month of April based on the preceding calendar year costs, flow and testing of the plant influents.
(1960 Code, § 38-3-6) (Ord. 4949, passed 5-4-1992)

§ 50.021 LIEN RIGHTS, COLLECTION AND OCCUPANCY PERMIT.

(A) Bills for the charges and rates herein established shall be prepared by the Office of the City Treasurer and shall be due and payable on or before the twenty-first day from the date of the bill. If the charges for the immediately past service period for use of the sewer and/or refused systems are not paid within 21 days after the rendered dated of the bill, a delayed payment charge in the amount of 10% of the bill for the service period shall be imposed and collected. Further, delayed payment charge in the

amount of 1% shall be imposed and collected for any/all unpaid charges for service prior to the current bill. When a bill is not paid by a tenant within 30 days after the date of the bill, the property owner shall be responsible for paying said bill including delayed payment charges.

(B) When there is any indebtedness to the city, including any unpaid bills for sewer and/or refuse services to closed or inactive accounts, the city may, in its sole discretion, deny occupancy permits for addresses until all outstanding charges have been paid. Further, the city may revoke occupancy permits for addresses when sewer/trash bills have gone unpaid for 60 or more days, and where occupancy permits inadvertently have been issued.

(C) If a sewer bill is delinquent for more than 60 days, the City Treasurer or the Treasurer's designees may implement the terms of a discontinuance agreement between the city and the Illinois American Water Company which allows the city to request that Illinois American Water discontinue water service to the premises where the sewer bill is delinquent in excess of 60 days. Prior to implementing the terms of the discontinuance agreement, the Office of the Treasurer shall give notice to the person whose sewer bill is delinquent and give him or her an opportunity to be heard to determine whether the amount claimed to be owed by the city is correct.

(D) The City Treasurer and/or the Treasurer's designee(s) may enter into payment agreements with customers to forestall a discontinuance of service action. In the event that the delinquent customer fails to make the payments pursuant to the terms of the payment agreement, the City Treasurer and/or the Treasurer's designee(s) may implement the terms of discontinuance agreement between the city and Illinois American Water Company and request that the water company terminate water service to said premises. Prior to implementing the terms of the discontinuance agreement, the city shall give notice to the person whose sewer bill is delinquent and give him or her an opportunity to be heard to determine whether the amount claimed to be owed by the city is correct.

(E) If the water service is disconnected to a premises because of a delinquent bill, the customer shall be liable to pay all extra charges incurred by the city in connection with the disconnection of the water service, including, but not limited to, all payments due to the city or to Illinois American Water Company pursuant to discontinuance agreement.

(F) Whenever a bill for sewer service/refuse collection remains unpaid for 30 days after it has been rendered, the Treasurer or the Treasurer's designee(s) may file with the Recorder of Deed of the county a statement of lien claim. This statement shall contain a legal description of the premises served, the amount of the unpaid bill and the notice that the city claims a lien for this amount as well as for all charges for sewer service/refuse collection subsequent to the period covered by the bill.

(G) (1) If a bill for sewer service/refuse collection remains unpaid for a period of 30 days, the customer shall be liable for reasonable attorney's fees and costs of litigation in connection with collection of said delinquent sum. (See § 50.015(C) and (D) of this chapter.)

(2) The failure of the Treasurer and/or the Treasurer's designee(s) to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to

foreclosure of the lien pursuant to statutes of the state for unpaid sewer bills or to otherwise pursue other collection procedures available.

(H) (1) The time of making sewer bills and the period to be covered thereby shall be in accordance with the meter reading practices of the Illinois American Water Company for all lots, parcels of land and premises with respect to which such meter readings are used as a basis for the charges or rates. In all other cases, bills shall be made out monthly.

(2) All rates and charges shall be payable at the office of the City Treasurer and shall be collected for the city by the City Treasurer.

(I) (1) The International Property Maintenance Code, which the city has adopted, requires that all dwellings be provided with a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and pressure to enable the fixtures to function properly and safely.

(2) Consequently, in the case of a discontinuance of service, the dwelling is subject to condemnation and its occupants evicted if water service is not restored within 72 hours of the beginning of the discontinuance.
(1960 Code, § 38-3-7) (Ord. 7563, passed 1-17-2012) Penalty, see § 50.999

§ 50.022 SERVICE DISCONNECTED.

(A) If the charges for sewage service are not paid within 30 days after the rendition of the bill for such service and the property is unoccupied, the service may be discontinued without further notice by removing the sewer lateral tap-in at the municipal sewer main, and shall not be reinstated until all past due bills, filing fees, court costs and attorney's fees associated with the previous disconnection from said sewer system, are paid in full.

(B) If the charges for sewerage service are not paid within 30 days after the rendition of the bill for such service and the property is occupied, the service may be disconnected upon the following terms.

(1) The city shall direct notice to the last known address of the owner, via first class United States mail service, of its intent to discontinue service to the address of the affected property not less than 30 days prior to any disconnection. In addition, the city shall cause a copy of said notice to be posted on the affected property. Said notice shall be given not less than 60 days prior to disconnection.

(2) If the charges are not paid in full prior to the disconnection date specified in the notice, then the property may be disconnected without further notice.

(3) Any person affected by a notice of disconnection may obtain a hearing before the city by requesting in writing a review of the decision by the city to disconnect. Said request shall be made within 14 days of the date said notice was posted on the affected property.

(4) The party requesting a hearing before the Board shall have the right to be represented by counsel of its choice and shall be permitted to call witnesses on behalf of the party.

(5) The city shall render its decision at the conclusion of the hearing.

(C) Any property disconnected from the municipal sewer system shall be required to provide a private sewage system (aerator) to service said property, pursuant to 225 ILCS 225/6 and St. Clair County Health Department, or the property shall be considered illegal to be occupied.

(D) Municipal sewerage service to any property previously disconnected from the city sewer system shall not be reinstated until all past due bills, filing fees, court costs and attorney's fees associated with said disconnection, as well as any tap-in fees, charges associated with re-connection to the city sewer system and reimbursement for costs associated with the previous disconnection from said sewer system, are paid in full.
(1960 Code, § 38-3-8) (Ord. 5615, passed 9-3-1996)

§ 50.023 SEWER LATERAL REPAIR PROGRAM INSTALLATION AND CONNECTION.

(A) All costs and expenses incidental to the installation and connection of a sanitary sewer to the building shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer. The owner is responsible for all maintenance and repair of the sewer lateral from the building to the city sewer main. This section shall apply even where said sewer runs under a public street or a public right-of-way or uses a public easement.

(B) (1) The Sewer Lateral Repair Program covers the cost of repairing that portion of a defective sewer lateral that begins immediately beyond the property line of a premises and extends to the sewer main. For residential accounts, the program will cover 100% of the costs of repairs to a maximum of $15,000. For commercial accounts, the program will cover one-half of the cost of repairs on a 50% to 50% basis to a maximum of $15,000. However, a deductible of $100 shall apply to the cost of any repair undertaken in conjunction with this program. When repairs are necessary, the Director of Wastewater Treatment or a designee will solicit bids from qualified contractors when the estimated cost for the repair is $10,000 or more. If the estimated cost is less than $10,000, quotes will be secured.

(2) The Sewer Lateral Repair Program shall apply to all property that is billed for sewer service. To establish a fund from which to pay the cost of replacing qualified defective sewer laterals, a sewer-usage fee of $0.02 a day shall be added to each sewer account.

(3) The owner of a premises remains responsible for sewer laterals that run from the premises foundation to the property line.

(4) When a property owner experiences a problem with their lateral sewer service line, the owner must first have a licenses and bonded company to determine where the problem is. (Sometimes the problem is not with the line itself, but it may have become clogged by materials in the line.) As a

common home maintenance expense, the cost of this determination is not reimbursable by the city. If the problem is proven to be beyond the property line, the owner should contact the city. The city reserves the right to determine if an emergency situation exists.

(5) If necessary, the city will arrange for the Wastewater Treatment Department to perform a dye test. In most instances this will disclose if, and where, there is a break in the sanitary sewer lateral.

(6) The property owner, not the tenant, must make the request to participate in the program.

(C) (1) Beginning 8-1-2008, the fee of $0.02 a day to finance the sewer lateral repair shall be charged to each sewer account.

(2) Beginning 1-1-2009, the implementation of repairs via this program will begin.
(1960 Code, § 38-3-9) (Ord. 7148, passed 7-8-2008)

SEWER EXTENSIONS

§ 50.035 CONSTRUCTION CONTRACTS.

The city will not accept sewer lines and treatment facilities installed by persons, firms, organizations, corporations or others unless the following requirements have been met.
(1960 Code, § 38-4-1)

§ 50.036 APPROVED PLANS AND PERMITS.

Line installation shall not commence until a water pollution control permit and a complete set of plans that have been approved by the Environmental Protection Agency of the state and the city are on file in the office of the Director.
(1960 Code, § 38-4-2)

§ 50.037 CERTIFICATION.

A notarized certification by the installing contractor that he or she has installed all sewers and treatment facilities in accordance with the permits and plans noted in § 50.036 of this chapter is on file in the office of the Director.
(1960 Code, § 38-4-3)

§ 50.038 TESTING.

An air leakage test and deflection test shall be performed in accordance with *Standard Specification for Water and Sewer Main Construction in Illinois* (latest edition). All tests shall be conducted in the presence of a representative of the city. Twenty-four hour's notice shall be given prior to commending any tests.
(1960 Code, § 38-4-4)

§ 50.039 "RECORD" DRAWINGS.

(A) Upon completion of the project as shown on the approved plans, one complete set of "record" drawings shall be furnished to the Director's office for the construction plans. The "record" drawings shall be furnished to the Director on sepia type reproducible material. The "record" drawings shall show, both in plan and elevation (U.S.G.S., datum), the exact location, dimensions, size and type of pipe supplied and all facilities constructed.

(B) All service wyes and manhole stub outs must be shown on the "record". Each service line shall be referenced with the sewer main stationing and dimensioned to the nearest down stream manhole. The depth of the end of each service line shall be clearly marked on the "record".
(1960 Code, § 38-4-5)

§ 50.040 FINAL INSPECTION.

Upon completion of the project after all required testing has been done, a final inspection will be made by city personnel. The final inspection will not be conducted until "record" plans are submitted. Final inspection will be made at the requests of the owner. A list of material and workmanship defects, if any, will be forwarded to the owner. Defects noted must be corrected and a reinspection made before acceptance. Improvements found not as depicted on the submitted "record" plans shall be rejected.
(1960 Code, § 38-4-6)

§ 50.041 SEWER MAINTENANCE BOND.

After all defects, if any were noted during final inspection, have been corrected and prior to any sewer permits being issued, a maintenance bond in an amount equal to 50% of the construction cost shall be filed with the City Clerk. The bond shall be for a period of three years, commencing on the date of final inspection or reinspection if necessary, and shall cover all defects in materials and workmanship. The bond shall be binding on the developer or the contractor.
(1960 Code, § 38-4-7) (Ord. 4577, passed 11-7-1988) Penalty, see § 50.999

§ 50.042 PUMP STATION DESIGN STANDARDS.

(A) *General.* The city will not accept any newly constructed pumping stations not designed according to the sewage pump station design standards and specifications on file at the Wastewater Division Office. Pump station design and specifications will be strictly enforced.

(B) *Minimum requirements for new pumping stations.*

(1) The float switch shall be a simple, dependable, level-sensing automatic pump or alarm control device that operates reliably in sewage wet wells, water reservoirs, ditches or process vats. The float body shall be of high density polyethylene and the cable jacket shall be made of synthetic rubber for outstanding performance in a wide-range of corrosive environments. Each float should sense the movement of the liquid level past its mounting elevation. It should turn on and off at essentially the same point on a rising or falling level. Single floats shall be used for differential control of pumps. Floats should contain one or two mercury switches each of which can be normally-opened or normally closed. A weight kit should be available for individual float suspension.

(2) The float hangers and pump lifting bales shall be made of 316 stainless steel.

(3) The electric cabinets shall be constructed of 316 stainless steel.

(4) Conduit for float cables shall be of one and one-half inch PVC. Each pump cable shall have its own conduit of adequate size and shall be of PVC.

(5) The valve vault shall have a two-inch PVC drain to the wet well with a PVC check valve and a trap to prevent liquid and odors from backing into the valve vault.

(6) Check valves shall be the rubber flapper swing check valve. It should be simple in design, have no moving parts and the flapper shall not pivot from the hinge pin, it should flex to open. Check valves should be non-slamming in design because the flapper should only travel 35 degrees to reach the 45-degree seat and the flapper should be spring loaded with resiliency, so it closes before column reversal or near zero velocity, hence, the severity of slamming is negligible. Without moving parts to wear out, the rubber flapper check should be virtually maintenance free.

(7) Pump guide rails shall be 316 stainless steel.

(8) There shall be an auxiliary pump connection to the force main.

(9) An eight-foot high chain link fence shall surround the station wet well, valve box, and electrical control boxes. A minimum 25-foot by 25-foot area with a double swing 13-foot gate. The fence shall be of two-ounce aluminum coated six-gauge fabric.

(10) An auxiliary transfer switch and cable connection shall be provided that is adaptable to the city portable generator.

(11) Pumps (minimum duplex station). The pump(s) shall be capable of handling raw, unscreened wastewater. The discharge connection elbow shall be permanently installed in the wet well along with the discharge piping. The pump(s) shall be automatically connected to the discharge connection elbow when lowered into place, and shall be easily removed for inspection or service. There shall be no need for personnel to enter pump well. Sealing of the pumping unit to the discharge connection elbow shall be accomplished by a simple linear downward motion of the pump. A sliding guide bracket shall be an integral part of the pump unit. The entire weight of the pumping unit shall be guided by no less than two guide bars and pressed tightly against the discharge connection elbow with metal-to-metal contact. No portion of the pump shall bear directly on the floor of the sump. The pump, with its appurtenances and cable, shall be capable of continuous submergence underwater without loss of watertight integrity to a depth of 65 feet and shall meet requirements of the National Electrical Code for such units. An effective method to detect shaft seal failure or potential seal failure shall be provided. Pump suction and discharge openings shall be two inches minimum and the pump shall be capable of passing a three-inch sphere. The electrical system and components, including motors, lights, cables, conduits, switchboxes and the like shall comply with NEC requirements for Class 1, Group D, Division 1 locations.

(12) Aluminum access frame(s) and door(s), minimum rated 150 lbs./sq. ft., complete with hinged and flush locking mechanism and level sensor(s) cable holder. Frame shall be securely placed, mounted above the pump(s) or valves. Each door shall have a safety handle to maintain the door in the open position. Doors shall be of skid proof design. A sliding nut-tray shall be incorporated into the design of the access frame. The sliding nut-tray shall be located on three sides of the frame to facilitate the mounting and moving of the upper guide bar, brackets and cable holder. Furnish and install upper guide bar brackets, guide bar, galvanized chain and cable holder.

(13) An access road shall be provided with sufficient width for the city's lift station maintenance truck.

(14) Force main shall be four inches in diameter or larger.

(15) Wet well shall have storage capacity for one-day flow.
(1960 Code, § 38-4-8) (Ord. 5334, passed 10-17-1994)

USE OF PUBLIC SEWERS

§ 50.055 PRETREATMENT.

(A) Pretreatment for removal of compatible pollutants may be required under § 50.056 of this chapter.

(B) The pretreatment standard for incompatible pollutants introduced into a treatment works by a major contributing industry shall be that established by a promulgated effluent limitations guideline

defining best practicable control technology currently available pursuant to §§ 301(B) and 304(B) of the Act, being 33 U.S.C. § 1311(b) and 33 U.S.C. 1314(b). Compliance with pretreatment standards shall be provided for by the Act and subsequent rules and regulations as promulgated by the Regional Administrator.
(1960 Code, § 38-6-1)

§ 50.056 USE OF PUBLIC SEWER.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to an outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Director, to a storm sewer or natural outlet.

(C) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than 150°F;

(2) Any water or waste which may contain more than 50 mg per liter by weight of fat, oil or grease;

(3) Any gasoline, benzene, naphtha, fuel, oil or other flammable or explosiye liquid, solid or gas;

(4) Any garbage that has not been properly shredded;

(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

(6) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(7) (a) Any waste at any time containing more than the maximum concentration in milligrams per liter of any substance shown in the following table:

Arsenic (total)	0.25
Barium (total)	2.00
Cadmium (total)	0.15
Chromium (total triv.)	1.00
Chromium (total hexav.)	0.30
Copper (total)	1.00
Cyanide	None
Flouride (total)	2.50
Iron (total)	2.00
Iron (dissolved)	0.50
Lead (total)	0.10
Manganese (total)	1.00
Mercury (total)	.0005
Nickel (total)	1.00
Phenols	0.30
Selenium (total)	1.00
Silver (total)	0.10
Zinc (total)	1.00
Total dissolved solids	3500.00

(b) The above maxima may be changed, without notice, to comply with the rules, regulations or standards of the EPA of the state as they may appear.

(8) Any waste containing other toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant;

(9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; and

(10) Any noxious or malodorous liquid, gas or substance which, whether singly or by interaction with other wastes, creates a public nuisance or hazard to life or is sufficient to prevent entry into sewers for their maintenance and repair.

(D) (1) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that, such interceptors shall not be

required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(E) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(F) The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 200 parts per million by weight or containing more than 250 parts per million by weight of the suspended solids, or containing any quantity of substances having the characteristics described in division (C) above, or having an average daily flow greater than 25,000 gallons per day, shall be subject to the review and approval of the Director. Where necessary in the opinion of the Director, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to reduce the biochemical oxygen demand to 200 parts per million and the suspended solids to 250 parts per million by weight, or reduce objectionable characteristics or constituents to less than the maximum limits provided for in division (C) above, or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent facilities shall be submitted for the approval of the Director and no construction of such facilities shall be commenced until said approval is obtained in writing.

(G) Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(H) When required by the Director, the owner of any property served by a building sanitary sewer carrying industrial wastes shall install a suitable control manhole in the building sanitary sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him or her so as to be safe and accessible to the city at all times.

(I) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in divisions (C) and (F) above shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Waste Water*, published by the American Public Health Association, and in accordance with 40 C.F.R. part 136, *Guidelines Establishing Test Procedures for Analysis of Pollutants*, or any future amendments to either of these publications, and shall be determined at the control manhole provided for in division (H) above, or upon suitable samples taken at said control manhole. In the event that no special manhole is available, the control manhole shall be considered to be the downstream manhole in the public sewer nearest to the point at which the building sanitary sewer is connected.

(J) No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern of rates representing a proportional share of the industrial concern's operation, maintenance and replacement cost of the treatment works.

(K) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

(L) It shall be unlawful to discharge into any natural outlet within the city or in any area under the jurisdiction of said city any sanitary sewage, industrial wastes or any other polluted water, except where suitable treatment has been provided in accordance with the provisions of this code.

(M) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, except as provided in the Private Sewage Disposal Licensing Act, 225 ILCS 225, unless approved by the city and St. Clair County Health Department, County Ord. 13-1088, Article II - private sewage disposal code.

(N) It shall be unlawful to connect any sewer, which receives roof drainage, foundation drainage, surface water or ground water, to a public sanitary sewer.

(O) It shall be unlawful to construct combined sewers or other facilities intended to receive both storm run-off and sewage. Separate sanitary sewers and separate storm sewers shall be provided.

(P) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated in the city and abutting on any street, alley or right-of-way, in which there is not located, or may in the future be located, a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 180 days after date of official notice to do so; provided that, said public sewer is within 200 feet of the property line and any down stream portion of the wastewater facilities has sufficient capacity to handle the additional sewage.

(Q) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment which is a part of the municipal sewage system.

(R) That new construction tributary to the combined sewer system be designated to minimize and/or delay inflow contributions to the combined sewer system.

(S) That inflow sources on the combined sewer system be connected to a storm sewer within a reasonable period of time, if a storm sewer becomes available.

(T) That any new building domestic waste connection be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available.

(U) CSO impacts from non-domestic sources are minimized by determining which non-domestic discharges, if any, are tributary to CSOs.

(V) If the drainage from any gasoline filling station, garage, refining plant, chemical plant, packing house, slaughter house, lard rendering establishment, dairy, steam engine, steam boiler, steam plant or any other establishment shall cause a deposit or obstruction or damage to any public sewer, the Director shall cause such deposit or obstruction to be removed promptly or cause such damage to be repaired, keeping an account of the cost of such work including materials, labor and supervision and shall certify an account of such cost to the person from whose establishment or premises the material causing such deposit, obstruction or damage came and if such person shall fail, neglect or refuse to pay the sum specified to the city within 30 days after demand has been made, the person shall be in violation of this subchapter.
(1960 Code, § 38-6-2) (Ord. 5976, passed 4-19-1999; Ord. 6776, passed 10-3-2005) Penalty, see § 50.999

BUILDING SEWERS, PERMITS AND CONNECTIONS

§ 50.070 COSTS.

All costs and expenses incidental to the installation, connection or maintenance to the building of sanitary sewers shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly by occasioned by the installation of the building of the sewer. This section shall apply even where said sewers run under a public street or a public right-of-way, or use a public easement.
(1960 Code, § 38-7-1) (Ord. 4475, passed 12-21-1987)

§ 50.071 PERMITS.

(A) It shall be unlawful to make any connection with any city sewer without first having obtained a permit therefor.

(B) Applications for connection permits shall be made to the Director of Sewers and shall be accompanied by a statement setting forth the purpose of connecting to a city sewer, the premises to be served, the specifications of the sewer pipe to be connected and the drain from the house to the sewer pipe.

(C) Applications for connection permits shall also be referred to the City Plumbing Inspector.

(D) No permit for connection to any city sewer shall be issued unless it is determined that all applicable ordinances of the city are complied with, including all applicable state and federal requirements.

(E) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.
(1960 Code, § 38-7-2) Penalty, see § 50.999

§ 50.072 CONNECTION FEES.

(A) A separate independent building sewer shall be provided for every building.

(B) Old building sanitary sewers and/or storm sewers may be used in connection with new buildings only when they are found on examination and test by the Director, to meet all requirements of this chapter.

(C) New building sanitary and/or storm sewers shall be installed in accordance with Ch. 152 of this code of ordinances.

(D) The fee for each permit allowing connection with the city sewers shall be determined as follows.

(1) The fees for each dwelling unit shall be $2,850 per dwelling unit, plus a $100 inspection fee per service connection to the city sewers.

(2) The permit fees for each commercial/industrial connection including hotels/motels shall be as follows:

(a) Commercial connection for parcel less than one-half acre: $3,600; and

(b) Connection for parcels more than one-half acre: $3,600 for every additional acre or portion thereof. In addition, an assessment of $1,200 per facility unit*, plus $120 inspection fee for service connection to city sewers. (**FACILITY UNIT* is any part of a building having fixtures discharging wastewater effluent from a restroom, laundry, break room, kitchen, salon, housekeeping facility and the like are facility units. Any part or parts of a room in a building that discharges wastewater to the sewer system are facility units. Facility unit fees may also be assessed for part of a building that is divided for present or future use. Facility units also are any construction work, which adds or moves existing sink, bathroom or any additional use that discharges wastewater to the sewer system. Facility unit fees also apply to alterations to buildings or structures that add room(s) or part thereof, which includes facilities to discharge wastewater to the sewer system. Assessment fees shall also apply to new construction on a site, which previously contained a building or structure connected to the sewer system. Drinking fountains are exempt.)

(3) (a) The permit fee for churches, public buildings and schools shall be based on water meter size as follows:

3/4 in.	$500
1 in.	$1,000
1-1/2 in.	$1,500
2 in.	$2,000
Larger than 2 in.	Fee must be negotiated with the city

(b) Plus, a $100 inspection fee per service connection to city sewers.

(E) There shall be an additional $100 charge for every reinspection after the original inspection has been performed under this chapter.

(F) The connection fees and inspection fees for all residential and commercial customers not located within the city limits will be three times or triple the amount charged for customers located within the city limits.
(1960 Code, § 38-7-3) (Ord. 6866, passed 4-17-2006; Ord. 6989, passed 5-21-2007)

INSPECTIONS

§ 50.085 INSPECTIONS.

Upon payment of the permit fee, the inspector shall make the following inspections of each residence to be connected to the sewage system.

(A) An inspection shall be made of the building plumbing connection at the time the sewer ditch is opened and the connection is made to the sewer system to determine proper grade, alignment and connection.

(B) An inspection shall be made before the fill is put around the foundation and while the tile is still exposed around the foundation to see that there has been no connection of such drain tile with the sanitary sewer system.

(C) A third and final inspection shall be made after the eaves-troughs and downspouts have been installed to see that there is no connection of the aforesaid with the sanitary sewer.

(D) The provisions of this chapter relating to excavations in streets shall be complied with in making excavations in street or other public places for sewer connections.
(1960 Code, § 38-9-1) (Ord. 4042, passed 2-20-1984)

§ 50.086 POWERS AND AUTHORITY OF INSPECTORS.

The Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspections, observation, measurement, sampling and testing, in accordance with the provisions of this chapter.
(1960 Code, § 38-9-2)

COLLECTION, DEPOSIT AND LIEN

§ 50.100 SUPERVISOR OF SEWER COLLECTIONS.

(A) (1) The Office of Supervisor of Sewer Collections is hereby created.

(2) He or she shall be appointed by the Mayor, by and with the advice and consent of the City Council, at the first meeting of the City Council in May of each year. The Supervisor of Sewer Collections shall be under the supervision of the City Treasurer and shall perform such duties as the City Treasurer shall direct.

(3) In addition, he or she shall perform all the duties imposed upon the Commissioner of Buildings under the Building regulations of the city.

(B) The City Treasurer, with the consent of the City Council, may authorize one or more financial institutions located within the corporate limits of the city to collect sewer service charges.
(1960 Code, § 38-10-3) (Ord. 3525, passed 9-5-1978)

§ 50.101 LIEN RIGHTS.

(A) Whenever a bill for sewer service remains unpaid for 30 days after it has been rendered, the City Treasurer shall file with the Recorder of Deeds of the appropriate county a statement of lien claim. This statement shall contain a legal description of the premises served, the amount of the unpaid bill and a notice that the city claims a lien for this amount as well as for all charges for sewer service subsequent to the period covered by the bill.

(B) If a consumer whose bill is unpaid is not the owner of the premises, the City Treasurer shall notify the owner of the premises, if his or her address be known to the City Treasurer whenever such bill remains unpaid for a period of 30 days after it has been rendered.

(C) The failure of the City Treasurer to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for unpaid sewer bills mentioned in division (B) above.

(D) (1) Property subject to a lien for unpaid sewer service charges shall be sold for non-payment 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 city.

(2) The City Attorney is hereby authorized and elected to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill for sewer service has remained unpaid 30 days after it has been rendered.
(1960 Code, § 38-10-4)

CONSTRUCTION REQUIREMENTS

§ 50.115 MATERIAL REQUIREMENTS.

(A) The sewer from building to main sewer must be constructed of vitrified clay pipe conforming to ASTM-C-700 (latest revision), cast iron soil pipe conforming to ASTM-A-74 (latest revision), or ASTM-C-564 (latest revision) or Type PSM Polyvinyl Chloride (P.V.C.) Sewer pipe conforming to ASTM-3034 (latest revision) with a minimum dimension ratio (DR) of 35, or ASTM-F789-82, with elastomeric gasketed joints.

(B) When the building sewer is to be constructed with type PSM Polyvinyl Chloride (P.V.C.) Sewer pipe, then said building sewer shall be laid with a minimum two-inch thick bedding of an approved three-eighths inch minimum granular material and covered to the center line with the same material.
(1960 Code, § 38-13-1)

§ 50.116 CONNECTIONS TO THE CITY SEWER.

(A) The sewer connection into the city sewer shall be made at the "wye" or "tee" branch designated for that property, if available. Where "wye" or "tee" branches are not available, connections shall be made using approved drilled or sawed tap and saddle. Breaking of sanitary sewer will not be allowed. Procedures set forth in appropriate specifications of A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall be followed at all times.

(B) All such connections and materials must be approved by the Director or designee before installation.
(1960 Code, § 38-13-2)

§ 50.117 TESTING.

At the discretion of the Inspector, a test may be required to ensure water tightness of the building sewer. The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer. The building sewer shall be filled with water under a head of not less than ten feet. The water level at the top of the test head of water shall not drop for at least 15 minutes, or the test shall be made by attaching an air compressor testing apparatus to any suitable opening and after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gauge pressure of five pounds per square inch (psi) or sufficient to balance a column of mercury ten inches in height. This pressure shall be held without introduction of additional air for a period of at least 15 minutes.
(1960 Code, § 38-13-3) (Ord. 4043, passed 2-21-1984)

§ 50.118 CONNECTION.

(A) The owners of all houses, buildings or properties situated within the city and abutting upon any street, alley or other easement or right-of-way in which there is now located or may in the future be located, a public sanitary sewer, shall be required at their expense, to install suitable toilet facilities therein, and shall be requested to connect such facilities to the sewer. If said public sewer is within 300 feet of the closest property line and is of suitable size to handle the volume of sewage to be added, official notice will be given to the property owner informing him or her that the sewer is available and requesting that his or her connection be made within 180 days following notification. Should the property owner fail to connect to the sewer within the allotted time, the tap-on fee as covered by ordinance shall become immediately due from the property owner to the city and, in addition thereto, the property owner shall be required to pay the minimum rate for sewer service in the city.

(B) In the event the property owner shall fail to connect to the sewer and a health problem is created, the Health Officer of the city shall send a second notice to the property owner requiring that connection be made to the sewer. Within 15 days of receipt of the second notice, the property owner shall connect to the sewer.
(1960 Code, § 38-13-4) (Ord. 4043, passed 2-21-1984)

§ 50.999 PENALTY.

(A) (1) Any person, firm or corporation violating any provision of this chapter for which no specific penalty is prescribed shall be fined not less than $100, nor more than $1,000, for each offense. Each day in which any such violation continues shall be deemed a separate offense.

(2) Any person violating any of the provisions of this chapter shall be liable to the city for any expense, loss or damage occasioned the city by reason of such violation.
(1960 Code, § 38-12-1)

(B) Any person violating the provisions of § 50.004 of this chapter shall be subject to a fine of up to $1,000 for each violation.
(1960 Code, § 38-11-2)

(C) When the discontinuance agreement between the city and Illinois American Company is in force for a premises, it shall be unlawful for anyone to obstruct access in any manner to the water meter shut off valve, per § 50.021 of this chapter. The fine for the violation is not less than $100 or more than $1,000. Each day of the violation is a separate offense.
(1960 Code, § 38-3-7)

(D) Any person, firm, organization or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any provisions of §§ 50.035 through 50.042 of this chapter shall, upon conviction, be fined not more than $1,000 for each offense. A separate offense shall be deemed committed on each day a violation occurs or continues.
(1960 Code, § 38-4-7)

(E) Should the property owner fail to comply with the second notice requiring that he or she be connected to the sewer, per § 50.118 of this chapter, he or she shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not less than $100, nor more than $1,000. Each day such violation is committed or permitted to continue shall be punishable hereunder as such.
(1960 Code, § 38-13-4)
(Ord. 4043, passed 2-21-1984; Ord. 4577, passed 11-7-1988; Ord. 7550, passed 12-19-2011; Ord. 7563, passed 1-17-2012)

CHAPTER 51: INDUSTRIAL PRETREATMENT

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GENERAL PROVISIONS

§ 51.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for users of the wastewater collection and publicly-owned treatment works (POTW) for the city and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. §§ 1251 et seq.), and the general pretreatment regulations (40 C.F.R. part 403).

(B) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

(2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(3) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

(4) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

(5) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

(6) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and

(7) To enable the city to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.

(C) This chapter shall apply to all industrial users of the POTW. The chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
(1960 Code, § 38-14-1) (Ord. 5677, passed 12-16-1996)

§ 51.002 ADMINISTRATION.

Except as otherwise provided herein, the Director shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other city personnel.
(1960 Code, § 38-14-2) (Ord. 5677, passed 12-16-1996)

§ 51.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. ***SHALL*** is mandatory; ***MAY*** is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

ACT or ***THE ACT.*** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. §§ 1251 et seq.).

APPROVAL AUTHORITY. The Regional Administrator of the USEPA, or his or her designee.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

(1) If the industrial user is a corporation, ***AUTHORIZED REPRESENTATIVE*** shall mean:

(a) The president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

(b) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(2) If the industrial user is a partnership, or a sole proprietorship, and ***AUTHORIZED REPRESENTATIVE*** shall mean a general partner or proprietor, respectively;

(3) If the industrial user is a federal, state or local governmental facility, an ***AUTHORIZED REPRESENTATIVE*** shall mean a director or highest official appointed or designated to oversee the operation and performance of the government facility, or his or her designee;

(4) The individuals described in divisions (1) through (3) above may designate another ***AUTHORIZED REPRESENTATIVE*** if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20°C expressed in terms of mass and concentration (milligrams per liter (mg/l)).

CATEGORICAL PRETREATMENT STANDARD or ***CATEGORICAL STANDARD.*** Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of industrial users and which appear in 40 C.F.R. Ch. 1, Subch. N, parts 405 through 471.

CITY. The City of Belleville or the City Council of Belleville.

COLOR. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

COMPOSITE SAMPLE. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

ENVIRONMENTAL PROTECTION AGENCY or ***EPA.*** The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.

EXISTING SOURCE. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with § 307 of the Act.

GRAB SAMPLE. A sample which is taken from a waste stream on a one time basis without regard to the flow in the waste stream and without consideration of time.

INDIRECT DISCHARGE or ***DISCHARGE.*** The introduction of (non-domestic) pollutants into the POTW from any non-domestic source regulated under § 307(b), (c) or (d) of the Act.

INDUSTRIAL USER or ***USER.*** A source of indirect discharge.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A discharge which alone or in conjunction with a discharge or discharges from other sources:

(1) Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and

(2) Therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): § 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NEW SOURCE.

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located;

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of divisions (1)(b) or (1)(c) above, but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a ***NEW SOURCE***, as defined hereunder, has commenced if the owner or operator has:

(a) Begun, or caused to begin as part of a continuous on-site construction program;

1. Any placement, assembly or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation or removal of existing building, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

NON-CONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, odor).

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

PRETREATMENT STANDARDS. Prohibitive discharge standards, categorical pretreatment standards and local limits.

PROHIBITED DISCHARGE STANDARDS or ***PROHIBITED DISCHARGES.*** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 51.020 of this chapter.

PUBLICLY-OWNED TREATMENT WORKS (POTW). A "treatment works", as defined by § 212 of the Act (33 U.S.C. § 1292), which is owned by the state or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

SEPTIC TANK WASTE. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. ***SEVERE PROPERTY DAMAGE*** does not mean economic loss caused by delays in production.

SEWAGE. Human excrement and gray water (household showers, dishwashing operations and the like).

SIGNIFICANT INDUSTRIAL USER. Applies to:

(1) Industrial users subject to categorical pretreatment standards; and

(2) Any other industrial user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater;

(b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

(c) Is designated as significant by the city on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

SIGNIFICANT NON-COMPLIANCE. An industrial user is in significant non-compliance if its violation meets one of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants, except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Director determines has caused, alone or in conjunction with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under § 51.146 of this chapter;

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in the industrial user's industrial wastewater discharge permit or in a compliance order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report non-compliance; and/or

(8) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the industrial pretreatment program.

SLUG LOAD. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 51.020 of this chapter or any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the *Standard Industrial Classification Manual* issued by the U.S. Office of Management and Budget.

STORM WATER. Any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snowmelt.

DIRECTOR. The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter or his or her duly authorized representative.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by laboratory filtering.

TOXIC POLLUTANT. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of § 307 (33 U.S.C. § 1317) of the Act.

TREATMENT PLANT EFFLUENT. Any discharge of pollutants from the POTW into waters of the state.

WASTEWATER. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT or ***TREATMENT PLANT.*** The portion of the POTW designed to provide treatment of sewage and industrial waste.

WATERS OF THE STATE OF ILLINOIS. Includes:

(1) Both surface and underground waters within the boundaries of the state subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches and public drainage systems within the state, other than those designed and used to collect, convey or dispose of sanitary sewage; and

(2) The flood plain free-flowing waters determined by the state's Department of Transportation/Department of Water Resources on the basis of 100-year flood frequency.
(1960 Code, § 38-14-3) (Ord. 5677, passed 12-16-1996)

§ 51.004 ABBREVIATIONS.

The following abbreviations shall have the designated meanings.

BOD. Biochemical oxygen demand.

C.F.R. Code of Federal Regulations.

COD. Chemical oxygen demand.

EPA. U.S. Environmental Protection Agency.

gpd. Gallons per day.

l. Liter.

mg. Milligrams.

mg/l. Milligrams per liter.

NPDES. National Pollutant Discharge Elimination System.

O&M. Operation and maintenance.

POTW. Publicly-owned treatment works.

RCRA. Resource Conservation and Recovery Act.

SIC. Standard industrial classifications.

SWDA. Solid Waste Disposal Act (42 U.S.C. §§ 6901 et seq.).

TSS. Total suspended solids.

U.S.C. United States Code.

(1960 Code, § 38-14-4) (Ord. 5677, passed 12-16-1996)

§ 51.005 CONFIDENTIAL INFORMATION.

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from city inspection and sampling activities, shall be available to the public without restriction, unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the city, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose

trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 C.F.R. § 2.302 will not be recognized as confidential information and will be available to the public without restriction.
(1960 Code, § 38-14-68) (Ord. 5677, passed 12-16-1996)

§ 51.006 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NON-COMPLIANCE.

(A) The city shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements.

(B) The term ***SIGNIFICANT NON-COMPLIANCE*** shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants, except pH);

(3) Any other discharge violation that the city believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public);

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report non-compliance; and

(8) Any other violation(s) which the city determines will adversely affect the operation or implementation of the local pretreatment program.
(1960 Code, § 38-14-69) (Ord. 5677, passed 12-16-1996)

§ 51.007 LEVYING SURCHARGE.

(A) (1) A surcharge will be levied upon all industrial users whose wastes exceed a concentration of 200 milligrams per liter of BOD or 250 milligrams per liter of SS. The surcharge shall be expressed as dollars per pound of each constituent (BOD or SS).

(2) Quarterly the number of pounds of each constituent from each user subject to a surcharge shall be computed as follows:

BOD (pounds) = (Average analysis per quarter in mg/l - 200) x total flow (MG) x 8.34

SS (pounds) = (Average analysis per quarter in mg/l - 250) x total flow (MG) x 8.34

(B) Total flow for the quarter shall be either water meter or flow meter readings and shall be expressed in million gallons (MG).

(C) The surcharge shall be the pounds of each constituent per billing period times the unit cost for each constituent.

(D) The unit cost for BOD shall be $0.12 per pound and the unit cost for SS shall be $0.08 per pound.
(1960 Code, § 38-14-94) (Ord. 5677, passed 12-16-1996)

§ 51.008 PRETREATMENT CHARGES AND FEES.

The city may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such applications;

(B) Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users;

(C) Fees for reviewing and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals; and

(E) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines and penalties chargeable by the city.
(1960 Code, § 38-14-96) (Ord. 5677, passed 12-16-1996)

SEWER USE REQUIREMENTS

§ 51.020 PROHIBITED DISCHARGE STANDARDS.

(A) No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirement.

(B) Furthermore, no industrial user may contribute the following substances to the POTW:

(1) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 C.F.R. § 261.21;

(2) Any wastewater having a pH less than 5.0 or more than 12.3, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch in any dimension;

(4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals;

(5) Any wastewater having a temperature greater than 157°F (69°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

(8) Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with § 51.044 of this chapter;

(9) Any noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life or to prevent entry into the sewers for maintenance and repair;

(10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life;

(11) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved by the Director in compliance with applicable state or federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water and unpolluted industrial wastewater, unless specifically authorized by the Director;

(13) Any sludges, screenings or other residues from the pretreatment of industrial wastes;

(14) Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;

(15) Any wastewater causing the treatment plant's effluent to fail a toxicity test;

(16) Any wastes containing detergents, surface active agents or other substances which may cause excessive foaming in the POTW; and

(17) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

(C) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.
(1960 Code, § 38-14-6) (Ord. 5677, passed 12-16-1996)

§ 51.021 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

The national categorical pretreatment standards found at 40 C.F.R. Ch. I, Subch. N, parts 405 through 471 are hereby incorporated.
(1960 Code, § 38-14-7) (Ord. 5677, passed 12-16-1996)

§ 51.022 STATE REQUIREMENTS.

State pretreatment standards located at 35 C.F.R. Subtitle C, Ch. I, part 307, are hereby incorporated.
(1960 Code, § 38-14-8) (Ord. 5677, passed 12-16-1996)

§ 51.023 SPECIFIC POLLUTANT LIMITATIONS.

(A) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits.

2.85 mg/l	Arsenic
5.00 mg/l	Barium
750 mg/l	BOD5
0.31 mg/l	Cadmium
5.75 mg/l	Cyanide
3.83 mg/l	Copper
100.00 mg/l	Iron
13.42 mg/l	Lead
1.0 mg/l	Manganese
0.13 mg/l	Mercury
14.48 mg/l	Nickel
100 mg/l	Oil and grease (petroleum or mineral oil products)
0.06 mg/l	Selenium
0.43 mg/l	Silver
2.77 mg/l	Total chromium
17.8 mg/l	Total phenols
600 mg/l	Total suspended solids
7.19 mg/l	Zinc

(B) Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At his or her

discretion, the Director may impose mass limitations in addition to or in place of the concentration based limitations above.
(1960 Code, § 38-14-9) (Ord. 5677, passed 12-16-1996)

§ 51.024 CITY'S RIGHT OF REVISION.

The city reserves the right to establish, by code or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in § 51.001 of this chapter or the general and specific prohibitions in § 51.020 of this chapter.
(1960 Code, § 38-14-10) (Ord. 5677, passed 12-16-1996)

§ 51.025 SPECIAL AGREEMENT.

(A) The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW.

(B) In no case will a special agreement waive compliance with a pretreatment standard or requirement.

(C) (1) However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 C.F.R. § 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard.

(2) An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 C.F.R. § 403.13.
(1960 Code, § 38-14-11) (Ord. 5677, passed 12-16-1996)

§ 51.026 DILUTION.

(A) No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

(B) The Director may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.
(1960 Code, § 38-14-12) (Ord. 5677, passed 12-16-1996) Penalty, see § 51.999

PRETREATMENT OF WASTEWATER

§ 51.040 PRETREATMENT FACILITIES.

Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in § 51.020 of this chapter within the time limitations specified by the EPA, the state or the Director, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this chapter. (1960 Code, § 38-14-14) (Ord. 5677, passed 12-16-1996)

§ 51.041 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the Director may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only to specific sewers wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

(B) Each person discharging into the POTW greater than 25,000 gallons per day or greater than 0.4 MAD (5%) of the average daily flow in the POTW, whichever is lesser, shall install and maintain, on his or her property and at his or her expense, a suitable storage and flow control facility to ensure equalization of flow over a 24-hour period.

(C) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that, such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the owner at his or her expense.

(D) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(E) At no time shall two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than 5%, nor any single reading over 10%, of the lower explosive limit (LED) of the meter.
(1960 Code, § 38-14-15) (Ord. 5677, passed 12-16-1996)

§ 51.042 SLUG CONTROL PLANS.

(A) The Director may require any industrial user to develop and implement a slug control plan. At least once every two years, the Director shall evaluate whether each significant industrial user needs such a plan.

(B) Any industrial user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 51.020 of this chapter; and

(4) Procedures to prevent adverse impact from any slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.
(1960 Code, § 38-14-16) (Ord. 5677, passed 12-16-1996)

§ 51.043 TENANT RESPONSIBILITY.

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter.
(1960 Code, § 38-14-17) (Ord. 5677, passed 12-16-1996)

§ 51.044 HAULED WASTEWATER.

(A) Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the Director; provided, such wastes do not violate §§ 51.020 through 51.026 of this chapter or any other requirements established or adopted by the city. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by the Director.

(B) The discharge of hauled industrial wastes as "industrial septate" requires prior approval and a wastewater discharge permit from the city. The Director shall have authority to prohibit the disposal of

such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all other sections of this chapter.

(C) Fees for dumping septage will be established as part of the industrial user fee system as authorized in § 51.006 of this chapter.
(1960 Code, § 38-14-18) (Ord. 5677, passed 12-16-1996)

§ 51.045 VANDALISM.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 51.140 through 51.147, 51.160 through 51.162 and 51.999 of this chapter.
(1960 Code, § 38-14-19) (Ord. 5677, passed 12-16-1996) Penalty, see § 51.999

WASTEWATER DISCHARGE PERMIT ELIGIBILITY

§ 51.060 WASTEWATER SURVEY.

When requested by the Director all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the chapter.
(1960 Code, § 38-14-23) (Ord. 5677, passed 12-16-1996)

§ 51.061 PERMIT REQUIREMENT.

(A) It shall be unlawful for any significant industrial user to discharge wastewater into the city's POTW without first obtaining a wastewater discharge permit from the Director. any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subject the wastewater discharge permittee to the sanctions set out in §§ 51.140 through 51.147, 51.160 through 51.162 and 51.999 of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state or local law.

(B) The Director may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.
(1960 Code, § 38-14-24) (Ord. 5677, passed 12-16-1996)

§ 51.062 PERMITTING EXISTING CONDITIONS.

Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the city for a wastewater discharge permit in accordance with § 51.065 of this chapter, and shall not cause or allow discharges to the POTW to continue after 30 days of the effective date of this chapter, except in accordance with a wastewater discharge permit issued by the Director.
(1960 Code, § 38-14-25) (Ord. 5677, passed 12-16-1996)

§ 51.063 PERMITTING NEW CONNECTIONS.

(A) Any significant industrial user proposing to being or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge.

(B) An application for this wastewater discharge permit must be filed at least 30 days prior to the date upon which any discharge will begin.
(1960 Code, § 38-14-26) (Ord. 5677, passed 12-16-1996)

§ 51.064 PERMITTING EXTRA-JURISDICTIONAL INDUSTRIAL USERS.

(A) Any existing significant industrial user located beyond the city limits shall submit a wastewater discharge permit application, in accordance with § 51.065 of this chapter, within 30 days of the effective date of this chapter. New significant industrial users located beyond the city limits shall submit such applications to the Director 90 days prior to any proposed discharge into the POTW.

(B) Alternately, the Director may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.
(1960 Code, § 38-14-27) (Ord. 5677, passed 12-16-1996)

§ 51.065 PERMIT APPLICATION CONTENTS.

(A) In order to be considered for a wastewater discharge permit, all industrial users required to have a wastewater discharge permit must submit the information required by § 51.100(B) of this chapter.

(B) The Director shall approve a form to be used as a permit application. In addition, the following information may be requested:

(1) Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(2) Number and type of employees, hours of operation and proposed or actual hours of operation of the POTW;

(3) Each product produced by type, amount, process or processes, and rate of production;

(4) Type and amount of raw materials processed (average and maximum per day);

(5) The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation, and all points of discharge;

(6) Time and duration of the discharge; and

(7) Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

(C) Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.
(1960 Code, § 38-14-28) (Ord. 5677, passed 12-16-1996)

§ 51.066 APPLICATION SIGNATORIES AND CERTIFICATION.

All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(1960 Code, § 38-14-29) (Ord. 5677, passed 12-16-1996)

§ 51.067 PERMIT DECISIONS.

The Director will evaluate the data furnished by the industrial user and may require additional information. Within 90 days of receipt of a complete wastewater discharge permit application, the

Director will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Director may deny any application for a wastewater discharge permit.
(1960 Code, § 38-14-30) (Ord. 5677, passed 12-16-1996)

WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

§ 51.080 PERMIT DURATION.

Wastewater discharge permits shall be issued for a specified time period, not to exceed five years. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.
(1960 Code, § 38-14-33) (Ord. 5677, passed 12-16-1996)

§ 51.081 PERMIT CONTENTS.

(A) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality and protect against damage to the POTW.

(B) Wastewater discharge permits must contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;

(2) A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from the city, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits applicable to the user based on applicable standards in federal, state and local law;

(4) Self monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law; and

(5) Statement of applicable civil, criminal and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

(C) Wastewater discharge permits may contain, but need not be limited to, the following:

(1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;

(2) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

(3) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;

(4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or routine discharges;

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(6) The unit charge or schedule of industrial user charges and fees for the management of wastewater discharged to the POTW;

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(9) Other conditions as deemed appropriate by the Director to ensure compliance with this chapter, and state and federal laws, rules and regulations.
(1960 Code, § 38-14-34) (Ord. 5677, passed 12-16-1996)

§ 51.082 PERMIT APPEALS.

Any person, including the industrial user, may petition the city to reconsider the terms of a wastewater discharge permit within 90 days of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(D) If the city fails to act within 90 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit, shall be considered final administrative action for purposes of judicial review.

(E) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the local court.
(1960 Code, § 38-14-35) (Ord. 5677, passed 12-16-1996)

§ 51.083 PERMIT MODIFICATION.

(A) The Director may modify the wastewater discharge permit for good cause including, but not limited to, the following:

(1) To incorporate any new or revised federal, state or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the industrial user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel or the receiving waters;

(5) Violation of any terms or conditions of the wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. § 403.13;

(8) To correct typographical or other errors in the wastewater discharge permit; and

(9) To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

(B) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.
(1960 Code, § 38-14-36) (Ord. 5677, passed 12-16-1996)

§ 51.084 PERMIT TRANSFER.

(A) Wastewater discharge permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 90 days' advance notice to the Director and the Director approves the wastewater discharge permit transfer.

(B) The notice to the Director must include a written certification by the new owner and/or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(C) Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.
(1960 Code, § 38-14-37) (Ord. 5677, passed 12-16-1996)

§ 51.085 PERMIT REVOCATION.

(A) Wastewater discharge permits may be revoked for the following reasons:

(1) Failure to notify the city of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the city of changed conditions pursuant to § 51.104 of this chapter;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the city timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of a permitted facility;

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the chapter.

(B) (1) Wastewater discharge permits shall be voidable upon non-use, cessation of operations or transfer of business ownership.

(2) All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.
(1960 Code, § 38-14-38) (Ord. 5677, passed 12-16-1996)

§ 51.086 PERMIT REISSUANCE.

A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with § 51.065 of this chapter a minimum of 180 days prior to the expiration of the industrial user's existing wastewater discharge permit.
(1960 Code, § 38-14-39) (Ord. 5677, passed 12-16-1996)

§ 51.087 DISCHARGE PERMITS.

(A) In the event another municipality contributes all or a portion of its wastewater to the POTW, the POTW may require such municipality to apply for and obtain a municipal wastewater discharge permit.

(B) A municipal wastewater discharge permit application shall include:

(1) A description of the quality and volume of the wastewater at the point(s) where it enters the POTW;

(2) An inventory of all industrial users discharging to the municipality; and

(3) Such other information as may be required by the Director.

(C) A municipal wastewater discharge permit shall contain the following conditions:

(1) A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits which are at least as stringent as those set out in § 51.023 of this chapter;

(2) A requirement for the municipal user to submit a revised industrial user inventory on at least an annual basis;

(3) A requirement for the municipal user to:

(a) Conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling and enforcement; or

(b) Authorize the POTW to take or conduct such activities on its behalf.

(4) A requirement for the municipal user to provide the city with access to all information that the municipal user obtains as part of its pretreatment activities;

(5) Limits on the nature, quality and volume of the municipal user's wastewater at the point where it discharges to the POTW; and

(6) Requirements for monitoring the municipal user's discharge.

(D) Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in §§ 51.140 through 51.147, 51.160 through 51.162 and 51.999 of this chapter.
(1960 Code, § 38-14-40) (Ord. 5677, passed 12-16-1996)

REPORTING REQUIREMENTS

§ 51.100 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. § 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the city a report which contains the information listed in division (B) below. At least 90 days prior to commencement of their discharge new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the city a report which contains the information listed in division (B) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(B) The industrial user shall submit the information required by this section, including:

(1) *Identifying information.* The name and address of the facility including the name of the operator and owners;

(2) *Wastewater discharge permits.* A list of any environmental control wastewater discharge permits held by or for the facility;

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 C.F.R. § 403.6(e);

(5) *Measurement of pollutants.*

(a) Identify the categorical pretreatment standards applicable to each regulated process.

(b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the city) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 51.109 of this chapter.

(c) Sampling must be performed in accordance with procedures set out in § 51.110 of this chapter.

(6) *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements; and

(7) *Compliance schedule.* Each industrial user will be required to develop a compliance schedule for the installation of technology to meet all applicable pretreatment standards and requirements. Also each industrial user will submit all notices and self-monitoring reports, as necessary, to access and assure compliance by the industrial user with pretreatment standards and requirements, including, but not limited to, the reports required in 40 C.F.R. § 403.12, reporting requirements for POTW's and industrial users.

(C) All baseline monitoring reports must be signed and certified in accordance with § 51.066 of this chapter.
(1960 Code, § 38-14-43) (Ord. 5677, passed 12-16-1996)

§ 51.101 COMPLIANCE SCHEDULE PROGRESS REPORT.

The following conditions shall apply to the schedule required by § 51.100(B)(7) of this chapter. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the Director.
(1960 Code, § 38-14-44) (Ord. 5677, passed 12-16-1996)

§ 51.102 REPORT ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the city a report containing the information described in § 51.100(B)(4) through (B)(6) of this chapter. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 C.F.R. § 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 51.066 of this chapter.
(1960 Code, § 38-14-45) (Ord. 5677, passed 12-16-1996)

§ 51.103 PERIODIC COMPLIANCE REPORTS.

(A) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in 40

C.F.R. § 403.12(b)(4); except that, the control authority may require more detailed reporting of flows. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles and the like, the control authority may agree to alter the months during which the above reports are to be submitted.

(B) Where the control authority has imposed mass limitations on industrial users as provided for by 40 C.F.R. § 403.6(d), the report required by division (A) above and 40 C.F.R. § 403.12(e)(1) shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(C) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in 40 C.F.R. § 403.6(C), the report required by division (A) above and 40 C.F.R. § 403.12(e)(1) shall contain a reasonable measure of the users long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutants discharge per unit of production (or other measure of operation), the report required by division (A) above and 40 C.F.R. § 403.12(e)(1) shall include the user's actual average production rate for the reporting period.
(1960 Code, § 38-14-46) (Ord. 5677, passed 12-16-1996)

§ 51.104 REPORT OF CHANGED CONDITIONS.

(A) Each industrial user is required to notify the Director of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.

(B) The Director may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 51.065 of this chapter.

(C) The Director may issue a wastewater discharge permit under § 51.067 of this chapter or modify an existing wastewater discharge permit under § 51.083 of this chapter.

(D) No industrial user shall implement the planned changed condition(s) until and unless the Director has responded to the industrial user's notice.

(E) For purposes of this requirement flow increases of 10% or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.
(1960 Code, § 38-14-47) (Ord. 5677, passed 12-16-1996)

§ 51.105 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge or a slug load which may cause potential

problems for the POTW (including a violation of the prohibited discharge standards in § 51.020 of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the city of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(B) Within five days following such discharge, the industrial user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this chapter.

(C) Failure to notify the city of potential problem discharges shall be deemed a separate violation of this code.

(D) (1) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in division (A) above.

(2) Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.
(1960 Code, § 38-14-48) (Ord. 5677, passed 12-16-1996)

§ 51.106 REPORTS FROM NON-SIGNIFICANT INDUSTRIAL USERS.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the city as the Director may require.
(1960 Code, § 38-14-49) (Ord. 5677, passed 12-16-1996)

§ 51.107 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

(A) If sampling performed by an industrial user indicates a violation, the industrial user must notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation.

(B) The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.
(1960 Code, § 38-14-50) (Ord. 5677, passed 12-16-1996)

§ 51.108 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

(A) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or other). If the industrial user discharges more than ten kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user; an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this division (A) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under § 51.104 of this chapter. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of §§ 51.100, 151.102 and 51.103 of this chapter.

(B) Dischargers are exempt from the requirements of division (A) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(C) In the case of any new regulations under§ 3001 of the Resource Conservation and Recovery Act (RCRA), being 42 U.S.C. §§ 6901 et seq. identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Division Director and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(D) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
(1960 Code, § 38-14-51) (Ord. 5677, passed 12-16-1996)

§ 51.109 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136, unless otherwise specified in an applicable categorical pretreatment standard. If

40 C.F.R. part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
(1960 Code, § 38-14-52) (Ord. 5677, passed 12-16-1996)

§ 51.110 SAMPLE COLLECTION.

(A) Except as indicated in division (B) below, the industrial user must collect wastewater samples using timed composite collection techniques. In the event timed sampling is infeasible, the Director may authorize the use of a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(B) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab collection techniques.
(1960 Code, § 38-14-53) (Ord. 5677, passed 12-16-1996)

§ 51.111 DETERMINATION OF NON-COMPLIANCE.

The Director may use a grab sample(s) to determine non-compliance with pretreatment standards.
(1960 Code, § 38-14-54) (Ord. 5677, passed 12-16-1996)

§ 51.112 TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.
(1960 Code, § 38-14-55) (Ord. 5677, passed 12-16-1996)

§ 51.113 RECORD KEEPING.

(A) Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three years.

(B) This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the Director.
(1960 Code, § 38-14-56) (Ord. 5677, passed 12-16-1996)

§ 51.114 EMPLOYEE TRAINING.

The industrial user shall permanently post a notice in a prominent place advising all employees to call (618-233-6810) in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.
(1960 Code, § 38-14-57) (Ord. 5677, passed 12-16-1996)

COMPLIANCE MONITORING

§ 51.125 INSPECTION AND SAMPLING.

(A) The city shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the Director or his or her representative ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(B) Where an industrial user has security measures in force which require proper identification and clearance before any entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, state and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(C) The city, state and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(D) The city may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

(E) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the industrial user.

(F) Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this chapter.
(1960 Code, § 38-14-66) (Ord. 5677, passed 12-16-1996)

§ 51.126 SEARCH WARRANTS.

If the Director has been refused access to a building, structure or property or any part thereof, and if the Director has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the city designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Court Judge of the city shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Director in the company of a uniformed police officer of the city. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.
(1960 Code, § 38-14-67) (Ord. 5677, passed 12-16-1996)

ADMINISTRATIVE ENFORCEMENT REMEDIES

§ 51.140 NOTIFICATION OF VIOLATION.

Whenever the Director finds that any user has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Director or his or her agent may serve upon said user a written notice of violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
(1960 Code, § 38-14-72) (Ord. 5677, passed 12-16-1996)

§ 51.141 CONSENT ORDERS.

(A) The Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance.

(B) Such orders will include specific action to be taken by the user to correct the non-compliance within a time period also specified by the order.

(C) Consent orders shall have the same force and effect as the administrative orders issued pursuant to §§ 51.143 and 51.144 of this chapter and shall be judicially enforceable.
(1960 Code, § 38-14-73) (Ord. 5677, passed 12-16-1996)

§ 51.142 SHOW CAUSE HEARING.

The Director may order any user, which causes or contributes to violation(s) of this chapter, wastewater discharge permits, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.
(1960 Code, § 38-14-74) (Ord. 5677, passed 12-16-1996)

§ 51.143 COMPLIANCE ORDERS.

When the Director finds that a user has violated or continues to violate the chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within 30 days. If the user does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.
(1960 Code, § 38-14-75) (Ord. 5677, passed 12-16-1996)

§ 51.144 CEASE AND DESIST ORDERS.

(A) When the Director finds that a user is violation this chapter, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(B) Issuance of a cease and desist order shall not be a prerequisite to taken any other action against the user.
(1960 Code, § 38-14-76) (Ord. 5677, passed 12-16-1996)

§ 51.145 ADMINISTRATIVE FINES.

(A) Notwithstanding any other section of this chapter, any user that is found to have violated any provision of this chapter, its wastewater discharge permit and orders issued hereunder, or any other pretreatment standard or requirement shall be fined in an amount not to exceed $1,000 per day per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(B) Assessments may be added to the user's next scheduled sewer service charge and the Director shall have such other collection remedies as may be available for other service charges and fees.

(C) Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within 60 days of being notified of the fine. Where a request has merit, the Director shall convene a hearing on the matter within 90 days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The city may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(D) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.
(1960 Code, § 38-14-77) (Ord. 5677, passed 12-16-1996)

§ 51.146 EMERGENCY SUSPENSIONS.

(A) The Director may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(B) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings set forth in § 51.147 of this chapter are initiated against the user.

(C) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director, prior to the date of any show cause or termination hearing under §§ 51.144 and 51.147 of this chapter.

(D) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
(1960 Code, § 38-14-78) (Ord. 5677, passed 12-16-1996)

§ 51.147 TERMINATION OF DISCHARGE.

(A) In addition to those provisions in § 51.085 of this chapter, any user that violates the following conditions of this chapter, wastewater discharge permits or orders issued hereunder, is subject to discharge termination.

(1) Violation of wastewater discharge permit conditions;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;

(5) Violation of the pretreatment standards in §§ 51.020 through 51.026 of this chapter.

(B) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 51.142 of this chapter why the proposed action should not be taken.
(1960 Code, § 38-14-79) (Ord. 5677, passed 12-16-1996)

SUPPLEMENTAL ENFORCEMENT ACTION

§ 51.160 PERFORMANCE BONDS.

The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this chapter, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.
(1960 Code, § 38-14-86) (Ord. 5677, passed 12-16-1996)

§ 51.161 LIABILITY INSURANCE.

The Director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this chapter, any orders or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
(1960 Code, § 38-14-87) (Ord. 5677, passed 12-16-1996)

§ 51.162 PUBLIC NUISANCES.

Any violation of this chapter, wastewater discharge permits or orders issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the Director or his or her designee. Any person(s) creating a public nuisance shall be subject to the provisions of the city code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance.
(1960 Code, § 38-14-88) (Ord. 5677, passed 12-16-1996)

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 51.175 UPSET.

(A) For the purposes of this section, ***UPSET*** means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of division (C) below are met.

(C) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

(1) An upset occurred and the industrial user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(3) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset; if this information is provided verbally, a written submission must be provided within five days:

(a) A description of the indirect discharge and cause of non-compliance;

(b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the non-compliance.

(D) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical pretreatment standards.

(F) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
(1960 Code, § 38-14-90) (Ord. 5677, passed 12-16-1996)

§ 51.176 GENERAL/SPECIFIC PROHIBITIONS.

An industrial user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general and specific prohibitions in § 51.020 of this chapter if it can prove that it did not know or have reason to know that its discharge, along or in conjunction with discharges from other sources would cause pass through or interference and that either:

(A) A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.
(1960 Code, § 38-14-91) (Ord. 5677, passed 12-16-1996)

§ 51.177 BYPASS.

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

BYPASS. The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. ***SEVERE PROPERTY DAMAGE*** does not mean economic loss caused by delays in production.

(B) *Subject to.*

(1) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation.

(2) These bypasses are not subject to the provision of divisions (C) and (D) below.

(C) *Notice.*

(1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass, if possible.

(2) An industrial user shall submit verbal notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the verbal report has been received within 24 hours.

(D) *Prohibition of bypass.*

(1) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The industrial user submitted notices as required under division (C) above.

(2) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in division (D)(1) above.
(1960 Code, § 38-14-92) (Ord. 5677, passed 12-16-1996) Penalty, see § 51.999

§ 51.999 PENALTY.

(A) *Injunctive relief.* Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the Director may petition the Circuit Court of the county through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this chapter on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.
(1960 Code, § 38-14-81)

(B) *Civil penalties.*

(1) Any user which has violated or continues to violate this chapter, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the Director for a maximum civil penalty of $1,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The Director may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.
(1960 Code, § 38-14-82)

(C) *Criminal prosecution.*

(1) Any user that willfully or negligently violates any provision of this chapter, any orders or wastewater discharge permits issued hereunder or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation per day or imprisonment for not more than one year or both.

(2) Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject

to a penalty of at least $1,000 and/or be subject to imprisonment for one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(3) Any user that knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than $1,000 per violation per day or imprisonment for not more than one year or both.

(4) In the event of a second conviction, a user shall be punished by a fine of not more than $500 per violation per day or imprisonment for not more than one year or both.
(1960 Code, § 38-14-83)

(D) *Remedies non-exclusive.* The provisions in §§ 51.140 through 51.147 and 51.160 through 51.162 of this chapter are not exclusive remedies. The city reserves the right to take any, all or any combination of these actions against a non-complaint user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city reserves the right to take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any non-complaint user. These actions may be taken concurrently.
(1960 Code, § 38-14-84)
(Ord. 5677, passed 12-16-1996)

APPENDIX A: HAZARDOUS WASTE NOTIFICATION REQUIREMENTS

On July 24, 1990, the Environmental Protection Agency (EPA) promulgated changes to the general pretreatment regulations (55 FR 30082). The changes affect both publicly-owned treatment works (POTWs) and industrial users of POTWs. One of the changes requires industrial users to submit a new one-time notification of hazardous wastes discharged to sewers. Following is a brief description of this new requirement.

Who Must Notify. All industrial users who discharge listed or characteristic hazardous wastes under the Resource Conservation and Recovery Act (RCRA) to POTWs. Listed and characteristic wastes under RCRA are described in the Code of Federal Regulations (40 CFR Part 261).

To Whom the Notification Must be Sent. The notification must be sent to:

- Local Sewerage Authority
- Director, Waste Management Division
  Environmental Protection Agency
  Region 5
- State Hazardous Waste Authority

Wastes Covered by the Notification.

- Any discharge to the sewer of more than fifteen (15) kilograms per calendar month of a RCRA hazardous waste, or a discharge of any quantity of an acutely hazardous waste identified in 40 CFR 261.30(d) and 261.33(e), should be reported once.
- A discharge of fifteen (15) kilograms or less of a RCRA hazardous waste during a calendar month need not be reported, except for the acutely hazardous wastes identified in 40 CFR 261.30(d) and 261.33(e). A subsequent discharge of more than fifteen (15) kilograms during a calendar month, or of any quantity of an acutely hazardous waste, must be reported once.
- Pollutants already reported under 40 CFR 403.12(b), (d), and (e) (reporting requirements for categorical users) are not subject to this notification requirement.

What the Notification Must Contain.

1. The one-time notification shall contain the following items of information:
   - Name of the hazardous waste as set forth in 40 CFR Part 261.
   - EPA hazardous waste number.
   - Type of discharge to the sewer (continuous, batch, or other).
   - A certification that the industrial user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

2. If the industrial user discharges more than one hundred (100) kilograms of hazardous waste per calendar month to the POTW, the one-time notification must also contain the following items of information, to the extent such information is known and readily available to the industrial user:

- An identification of the hazardous constituents contained in the hazardous wastes.
- An estimation of the mass and concentration of such constituents in the wastestreams discharged during the calendar month in which the one-time report is made.
- An estimation of the mass of constituents in the wastestream expected to be discharged during the twelve (12) months following the notification.

How to Count the Volume of Hazardous Waste Discharged. If a hazardous waste is mixed with a non-hazardous process or non-process wastestream and the entire mixture is then discharged to the sewer, the volume of hazardous waste in the entire wastestream is counted according to the RCRA "mixture rule" in 40 CFR 261.3(a)(2)(iii). The effect of this rule is summarized as follows:

- **Characteristic Wastes.** These are wastes that are classified as hazardous only because they exhibit one of the hazardous characteristics identified in 40 CFR 261.20-261.24 (i.e., they are ignitable, corrosive, reactive or toxic). If these wastes are mixed with non-hazardous materials and the mixture is then discharged to the sewer, the notification must be submitted only if the entire mixture actually discharged were more than fifteen (15) kilograms per calendar month in volume and if the entire mixture discharged still exhibited the characteristic(s).
- **Listed Wastes.** These are wastes that are classified as hazardous pursuant to being listed in 40 CFR 261.30-33. If these listed wastes are mixed with non-hazardous materials and then discharged to the sewer, the entire wastestreams is considered hazardous and the notification must be submitted. Thus only if the entire wastestreams containing the hazardous waste amounted to fifteen (15) kilograms per month or less would the exemption discussed above apply.
- If an industrial user has any doubt about whether a mixture discharged to the sewer is hazardous, or if the user does not wish to perform any calculations which may be necessary under the mixture rule, the user should submit the one-time notification.

When the Notification Must be Submitted.

- The notification must be submitted within one hundred eighty (180) days of August 23, 1990 (i.e., no later than February 23, 1991).
- Industrial users who commence discharging after August 23, 1990 must submit the notification no later than one hundred eighty (180) days after the discharge of a hazardous waste.
- In the case of regulations under Section 3001 of RCRA identifying new hazardous wastes, the notification must be submitted within ninety (90) days of the effective date of such regulations.
- The notification need be submitted only once for each hazardous waste discharged, except when there will be a substantial change in the volume or character of the hazardous waste discharged (generally because of a planned change to the user's facility or operations). In the case of such a change, the user should notify the POTW in advance.

For Further Information.

- General questions about the requirements should be directed to the pretreatment manager of your local sewerage authority. Questions about whether your waste is hazardous should be directed to the EPA RCRA Hotline (800/424-9346).

Illinois Addresses for Notification

Director, Waste Management Division
U.S. EPA Region 5
230 South Dearborn Street
Chicago, IL 60604

Illinois EPA
Division of Land Pollution Control
Attn: Karen Hoffman
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

Hazardous Constituent Information.

Name of Constituent	Mass in Wastestream (this month)	Concentration in Wastestream (this month)	Mass in Wastestream (next 12 months)

I certify that I have a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree I have determined to be economically practical.

Signature of Company Representative _____ Date _____

CITY OF BELLEVILLE
ILLINOIS

HAZARDOUS WASTE NOTIFICATION

Company Name _____

Address _____

City _____ State _____ Zip Code _____

Contact Person _____ Title _____

Phone ( ) _____

Name of Publicly Owned Treatment Works _____

NPDES Permit # _____

Address _____

City _____ State _____ Zip Code _____

HAZARDOUS WASTE INFORMATION (use additional sheets if necessary)

Name of Waste _____

EPA Hazardous Waste Number _____

TYPE OF DISCHARGE

_____Continuous _____Batch _____Other_____

IF MORE THAN 100 KILOGRAMS OF ANY HAZARDOUS WASTE PER CALENDAR MONTH IS DISCHARGED TO THE SEWER, PLEASE INCLUDE THE FOLLOWING ITEMS OF INFORMATION FOR EACH HAZARDOUS WASTE, TO THE EXTENT SUCH INFORMATION IS KNOWN AND READILY AVAILABLE.

(1960 Code, Ch. 38, Appendix) (Ord. 5677, passed 12-16-1996)

APPENDIX B: GUIDANCE TO ILLINOIS INDUSTRIES FOR REPORTING DISCHARGES OF HAZARDOUS WASTE TO PUBLICLY-OWNED TREATMENT WORKS (POTWs)

Illinois Environmental Protection Agency
Office of Water Management
State Pretreatment Group

Section I: Introduction.

On July 24, 1990, the USEPA promulgated the Domestic Sewage Study (DSS) Rule, and amendment to the General Pretreatment Regulations (40 CFR 403) that became effective on August 23, 1990. This rule contains two new provisions requiring industries to report the substances that they discharge to the POTW if the substances would otherwise be hazardous waste under 40 CFR 261.

The first report 403.12(p) is a one-time notice to the local POTW authority and the State and Regional hazardous waste authorities (see Section VI). Affected industries that were discharging on August 23, 1990 must submit the report by February 23, 1991. Affected industries commencing discharge after August 23, 1990 must submit the report within one hundred eighty (180) days after starting discharge. Also, 403.12(p)(3) requires affected industries to update their initial notices in the future whenever the USEPA identified any new hazardous wastes under RCRA 3001 within ninety (90) days of the effective date of the new regulation.

The second report 403.12(j) is the requirement for the industry to promptly notify the POTW in advance of any substantial changes in the volume or character of the pollutants in the discharge. Wherever the substantial change involves a substance reported under 403.12(p), the 403.12(j) report should update the information in the first notice.

Section II: Contents of the Reports.

The industry should use Sections III-V below to determine what information should be reported. Section III identifies the hazardous waste substances. If the industry's discharge contains none of these substances, the industry is not affected by 403.12(p).

If the industry's discharge contains a hazardous waste identified in Section III, the industry should refer to Section IV to determine if the substance must be reported. If it does not need to be reported, the industry, again, is not affected by 403.12(p).

If the industry discharges any waste substances that must be reported under 403.12(p), the industry must include the information specified in Section V for each affected waste substance. However, there is an important exception. Categorical industries do not have to report pollutants that are already reported in the: (1) Baseline Monitoring Report (BMR) 403.12(b), (ii) 90-Day final Compliance Report 403.12(d), and (iii) Periodic Reports 403.12(e).

If an industry is unaffected by 403.12(p), we recommend that the industry at least notify the regulatory agencies in Section VI why they are not affected. Although this is not required, it will help avoid any misunderstandings that may result from the lack of communication.

Section III: Hazardous Waste Substances.

A. **Listed Wastes (261.30-33):** Waste substances identified on one of the following lists:
   1. Acute hazardous wastes (designated by Hazard Code "H"):
      a. "P" listed wastes 261.33(e) from any discarded (unused) commercial chemical product (or manufacturing intermediate), off-specification commercial chemical product (or manufacturing intermediate), or spill residues, and
      b. "F" listed wastes 261.31 identified acute under 261.30(d). ("K" listed wastes 261.32 may be identified in the future.)
   2. Non-acute* hazardous wastes:
      a. "F" listed wastes 261.31 from non-specific sources that are not acute;
      b. "K" listed wastes 261.32 from specific sources that are not acute (presently, none are acute);
      c. "U" listed wastes 261.33(f) from and discarded (unused) commercial chemical product (or manufacturing intermediate), off-specification commercial chemical product (or manufacturing intermediate), or spill residues.

*Note: All "U" listed wastes and some "F", "K" and "P" listed wastes are Toxic Wastes (designated by Hazard Code "T").

B. **Characteristic Hazardous Wastes (261.20-24):** Unlisted waste substances that are hazardous because they exhibit at least one of the following hazardous characteristics:
   1. Ignitability (Hazard Code: I) (261.21),
   2. Corrosivity (Hazard Code: C) (261.22),
   3. Reactivity (Hazard Code: R) (261.23), or
   4. Toxicity Characteristic** (Hazard Code: E) (261.24).

**Note: The Toxicity Characteristic (TC) replaced the Extraction Procedure (EP) Toxicity for large quantity generators (more than 1,000 kilograms/month) on September 25, 1990. Small quantity generators (100-1,000 kilograms/month) are subject to the EP Toxicity test until March 29, 1991.

Section IV: Wastes That Must Be Reported.

The definition criteria for hazardous waste under 261.3(a)(2)(ii)-(iii) decide the regulatory status of the hazardous waste substances (Section III). If a substance does not fulfill the criteria, it is not deemed hazardous and, hence, is exempt from the 403.12(p) reporting requirement. The purpose of this Section is to explain how these criteria affect the status of a waste.

A. According to 261.3(a)(2)(ii), a listed waste (261.30-.33) is no longer hazardous if it is de-listed under 260.20 and 260.22. Therefore, a de-listed waste does not need to be reported.
B. If a hazardous waste mixes with non-hazardous waste streams prior to being discharged to the POTW, the waste is subject to the "mixture rule" 261.3(a)(2)(iii). This rule affects the regulatory status of the different categories of hazardous wastes differently.

1. If a substance is a characteristic hazardous waste (261.20-24), it becomes non-hazardous if it no longer exhibits the hazardous characteristic after mixing. However, if the hazardous characteristic persists after mixing, the entire discharge becomes characteristic hazardous waste that must be reported if the quantity exceeds fifteen (15) kilograms/month.
2. If the substance is a listed hazardous waste 261.30-33 solely because it exhibits one of the hazardous characteristics 261.20-24, the substance is subject to the same requirements as a characteristic hazardous waste. This applies only to listed wastes with the following Hazardous Codes: I, C, R and E.
3. If, however, the substance is a listed acute or toxic hazardous waste 261.30-33 (Hazard Codes: H, T), the entire discharge containing the substance becomes acute or toxic hazardous waste. The industry must report any quantity of discharge that is acute hazardous waste or any discharge above fifteen (15) kilograms/month that is toxic hazardous waste. Effluent or residue from the pretreatment of acute or toxic hazardous waste continues to be hazardous unless it is de-listed.

If the industry needs assistance deciding if its discharge is hazardous, call the EPA RCRA Hotline (800/424-9346).

Section V: Minimum Information Required for Each Affected Waste.

A. The industrial user must certify that they have a program in place to reduce the volume and toxicity of hazardous wastes being generated to the degree that has been determined to be economically feasible 403.12(p)(4).
B. Information Required for each Waste:
   1. Name of hazardous waste (as listed in 261),
   2. EPA hazardous waste number, and
   3. Type of discharge (continuous, batch, other-specify).
C. Additional information required for wastes discharged in quantities above one hundred (100) kilograms/month (to the extent that the information is known and readily available to the industry):
   1. Identification of hazardous constituents in the waste,
   2. Estimate of mass and concentration of each hazardous constituent discharged in one (1) month, and
   3. Estimate of the mass of constituents expected to be discharged during the following twelve (12) months.

Section VI: Agencies That Must Be Notified Under (403.12(p)).

1. Local Sewage Plant Authority (Local Pretreatment Coordinator if authority has an approved pretreatment program),
2. Hazardous Waste Record Officer
   Illinois Environmental Protection Agency
3. Mr. David Ullrich, Director
   Waste Management Division 5H-12

U.S. EPA Region 5
230 South Dearborn Street
Chicago, IL 60604

(1960 Code, Ch. 38, Appendix) (Ord. 5677, passed 12-16-1996)

APPENDIX C: ENFORCEMENT RESPONSE PLAN (BELLEVILLE)

1. GENERAL.

The purpose of the City's Enforcement Response Plan is to provide guidance for Treatment Plant staff in all phases of enforcement related to the City's Industrial Pretreatment Program. General guidance has been provided by the City's Sewer Use Code No. 5677, but specific application of that general guidance to the range of possible enforcement actions is needed.

Elements of this plan are based on the experience of both treatment plant personnel and other municipalities in controlling industrial wastewaters. USEPA guidance manuals and model enforcement plans of other cities were used in the development of this plan.

2. INDUSTRIAL PRETREATMENT PROGRAM.

Ordinance 5677 implements the Pretreatment Program as required by the City's NPDES wastewater discharge permit as mandated by the Clean Water Act and the General Pretreatment Regulations. It provides regulations for discharge prohibitions, categorical discharge standards and specific pollutant limitations in Division II. It provides for permits for significant industrial users and reporting requirements in Division VI, Enforcement and Penalties in Division X. The enforcement philosophy is progressive; that is, problems are addressed at the lowest level and with the least formality possible consistent with the specific problem. No enforcement procedure is contingent upon the completion of any less formal procedure. For particularly severe violations, a Show Cause Hearing may be scheduled immediately without the need for Notice of Violation, Review Meeting and other Orders.

Division VI of Ordinance 5677 requires that all significant industrial users obtain a wastewater discharge permit as a condition of discharge. Permits are issued for a period of not more than five (5) years, and require installation and operation of sampling and monitoring facilities, establish compliance schedules and require submission of periodic reports and notices as needed. The wastewater discharge permit represents the City's first means of controlling the wastewater discharge by significant industrial users since, if permit requirements are met by the permittee, no further enforcement activity should be required.

The permit also represents an enforcement device for the City's use against significant industrial users violations, since the City, after a Show Cause Hearing, may direct a revocation of a user's permit which effectively bars discharge of industrial process wastewater to the POTW. Chapter 38 does not provide detailed guidance on the characterization of violations, determination of significant noncompliance, "the triggering events" that require an analysis of enforcement remedies available or the process of determining users who are in significant noncompliance for the purposes of the annual newspaper notice. These areas are covered in the following sections.

3. RESPONSIBILITIES.

The Industrial Pretreatment Program is administered by the Director of the Treatment Plant under the general supervision of the Master Sewer Committee, the Mayor and the City Council. The Director may delegate certain tasks to subordinates, particularly the Pretreatment Coordinator and the Pretreatment Technician. The Director shall maintain complete, accurate records of activities conducted as part of the Pretreatment Program. Specific responsibilities are set forth in succeeding sections of this document.

4. COLLECTION AND EVALUATION OF INFORMATION.

For each industrial user, the Director shall determine what data are required or needed to determine compliance with applicable pretreatment standards as well as when and how it can be obtained. The Director shall specify reporting requirements for each industrial user in its permit as required by USEPA and shall then track the submission of reports. If information submitted is deficient or late, the industrial user shall be notified and required to complete the submission as detailed in the appropriate enforcement response.

The Director shall notify significant industrial users of applicable pretreatment standards and any RCRA requirements as described in 40 CFR, Part 403.8(f)(2)(iii). By reporting the results of sampling and analysis to industrial users, the Director will provide feedback to users on compliance status and inform industrial users of their compliance with the City's enforcement requirements and the City's general responses to instances of noncompliance.

5. SAMPLING AND INSPECTION OF INDUSTRIAL USERS.

The Director shall prepare and continually update an inspection plan for field investigations including sample collection, facility inspections and flow monitoring. Field investigations shall be used to verify compliance status, to monitor industrial user self-monitoring activities, to collect samples, to initiate emergency or remedial action and to gather additional information. City personnel may conduct routine compliance monitoring or special monitoring in response to violations, technical problems or support for permit modifications.

6. COMPLIANCE SCREENING.

Using all available information, the Director shall conduct an initial compliance review or screening process to determine and assess compliance with schedules, reporting requirements and applicable pretreatment standards. Such screening shall be undertaken at least monthly. Reviews completed under this Section are designed to identify apparent violations rather than to determine an appropriate enforcement response to such apparent violations.

During the screening process, the reviewer shall verify that any required reports are submitted on schedule, that they cover and proper time period, include all information required in the particular report and are properly signed. As part of this process, the reviewer will compare the information supplied with

the requirements in the industrial user's permit. Any discrepancy shall be considered to be a violation. To the extent possible, the industrial user will be required to correct such discrepancies immediately upon their discovery.

7. ENFORCEMENT EVALUATION.

Violations and discrepancies identified during the compliance screening process will be reviewed by the Director to evaluate the type of enforcement response required. The enforcement response guide attached to the plan will be used for the determination.

8. SIGNIFICANT NONCOMPLIANCE (SNC).

After completion of the compliance screening, violations will be characterized and a determination made as to whether the user is in Significant Noncompliance (SNC) as defined in 40 CFR 403.3(f)(2)(VII). Certain instances of noncompliance are not of sufficient impact to justify extensive enforcement actions. However, certain violations or patterns of violations are significant and must be identified as such. Such SNC may be on an individual or long-term basis of occurrence. Categorization of industrial users as being in SNC allows the City to establish priorities for enforcement action and provides a means for reporting on the significant industrial user performance summary. Instances of SNC are industrial user violations which meet one or more of the following criteria:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oil & Grease and 1.2 for all other pollutants except pH);
c. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
d. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Chapter 38.
e. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in the Industrial User's Industrial Wastewater Discharge Permit or in a Compliance Order for starting construction, completing construction, or attaining final compliance;
f. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

g. Failure to accurately report noncompliance;
h. Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.

When an industrial user is in SNC, the City shall (1) report such information to the IEPA and the USEPA Region V as part of the Pretreatment Annual Report; (2) list the industrial user in Belleville's newspaper in accordance with paragraph 9 as being in SNC; and (3) address the SNC through appropriate enforcement action.

9. ANNUAL PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE.

General Pretreatment Regulations require the City to publish, at least annually, in the largest daily newspaper within the area served by the City's POTW, a list of industrial users which were in SNC during the previous twelve (12) months. The procedures for compiling the list of such industrial users is as follows:

A. The Director shall prepare a compliance history from City records for each individual significant industrial user.
B. The compliance history so obtained for each industrial user shall be reviewed to determine if a pattern of non-compliance exists or if the industry has been or continues to be in SNC. To the extent that an industry meets these Criteria, it will be placed on the list for publication.

10. INFORMAL AND FORMAL MEANS OF ENFORCEMENT.

I. **Informal Actions.**
   A. Information Notice; personal contact, telephone call or letter - PC, S, T
   B. Compliance Meeting - PC, S

II. **Formal Actions.**
   A. Administrative Action.
      1. Field Inspection Citation - T, PC, S
      2. Notice of Violation - S
      3. Administrative Orders.
         i. Order to appear.
            a. Review Meeting - S
            b. Show Cause Hearing - S, C & A
         ii. Consent Order - S, C
         iii. Compliance Order - S, C
         iv. Cease and Desist Order - S, C
   B. Emergency Situation.
      1. Harmful Discharge.
         i. Danger to Persons - S & A
         ii. Danger to Environment or Interference with POTW operations - S & C

C. Revocation of Permit - C
D. Legal Actions.
   1. Judicial Remedies - A
   2. Injunctive Relief - A

III. **Monetary Penalties and Costs.**
   A. Administrative Fines - S
   B. Civil Penalties - C, A
   C. Costs of Damages - S, A

IV. **Criminal Prosecution.**
   A. Violations, willful or negligent - A
   B. Falsifying Information - A

Identification of Personnel:

T - Pretreatment Technician
PC - Pretreatment Coordinator
S - Director
C - Master Sewer Committee
A - City Attorney

11. DESCRIPTION OF ENFORCEMENT ACTIVITIES.

The categories of enforcement activities are described in the succeeding paragraphs.

I. **Information Actions.***
   A. Informal Notice. Informal notice consists of personal contact, telephone calls or reminder letters to an appropriate official of an industrial user. The City may use such a call or letter to notify an industrial user of a minor violation and to seek an explanation, suggest compliance remedies or notify the violator that subsequent violations may be dealt with more severely. Such information notice may be used to correct minor inadvertent noncompliance.
   B. Compliance Meeting. Information Compliance Meeting with the industrial user to resolve recurring noncompliance. The City may request a compliance meeting for the purpose of conference, conciliation and persuasion.

   *Information notice is not a prerequisite for a compliance meeting and no informal procedure is a prerequisite for instituting formal enforcement procedures.

II. **Formal Actions.**
   A. Administrative Action.
      1. Field Inspection Citation. Warning Notice of Violation for minor violations of permit conditions detected through inspections or field investigations.
      2. Notice of Violation. Written notice to the industrial user that the City has observed a violation of pretreatment standards or requirements and requires the industrial user to submit, within ten (10) days of receiving the notice, an explanation of the violation and a

plan for the satisfactory correction and prevent of the violation, including specific required actions.

3. Administrative Orders. Administrative Orders may be issued by the Director. The Master Sewer Committee may, as a result of a Show Cause Hearing, direct the Director to issue such Administrative Orders as it deems appropriate.
   i. Order to Appear.
      a. Review Meeting. Mandatory compliance meeting with industrial user in cases where continued violations occur or where violations in themselves are either of significant magnitude or duration.
      b. Show Cause Hearing. The Director may order any industrial user who causes or allows an unauthorized discharge or violates the City's pretreatment program to show cause before the Master Sewer Committee why the City should not revoke the industrial user's wastewater discharge permit or take such other enforcement action as is dictated by the facts of the case.
   ii. Consent Order. The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance within a time period also specified by the order. Consent Orders have the same force and effect as Compliance Orders.
   iii. Compliance Order. When the Director finds that a user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.
   iv. Cease and Desist Order. The Director may issue an order to cease and desist all violations and direct the industrial user to comply forthwith or take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

B. Emergency Suspension.
   1. Harmful Discharge.
      i. Danger to Persons. The Director shall halt or prevent any discharge of pollutants to the POTW that reasonably appears to present an imminent endangerment to the health or welfare of persons. When the Director determines that such an emergency situation exists, he shall issue a verbal order (followed immediately by a written order) to the user stating the problem and requiring immediate cessation of the discharge. The Director shall obtain the concurrence of the City Attorney before initiating any actions.
      ii. Danger to the Environment or Interference with POTW operations. The Director shall halt or prevent any discharge to the POTW that presents or may present an endangerment to the environment or that threatens to interfere with operation of the POTW. The Director shall issue a written notice to the discharger stating the nature of the problem and requesting a response. If satisfactory agreement between the

Director and the discharger is not reached within seven (7) days, the Director shall issue to the Master Sewer Committee a notice describing the problem and an order that the discharge be halted. The committee shall make the final determination on implementing the order.

C. Revocation of Permit. The Master Sewer Committee may direct the Director to revoke an industrial user's wastewater discharge permit in accordance with remedies provided in Chapter 38.

D. Legal Actions.
   1. Judicial Remedies. The City Attorney may commence action for appropriate legal and/or equitable relief in the Circuit Court of the County, against any person that discharges sewage, industrial wastes, or other wastes into the City's wastewater disposal system contrary to the provisions or the Sewer Use Ordinance, Federal or State Pretreatment Requirements, or any order of the City.
   2. Injunctive Relief. Whenever an industrial user has violated or continues to violate the provisions of any Code, Ordinance, Federal or State Pretreatment Requirements, or any order of the City, the City Attorney may petition the Circuit Court of the County for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

III. **Monetary Penalties and Costs.**

A. Administrative Fines. The Director may impose fines in amounts not to exceed Five Hundred Dollars ($500.00) per violation.

B. Civil Penalties. The City may fine in an amount not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) for each offense, any industrial user who is found to have violated an order of the Director or Master Sewer Committee or who willfully or negligently failed to comply with any provision of the Sewer Use Ordinance, and the orders, rules, regulations and permits issued under the Ordinance. Each day on which a violation occurs or continues is a separate and distinct offense.

C. Costs of Damages. The City shall recover the costs of damages to any of the City's wastewater facilities from any person or user causing such damages.

IV. **Criminal Prosecution.** The Director may request a criminal investigation of any person suspected of willful or negligent violations, or suspected of knowingly falsifying information.

A. Violation - Generally. Any person convicted of willful or negligent violations shall be punished by a fine of not less than Five Hundred Dollars ($500.00) per violation per day or imprisonment for not more than six (6) months or both. A second conviction shall be punishable by a fine of not less than One Thousand Dollars ($1,000.00) per violation per day or imprisonment for not more than two (2) years or both.

B. Falsifying Information. Any person convicted of knowingly making any false statements, representation, or certification in any application, record, report, plant, or other document filed or required to be maintained pursuant to Ordinance, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) per

violation per day or imprisonment for not more than six (6) months or both. A second conviction shall be punishable by a fine of not less than two (2) years or both.

12. VARIANCES.

The Director may grant individual variances for local limits in conjunction with compliance schedules established in permits or administrative orders. Variances shall not exceed two and one-half (2.5) times the limitation on discharge for specific pollutants. No variance shall be granted that exceeds the duration of the compliance schedule and in no case shall it exceed three (3) years.
(1960 Code, Ch. 38, Appendix) (Ord. 5677, passed 12-16-1996)

TITLE VII: TRAFFIC CODE

Chapter

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CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.001 DEFINITIONS.

Terms used in this traffic code have the meanings respectively ascribed to them by the Illinois Vehicle Code, being 65 ILCS 5.
(1960 Code, § 52.101) (Ord. 2928, passed 1-20-1970)

§ 70.002 CLASSIFICATION OF VEHICLES.

For the purposes of this traffic code, motor vehicles shall be divided into two divisions, to-wit:

(A) First Division: vehicles which are designed for the carrying of not more than seven persons; and

(B) Second Division: those vehicles which are designed and used for pulling or carrying freight and also vehicles designed and used for carrying more than seven persons.
(1960 Code, § 52.101A) (Ord. 2928, passed 1-20-1970)

§ 70.003 OBEDIENCE TO POLICE.

Members of the Police Department, special police, auxiliary police and marshals assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this traffic code, 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 police officer. Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.
(1960 Code, § 52.102) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.004 SCENE OF FIRE.

The Fire Department officer in command, or any firefighter designated by him or her, may exercise the powers and authority of a police officer in directing traffic at the scene of any fire and where the Fire Department has responded to an emergency call for so long as Fire Department equipment is on the scene in the absence of or in assisting the police.
(1960 Code, § 52.103) (Ord. 2928, passed 1-20-1970)

§ 70.005 AMBULANCES, OPERATION OF.

No person shall operate an ambulance, which shall include any motor vehicle primarily designed and used for conveyance of sick or injured persons, in a manner not conforming to a provision of the motor vehicle laws and regulations of the state or ordinance of the city as such provision applies to motor vehicles in general, except in compliance with the following conditions.

(A) The person operating the ambulance shall be either responding to a bona fide emergency call or specifically directed by a licensed physician to disregard traffic laws in operating the ambulance during and for the purpose of the specific trip or journey that is involved.

(B) The ambulance shall be equipped with a siren producing an audible signal of an intensity of 100 decibels at a distance of 50 feet from said siren, and with a lamp emitting an oscillating, rotating or flashing red beam directed in part toward the front of the vehicle and containing a power rating of at least 100 amps.

(C) The aforesaid siren and lamp shall be in full operation at all times during such trip or journey.

(D) Whenever the ambulance is operated at a speed in excess of 40 mph, the ambulance shall be operated in complete compliance with every other motor vehicle law and regulation of the state and ordinances of the city in which the ambulance is operated, relating to the operation of motor vehicles, as such provision applies to motor vehicles in general, except laws and regulations pertaining to compliance with official traffic-control devices or to vehicular operation upon the right half of the roadway.
(1960 Code, § 52.112) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.006 EXEMPTIONS.

(A) The provisions of this traffic code 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 when approaching shall slow down as necessary for safety, but may proceed cautiously past a 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) No driver of any authorized emergency vehicle shall assume any special privileges, 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) The provisions of this traffic code regulating the movement and parking of vehicles shall not apply to persons, equipment or vehicles while actually engaged in installing, repairing or otherwise improving streets or street pavements.
(1960 Code, § 52.113) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.007 BICYCLE REGULATIONS.

(A) No person shall ride a bicycle on a street with another person on the handlebars or in a position in front of the operator.

(B) Persons riding bicycles shall observe all traffic signs and stop at all stop signs and obey traffic signals and the orders of the traffic officers and school patrols.

(C) No person shall ride a bicycle upon any street abreast of more than one other person riding a bicycle.

(D) Every person riding a bicycle upon any street shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right-hand side of the street, pass to the left when passing overtaken vehicles and individuals that are slower moving and pass vehicles to the right when meeting.

(E) No person riding a bicycle on a street shall hold on or hitch such bicycle to any other vehicle.

(F) No person shall ride a bicycle at night without a light on the front and reflector or lamp on the rear.

(G) No person riding a bicycle on the street shall engage in any trick riding or weaving in and out.

(H) No person shall ride or propel a bicycle out of alleys and driveways, or from behind parked cars, without stopping and looking to see that sidewalks or streets are clear of traffic.

(I) No person shall ride a bicycle on a sidewalk. This section shall not apply to city police officers on duty.

(J) Any person so riding a bicycle in addition to the above regulations shall be subject to the provisions of this traffic code applicable to drivers of vehicles, except those parts which have no application to one riding a bicycle.
(1960 Code, § 52.114) (Ord. 2928, passed 1-20-1970; Ord. 5148, passed 11-1-1993) Penalty, see § 70.999

§ 70.008 SKATEBOARD REGULATIONS.

(A) Persons riding skateboards or rollerblades shall observe all traffic signs and stop at all stop signs and obey traffic signals and the orders of the traffic officers and school patrols.

(B) No person shall ride a skateboard or rollerblades upon any street abreast of more than one other person riding a skateboard or rollerblading.

(C) Every person riding a skateboard or rollerblading upon any street shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, and ride or skate at the right-hand side of the street.

(D) No person riding a skateboard or rollerblading on a street shall hold on or hitch such skateboard or rollerblades to any vehicle.

(E) No person riding a skateboard or rollerblading on the street shall engage in any trick riding or weaving in or out.

(F) No person shall ride or propel a skateboard or rollerblade out of alleys and driveways, or from behind parked cars, without stopping and looking to see that sidewalks or streets are clear of traffic.

(G) No person shall ride a skateboard or rollerblade on a sidewalk in a territory described as follows: starting from a point at the intersection of the centerlines of North Oak Street and East "B" Street; thence westerly along the centerline of "B" Street to its intersection with Richland Creek; thence southwesterly along the centerline of Richland Creek to its intersection with the centerline of West Main Street; thence easterly along the centerline of West Main Street to its intersection with the centerline of South 6th Street; thence southward along the centerline of South 6th Street to its intersection with the centerline of West Lincoln Street; thence easterly along the centerline of Lincoln Street and its easterly projection to its intersection with the southerly projection of the centerline of South Oak Street; thence northward along the centerline and projection of the centerline of South Oak Street to its intersection with the centerline of East Main Street; thence easterly along the centerline of East Main Street to its intersection with the centerline of North Oak Street; thence northward along the centerline of North Oak Street to its intersection with the centerline of East "B" Street; to the point of beginning.
(1960 Code, § 52.115) (Ord. 2928, passed 1-20-1970; Ord. 5657, passed 12-2-1997) Penalty, see § 70.999

TRAFFIC-CONTROL DEVICES

§ 70.020 SIGNS AND SIGNALS.

It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the state, excepting on direction of a police officer.
(1960 Code, § 52.104) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.021 TRAFFIC-CONTROL SIGNAL LOCATIONS.

(A) The locations described in Ch. 75, Schd. I(A), of this code of ordinances are hereby designated traffic signal control locations.

(B) The locations described in Ch. 75, Schd. I(B), of this code of ordinances are hereby designated school traffic signal control locations.

(C) When traffic signals or school traffic signals are erected and in operation at any such location, the driver of a vehicle shall obey such signals as provided in this traffic code.

(D) The Superintendent of Streets is hereby empowered to erect and maintain traffic-control signals in conformity with state law at the locations described in Ch. 75, Schd. I, of this code of ordinances.
(1960 Code, § 52.104-A) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.022 TRAFFIC-CONTROL SIGNAL LEGEND.

(A) Whenever traffic is controlled by traffic-control signals exhibiting the words "go", "caution" or "stop", or exhibiting different colored lights successively, the following colors only shall be used and said terms and lights shall indicate as follows.

(1) *Circular green or the word "go".*

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn; but vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

(b) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk, unless directed otherwise by a pedestrian signal.

(2) *Steady yellow or the word "caution".*

(a) Vehicular traffic facing the signal is thereby warned that the red indication will be exhibited immediately thereafter or the related green movement is being terminated, and shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(b) Unless otherwise directed by a pedestrian signal, pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and no pedestrian shall cross, except upon a green light or go sign.

(3) *Steady red or the word "stop".*

(a) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line; if there is no such line, then vehicles shall stop before entering such crosswalk and shall remain standing until the green indication is shown, unless otherwise directed by a sign or arrow.

(b) No pedestrian facing such signal shall enter the roadway, shall cross until receiving a green light or go sign or unless and until a separate "walk" indication is shown.

(4) *Green turn arrow (alone or with circular green, with steady yellow, with steady red or with green straight through arrow).* Vehicular traffic facing the signal shall comply with the meaning of the circular green, steady yellow or straight through arrow indication as if it were shown alone, except that such vehicular traffic may cautiously enter the intersection to make the movement indicated by the green turn arrow. Vehicular traffic shall yield right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(B) In the event that an official traffic-control signal or flashing red signal is erected and maintained at a place other than an intersection, the provisions of this section or of § 70.023 of this chapter shall be applicable, except as to provisions which, by their nature, can have no application. Any stop required shall be at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(C) In the event an official traffic-control signal or flashing red signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable, except as to provisions which, by their nature, can have no application. Any stop required shall be at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.
(1960 Code, § 52.105) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.023 FLASHING SIGNALS.

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows.

(A) *Flashing red (stop signal).* When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
(1960 Code, § 52.106) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.024 TEMPORARY SIGNS AND SIGNALS.

The Chief of Police is hereby empowered to have erected and maintained at dangerous or other hazardous locations, temporary stop, slow, danger or warning signs or signals.
(1960 Code, § 52.107) (Ord. 2928, passed 1-20-1970)

§ 70.025 PEDESTRIAN CONTROL SIGNALS.

Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place, such signals shall indicate as follows.

(A) *"Walk".* Pedestrian facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the driver of all vehicles.

(B) *"Don't walk".* While the "don't walk" signal is illuminated, either steady or flashing, no pedestrian shall start to cross the roadway in the direction of the signal, but a pedestrian who has partly completed his or her crossing during the "walk" indication shall proceed to a sidewalk or safety island, if one is provided.
(1960 Code, § 52.108) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.026 UNAUTHORIZED SIGNS.

(A) No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority

permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain or displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control devices, sign or signal.

(B) All such unauthorized devices are hereby declared to be nuisances and may be removed by any police officer or under his or her direction and supervision.
(1960 Code, § 52.109) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.027 INTERFERENCE WITH SIGNS OR SIGNALS.

It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.
(1960 Code, § 52.110) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.028 ADVERTISING SIGNS.

(A) It shall be unlawful to maintain anywhere in the city any sign, signal, marking or device, other than a traffic sign or signal authorized by the City Council or the state's Department of Public Works and Buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device.

(B) It shall be unlawful to maintain or operate in view of any street or highway any flashing or rotating beacon of light.
(1960 Code, § 52.111) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

THROUGH, ONE-WAY, YIELD RIGHT-OF-WAY STREETS AND STOP INTERSECTIONS

§ 70.040 THROUGH STREETS.

(A) The streets described in Ch. 75, Schd. II(A), of this code of ordinances are hereby designated through streets and the intersections described in Ch. 75, Schd. II(C) and (D), of this code of ordinances are hereby designated four-way stop and school stop intersections as described in such schedules. The Chief of Police with the aid of the Superintendent of Streets is hereby directed to erect and maintain stop signs in conformity with state law at the entrances to the through streets and stop intersections described in such schedules.

(B) (1) The streets and parts of streets of the city designated by ordinance as through streets are hereby declared to be through streets.

(2) The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer or a traffic-control signal.
(1960 Code, § 52.201) (Ord. 2928, passed 1-20-1970)

§ 70.041 ONE-WAY STREETS OR ALLEYS.

(A) The streets described in Ch. 75, Schd. III, of this code of ordinances are hereby designated one-way streets.

(B) It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance, in any direction other than that so designated.
(1960 Code, § 52.202) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.042 STOP STREETS.

The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance, at one or more entrances thereto, and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be complied with.
(1960 Code, § 52.203) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.043 YIELD RIGHT-OF-WAY STREETS.

(A) (1) The intersections described in Ch. 75, Schd. II(E), of this code of ordinances are hereby designated yield right-of-way intersections.

(2) Where yield right-of-way signs are erected, the driver of a vehicle shall be in obedience to such sign reduce the speed of his vehicle to not more than 20 mph and shall yield the right-of-way to other vehicles which have entered the intersecting street either from the right or left or which are approaching so closely on said intersecting street as to constitute an immediate hazard; but said driver, having so yielded, may proceed at such time as a safe interval occurs.

(B) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, such collision shall be deemed prima facie evidence of the driver's failure to yield right-of-way.
(1960 Code, § 52.204) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.044 TURNS PROHIBITED.

(A) No person operating a vehicle on Main Street shall turn left onto High Street. No person operating a vehicle on High Street shall turn left onto Main Street.

(B) No person operating a vehicle traveling south on North Illinois Street between "A" Street and Public Square shall turn left into the Boatmen's Bank. No person operating a vehicle traveling south on North Illinois Street shall turn left onto Lebanon Avenue.

(C) There shall be no turns allowed on red lights at the intersections listed in Ch. 75, Schd. VIII(A), of this code of ordinances.

(D) No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets in the city.
(1960 Code, § 52.205) (Ord. 2928, passed 1-20-1970; Ord. 4828, passed - -; Ord. 5820, passed 12-1-1997) Penalty, see § 70.999

§ 70.045 NO TURNS.

It shall be unlawful for the operator of any vehicle to turn left or right at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.
(1960 Code, § 52.206) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.046 POSTING SIGNS.

Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections.
(1960 Code, § 52.207) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 70.047 PLACEMENT OF TRAFFIC-CONTROL DEVICES.

When official traffic-control devices are required to be erected by this traffic code or by law, it shall be the duty of the Chief of Police and the Superintendent of Streets to cause suitable devices to be erected in such areas, if not erected by State Department of Public Works and Buildings.
(1960 Code, § 52.208) (Ord. 2928, passed 1-20-1970)

DRIVERS

§ 70.060 ACCIDENTS.

(A) 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 to or damage shall stop immediately and render such assistance as may be possible, and give his or her true name and residence to the injured person or any other person requesting the same on behalf of the injured person, or the owner of the property damaged, and to a police officer, if one is present.

(B) The driver of each vehicle concerned in accident involving bodily injury or death or damage to the property of any one person in excess of $100 shall report such accident to the Police Department in writing on forms provided for such purpose as soon after the accident as may be practicable, but in no event less than 24 hours after such accident.
(1960 Code, § 52.702) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

IMPOUNDMENT OF MOTOR VEHICLES

§ 70.075 REDEMPTION OF VEHICLE.

(A) (1) Before the owner or person entitled to possession of any vehicle impounded for any traffic violation, misdemeanor criminal offense or warrant arrest, which requires a custodial arrest, as defined by the state, a fee of $100 per vehicle shall be payable to the city. A fee of $500, per vehicle, shall be paid in connection with the custodial or warrant arrest of any driver of a vehicle for any felony level offense or the following offense(s), as defined by the state or the United States of America:

(a) 720 ILCS 550, Cannabis Control Act;

(b) 720 ILCS 570, Illinois Controlled Substances Act;

(c) 720 ILCS 600, Drug Paraphernalia Control Act;

(d) 720 ILCS 602, Ephedra Prohibition Act;

(e) 720 ILCS 635, Hypodermic Syringes and Needles Act;

(f) 720 ILCS 646, Methamphetamine Control and Community Protection Act;

(g) 720 ILCS 5/12-2(a)(1), Aggravated Assault on a Police Officer;

(h) 720 ILCS 5/31-1(a), Resisting or Obstructing a Peace Officer, Firefighter, or Correctional Employee;

(i) 720 ILCS 5/31-4.5, Obstructing Identification;

(j) 625 ILCS 5/11-204, Fleeing or Attempting to Elude Police Officer;

(k) 625 ILCS 5/11-501, Driving Under the Influence;

(l) 625 ILCS 5/11-503, Reckless Driving;

(m) 625 ILCS 5/11-506, Street Racing (Drag);

(n) 625 ILCS 5/6-206.2, Violations Relating to an Ignition Interlock Device; and

(o) 625 ILCS 5/6-303, Driving While Driver's License, Permit or Privilege to Operate a Motor Vehicle is Suspended or Revoked.

(2) A fee of $50 per vehicle shall be paid for any vehicle impounded for a violation of, and in accordance with, any city ordinance. Said fees shall be paid at the Police Department prior to the release of the vehicle, and shall reimburse the Police Department in compensation for the time and resources spent by the Department regarding the impoundment and release of said vehicles. The above fees are to be paid by the registered owner or person seeking the vehicle's release regardless of whether the owner of said vehicle or any other authorized person was driving the vehicle at the time of the arrest and impoundment by the Police Department. For all other vehicles towed by the Police Department, for any reason other than the above listed offenses, a tow release will be issued by the Police Department free of charge.

(B) It shall be the duty of the towing or storage company in possession of the vehicle to obtain documentation issued by the Police Department confirming compliance with the foregoing requirements and to retain photocopies of that documentation in its files for a period of not less than six months following release of the vehicle. The foregoing information shall be made available to the authorities of the city for inspection and copying, upon their request, by the towing or storage company. The towing or storage company is prohibited from releasing any vehicle they may tow within the city until and unless it obtains the documentation as aforesaid.

(C) The towing or storage company shall be entitled to receive a fee from the owner or person entitled to possession of any such vehicle prior to the release of the vehicle. The fee shall be to cover the cost of removing said vehicle and, in addition thereto, the cost of storage of said vehicle for each day or fraction thereof that said vehicle shall have remained stored.

(D) The foregoing fees shall be in addition to any fee levied or assessed against the owner or operator of said vehicle by reason of violation of any ordinance or statute and any arrest which may have resulted from such violation.
(1960 Code, § 52.10.1) (Ord. 2928, passed 1-20-1970; Ord. 7481, passed 4-4-2011) Penalty, see § 70.999

§ 70.076 DEPARTMENT ADMINISTRATIVE TOW FEE WAIVER.

The owner or person entitled to possession of any vehicle impounded for offenses identified in § 70.075 of this chapter may request a waiver of the assessed administrative department fee for a bona fide financial hardship only once regardless of the number of vehicles owned or number of times towed under the provisions of this subchapter to the Patrol or other Division Commander. No waiver shall be considered or granted for any "forcible felony" arrests as defined by the state's Criminal Code. ***FORCIBLE FELONY*** means treason, first degree murder and second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual. The Division Commander shall be responsible for reviewing the waiver request and considering all relevant information before rendering a decision. If the waiver request is denied by the Division Commander, the owner or person entitled to possession of the vehicle may appeal the decision to the Chief of Police. The Chief of Police will review the request and issue a decision which shall be final.
(1960 Code, § 52.10.2) (Ord. 2928, passed 1-20-1970; Ord. 7481, passed 4-4-2011)

§ 70.999 PENALTY.

(A) Any person, firm or corporation violating any provisions of this traffic code shall be fined not less than $10, nor more than $500, for each offense.
(1960 Code, § 52.901)

(B) Any person arrested for a violation of any provision of this traffic code shall be released upon proper bail being furnished as required by law.
(1960 Code, § 52.902)

(C) The fact that an automobile which is illegally operated or parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation.
(1960 Code, § 52.903)
(Ord. 2928, passed 1-20-1970)

CHAPTER 71: PEDESTRIANS

Section

71.01 Right-of-way
71.02 Pedestrians crossing roadway
71.03 Signals
71.04 Standing on sidewalk
71.05 Pedestrian crossing
71.06 Pedestrians walking along roadways
71.07 Blind pedestrians, right-of-way
71.08 Walking on highways

§ 71.01 RIGHT-OF-WAY.

(A) Where traffic-control signals or pedestrian control signals provided for in §§ 70.020 through 70.028 of this code of ordinances are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to a pedestrian crossing the roadway or street within any marked crosswalk or within any unmarked crosswalk.

(B) Whenever stop signals or flashing red signals are in place at an intersection or a marked crosswalk between intersections, the pedestrian shall have the right-of-way over drivers of vehicles; and, at such marked places, drivers of vehicles shall stop before entering the nearest crosswalk and any pedestrian within or entering the crosswalk at either edge of the roadway shall have the right-of-way over any vehicle so stopped.

(C) The driver of a vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross. (1960 Code, § 52.401) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 71.02 PEDESTRIANS CROSSING ROADWAY.

(A) No pedestrian shall stand or loiter in such street or roadway other than in a safety zone.

(B) No pedestrian shall cross any street, except at designated and marked crosswalks. (1960 Code, § 52.402) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 71.03 SIGNALS.

At intersections where traffic is directed by a police officer or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic.
(1960 Code, § 52.403) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 71.04 STANDING ON SIDEWALK.

It shall be unlawful for a pedestrian to stand upon any sidewalk, except as near as reasonably possible to the building line or curb line, if such standing interferes with the use of said sidewalk by other pedestrians.
(1960 Code, § 52.404) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 71.05 PEDESTRIAN CROSSING.

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street or roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street or roadway.
(1960 Code, § 52.405) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 71.06 PEDESTRIANS WALKING ALONG ROADWAYS.

(A) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(B) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic and, upon meeting a vehicle, shall step off to the left.

(C) No person shall solicit a ride from a driver of any motor vehicle.
(1960 Code, § 52.406) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 71.07 BLIND PEDESTRIANS, RIGHT-OF-WAY.

Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red or who is being guided by a dog, shall have the right-of-way in crossing any street or highway, whether or not traffic on such street or highway is controlled by traffic signals, anything in this traffic code to the contrary notwithstanding. The driver of every vehicle approaching the place where a blind person, so carrying such a cane or walking stick or being so guided,

is crossing a street or highway shall bring his or her vehicle to a full stop and before proceeding, shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of this section shall not apply to a blind person who is not carrying such a cane or walking stick or is not guided by a dog, but the other provisions of this traffic code relating to pedestrians shall be applicable to such person. However, the failure of a blind person to use or so carry such a cane or walking stick or to be guided by a guide-dog when walking on streets, highways or sidewalks, shall not be considered evidence of contributory negligence.
(1960 Code, § 52.407) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 71.08 WALKING ON HIGHWAYS.

(A) Any person walking along and upon improved highways shall keep on the left of the paved portion, or on the left shoulder thereof and, upon meeting a vehicle when walking on such paved portion, shall step off to the left.

(B) Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway, except at a crosswalk.

(C) It is unlawful for any pedestrian who is under the influence of intoxicating liquors to be upon any street or roadway of the city.
(1960 Code, § 52.408) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

CHAPTER 72: CONDITION OF VEHICLES; EQUIPMENT

Section

72.01 Clear vision
72.02 Gas and smoke
72.03 Unnecessary noise
72.04 Driving unsafe vehicles prohibited
72.05 Spilling loads
72.06 Brakes
72.07 Horn
72.08 Lamps on vehicles owned by firefighters
72.09 Lights
72.10 Muffler
72.11 Width, length and height; projecting loads
72.12 Tires
72.13 Weight
72.14 Weight, limits on public streets
72.15 Motorcycles, trailers, lights required

§ 72.01 CLEAR VISION.

It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. (1960 Code, § 52.601) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.02 GAS AND SMOKE.

It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles. (1960 Code, § 52.602) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.03 UNNECESSARY NOISE.

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise. (1960 Code, § 52.603) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.04 DRIVING UNSAFE VEHICLES PROHIBITED.

It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle which is in such unsafe condition as to endanger any person or property, or which is in violation of any provisions of this traffic code or any laws of the state.
(1960 Code, § 52.604) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.05 SPILLING LOADS.

No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the municipality.
(1960 Code, § 52.605) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.06 BRAKES.

It shall be unlawful to drive any motor vehicle upon a street unless such vehicle is equipped with good and sufficient brakes in good working condition, as required by the state traffic law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanics operating the brakes of such vehicles.
(1960 Code, § 52.606) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.07 HORN.

(A) Every motor vehicle shall be equipped with a good and sufficient audible signaling device in efficient working condition. Such signaling device shall be sounded when necessary to give timely warning of the approach of a vehicle, but such horn or other signaling device shall not be sounded for any purpose other than as a warning of impending danger.

(B) No motor vehicle other than an emergency vehicle shall be equipped with a siren or gong signaling device.
(1960 Code, § 52.607) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.08 LAMPS ON VEHICLES OWNED BY FIREFIGHTERS.

Any motor vehicle owned or fully operated by a firefighter may be equipped with not to exceed two lamps which shall emit a blue light without glare, which lights shall only be used when actually going to a fire.
(1960 Code, § 52.608) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.09 LIGHTS.

It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the state law; provided that, vehicles may be parked at nighttime without lights on any street or portion thereof.
(1960 Code, § 52.609) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.10 MUFFLER.

No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition and the use of a cutout is prohibited.
(1960 Code, § 52.610) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.11 WIDTH, LENGTH AND HEIGHT; PROJECTING LOADS.

(A) The maximum length and height of any vehicle and its load shall not exceed the limits expressed in the Illinois Vehicle Code, being 65 ILCS 5.

(B) No First Division vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle, nor extending more than six inches beyond the line of the fenders on the right side thereof.

(C) No combination of vehicles of the Second Division coupled together shall consist of more than two units, but such limitation shall not apply to vehicles operated in daytime when transporting pipes, poles, machinery and other objects which cannot be readily dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work; but such load carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.

(D) No part of the load of a vehicle shall extend more than three feet in front of the extreme front portion of the vehicle.
(1960 Code, § 52.611) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.12 TIRES.

It shall be unlawful to operate on any street any motor vehicle which is not equipped with tires conforming to the requirements of the Illinois Vehicle Code, being 65 ILCS 5.
(1960 Code, § 52.612) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.13 WEIGHT.

It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of that permitted by the Illinois Vehicle Code, being 65 ILCS 5, for driving on improved highways or with weight distributed in a manner not conforming to such law, or in violation of a special weight limits provided for by ordinance and signposted.
(1960 Code, § 52.613) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.14 WEIGHT LIMITS ON PUBLIC STREETS.

No vehicle shall be operated or allowed to stand upon the streets listed in Ch. 75, Schd. VI, of this code of ordinances if the vehicle, together with the load thereon, weighs in excess of designated weight, except when and to the extent necessary for the receiving or delivery of goods and materials.
(1960 Code, § 52.614) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

§ 72.15 MOTORCYCLES, TRAILERS, LIGHTS REQUIRED.

During the period from sunset to sunrise, or at any other time when visibility is so limited as to require the use of lights for safety, every motorcycle operated on any street or other public place in the city shall carry and exhibit one lighted lamp commonly known as a driving light, and every motor vehicle two such lighted lamps showing white lights or lights of a yellow or amber tint, visible at least 500 feet in the direction toward which each motorcycle or motor vehicle is proceeding, and each motor vehicle, trailer or semi-trailer shall also exhibit at least one lighted lamp which shall be so situated as to throw a red light visible for at least 500 feet in the reverse direction. Every trailer having a gross weight of 3,000 pounds or less including the weight of the trailer and maximum load shall be equipped with two lighted lamps, one on each side of the rear of such trailer which shall be so situated as to throw a red light visible for at least 500 feet in the reverse direction.
(1960 Code, § 52.615) (Ord. 2928, passed 1-20-1970) Penalty, see § 70.999

CHAPTER 73: TRAFFIC RULES AND DRIVING REGULATIONS

Section

General Rules for Driving

73.01 Required position and method of turning at intersection
73.02 Stop before emerging from alley or private driveway
73.03 Starting parked vehicle
73.04 Limitations on backing
73.05 Obstruction to driver's view or driving mechanism
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73.07 Driving from alleys, driveways or garages
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Prohibited Conduct

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73.50 Drag racing
73.51 Alcoholic liquor in motor vehicles
73.52 Putting glass and the like on streets

73.99 Penalty

GENERAL RULES FOR DRIVING

§ 73.01 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION.

The driver of a vehicle intending to turn at an intersection shall do so as follows.

(A) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway, or as indicated by traffic markers or signs.

(B) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection, or as indicated by traffic markers or signs.

(C) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left lane lawfully available to traffic moving in such direction upon the roadway being entered, or as indicated by traffic markers or signs.

(D) The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.
(1960 Code, § 52.301) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.02 STOP BEFORE EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to all vehicles approaching on said roadway.
(1960 Code, § 52.301A) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.03 STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.
(1960 Code, § 52.302) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.04 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.
(1960 Code, § 52.303) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.05 OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
(1960 Code, § 52.304) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.06 DRIVER'S SIGNAL; SIGNALS AND TURNING; LAMPS AND DEVICES.

(A) *Driver's signal.*

(1) No driver of a vehicle shall suddenly start, slow down, stop or attempt to turn without first giving a suitable signal in such a manner as to apprise others who might be affected by his or her action.

(2) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(3) A signal or intention to turn right or left shall be given during not less than the last 100 feet traveled by the vehicle before turning.

(4) The signals herein required shall be given either by means of the hand and arm, or by a signal lamp or signal device, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to front and rear of such vehicle, then said signals must be given by such a lamp or device.

(5) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(a) Left turn: hand and arm extended horizontally;

(b) Right turn: hand and arm extended upward; and

(c) Stop or decrease of speed: hand and arm extended downward.

(1960 Code, § 52.305)

(B) *Signals and turning.*

(1) No person may turn a vehicle at an intersection unless the vehicle is in the lane next to the direction in which the turn is to be made or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn right or left when required must be given continuously during not less than the last 100 feet traveled by the vehicle before turning within a business or residence district, and such signal must be given continuously during not less than the last 200 feet traveled by the vehicle before turning outside a business or residence district.

(3) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this traffic code to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.

(4) The electric turn signal device required in this traffic code must be used to indicate an intention to turn, change lanes or start from a parallel parking position, but must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

(1960 Code, § 52.306)

(C) *Signal lamps and signal devices.*

(1) Every vehicle operated in the city shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than 500 feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may be, but need not be, incorporated with other rear lamps.

(2) Every motor vehicle shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red light.

(3) Every trailer and semi-trailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level as widely spaced laterally as practicable.

(4) Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.
(1960 Code, § 52.307)
(Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.07 DRIVING FROM ALLEYS, DRIVEWAYS OR GARAGES.

The driver of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk, or across a sidewalk line projected across such alley, and shall exercise extreme care in driving upon said sidewalk or across such lines.
(1960 Code, § 52.308) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.08 VEHICLE NOT TO BE DRIVEN ON SIDEWALKS.

No driver of a vehicle shall drive within any sidewalk area, except at a permanent or temporary driveway.
(1960 Code, § 52.309) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.09 RIGHT-OF-WAY.

Excepting as otherwise herein provided, the driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway; and when

two vehicles are entering an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
(1960 Code, § 52.310) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.10 VEHICLE TURNING LEFT.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within an intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.
(1960 Code, § 52.311) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.11 DRIVING ON RIGHT SIDE OF ROADWAY.

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(A) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(B) When the right half of a roadway is closed to traffic while under construction or repair;

(C) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;

(D) Upon a roadway designated and sign posted for one-way traffic; or

(E) Whenever there is a single track paved road on one side of the public highway and two vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.
(1960 Code, § 52.313) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.12 PASSING AND OVERTAKING VEHICLES.

(A) *Passing vehicles.*

(1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(2) Tractor trailer trucks are prohibited from operating on West "F" Street between North 17th Street and North 21st Street.
(1960 Code, § 52.314)

(B) *Overtaking vehicles.* The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions and special rules hereinafter stated.

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safety clear of overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.
(1960 Code, § 52.315)

(C) *Overtaking vehicles on the right.*

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

(2) The driver of a vehicle may overtake and allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

(3) The driver of a vehicle may overtake and pass another vehicle upon the right on a one-way street or on any street on which traffic is restricted to one direction of movement where the roadway is free from obstruction and of sufficient width for two or more lanes of moving vehicles.
(1960 Code, § 52.316)

(D) *Limitations on overtaking on the left.*

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(2) No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within sufficient distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within 100 feet of or traversing any intersection or railroad grade crossing;

(c) When official signs are in place directing that traffic keep to the right, or a distinctive line also so directs traffic as declared in the sign manual adopted by the state's Department of Public Works and Buildings; and

(d) The limitations in divisions (D)(2)(a) and (D)(2)(b) above shall not apply upon a one-way street, or upon a street with unobstructed pavement or sufficient width for two or more lanes of moving traffic in each direction when such movement can be made with safety.
(1960 Code, § 52.317)
(Ord. 2928, passed 1-20-1970; Ord. 4792, passed - -) Penalty, see § 73.99

§ 73.13 ONE-WAY ROADWAYS.

Upon a roadway designated and sign posted for one-way traffic, a vehicle shall be driven only in the direction designated.
(1960 Code, § 52.318) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.14 DRIVING ON ROADWAYS LANED FOR TRAFFIC.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply.

(A) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(B) Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such centerline is at the time allocated exclusively to traffic moving in the direction that the vehicle is proceeding and is sign-posted to give notice of such allocation.

(C) Official signs may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of such signs.
(1960 Code, § 52.319) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.15 EMERGENCY VEHICLES.

(A) *Fire Department vehicles; fires.*

(1) Upon the approach of a Fire Department vehicle, drivers of vehicles shall comply with the provision of this chapter relating to the approach of authorized emergency vehicles.

(2) It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus in response to a fire alarm closer than one block or to park any vehicle within the block where fire apparatus has stopped to answer a fire alarm.

(3) It shall be further unlawful for the driver of any vehicle to drive over an unprotected hose of the Fire Department without the consent of the Fire Chief or the assistant in command.
(1960 Code, § 52.312)

(B) *Operation of vehicles on approach of authorized emergency vehicles.* Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible sign by siren or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
(1960 Code, § 52.320)

(C) *Lights on emergency vehicles.* No oscillating, rotating or flashing lights are permitted on any motor vehicle, except as follows:

(1) Red oscillating, rotating or flashing lights are permitted only on:

(a) Local law enforcement vehicles and police vehicles of the state or federal government;

(b) Vehicles of local fire departments and firefighting vehicles of the state or federal government; and

(c) Vehicles which are designed as ambulances and while responding to an emergency call for the purpose of conveying sick or injured persons.

(2) Amber oscillating, rotating or flashing lights are permitted only on:

(a) Second Division vehicles designed for towing or hoisting disabled vehicles while actually being used for such purposes;

(b) Motor vehicles or equipment of the state, local authorities and contractors while engaged in maintenance or construction operations within the limits of construction projects;

(c) Vehicles or equipment used by engineering or survey crews while actually engaged in work on a highway;

(d) Vehicles of public utilities and municipal departments while engaged in maintenance or construction operations within the limits of construction projects;

(e) Oversized vehicle or load moving under permit issued by the Department of Public Works and Buildings of the state;

(f) The front and rear of motorized equipment owned and operated by the state or any political subdivision thereof, which is designed and used for removal of snow and ice from highways; and

(g) Such other vehicles as may be authorized by local authorities.

(3) Blue oscillating, rotating or flashing lights are permitted only on:

(a) The front of any motor vehicle owned by or fully operated by a volunteer firefighter, paid firefighter, part-paid firefighter or call firefighter while responding to a fire call; and

(b) Police Department vehicles in cities having a population of 500,000 or more inhabitants.
(1960 Code, § 52.354)
(Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.16 SPEED RESTRICTIONS.

(A) *Speed restrictions.*

(1) (a) No person shall drive any vehicle upon any public street at a speed which:

1. Is greater than is reasonable and proper with regard to traffic conditions and the use of the street or endangers the safety of any person or property; or

2. Is greater than the applicable maximum speed limit established by law or ordinance.

(b) The fact that the speed of the vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or street conditions; and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(2) The maximum speed limit for a vehicle of the First Division, unless some other such limit is established is as follows.

(a) Outside of an urban district, the maximum is 65 mph.

(b) In an urban district, the maximum is 25 mph; except that, in an alley the maximum is 15 mph.

(3) The maximum speed limit for a vehicle of the Second Division, unless some other such limit is established, is as follows.

(a) If the vehicle is designed and used for pulling or carrying freight and has a gross weight of 8,000 pounds or less (including the weight of the vehicle and maximum load), and is equipped with pneumatic tires, the maximum is 55 mph outside an urban district, 30 mph in an urban district and 15 mph in an alley; but, if such vehicle is equipped with two or more solid tires, the maximum is ten mph at all times and in all locations.

(b) If the vehicle is designed and used for pulling or carrying freight and has a gross weight of more than 8,000 pounds (including the weight of the vehicle and maximum load), and is equipped with pneumatic tires, the maximum is 50 mph outside of an urban district, 30 mph in an urban district and 15 mph in an alley; but, if such vehicle is equipped with two or more solid tires, the maximum is ten mph at all times and in all locations.

(c) If the vehicle is designed and used for carrying more than seven passengers, and is equipped with pneumatic tires, the maximum is 60 mph.
(1960 Code, § 52.322)

(B) *Speed limits.*

(1) When it has been determined upon the basis of an engineering and traffic investigation that the prima facie speed limit of motor vehicles as provided by statutory enactment on any street is greater than is reasonable and safe under the conditions found to exist, the City Council may designate the speed limit.

(2) Those speed limits designated in Ch. 75, Schd. IV, of this code of ordinances for the areas stated therein are hereby determined to be reasonable for safe travel under conditions found to be existing in such areas.
(1960 Code, § 52.323)

(C) *Minimum speed regulation.* No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of his or her vehicle or in compliance with law.
(1960 Code, § 52.323-A)

(D) *Special speed limit while passing schools.*

(1) No person shall drive a motor vehicle at a speed in excess of 20 mph while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

(2) This division (D) shall not be applicable unless appropriate official signs are posted upon streets where the school zone is located. Such signs shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(3) Appropriate signs shall be posted to indicate this restriction.
(1960 Code, § 52.324)

(E) *General speed regulation.* It shall be unlawful to drive any vehicle on any street or highway within the city under the jurisdiction of the state's Department of Public Works and Buildings, or of the county, at a speed exceeding that lawfully set for such street.
(1960 Code, § 52.327)
(Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.17 TRAFFIC NOT TO BE OBSTRUCTED.

(A) No vehicle or train shall be operated or allowed to remain upon any street in such a manner as to form an unreasonable obstruction to the traffic thereon and not longer than the amount of time allowed by state statute.

(B) The provisions of this section shall also apply to railway crossing gates.
(1960 Code, § 52.328) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.18 BICYCLES AND MOTORCYCLES; TOY VEHICLES.

(A) It shall be unlawful for more than one person to ride upon any bicycle propelled by human power upon any street, or for any person to ride upon any motorcycle other than upon a seat permanently attached to said vehicle to the right or rear of the operator.
(1960 Code, § 52.329)

(B) It shall be unlawful for any person upon skates, a coaster, sled or other toy vehicle, to go upon any roadway other than at a crosswalk.
(1960 Code, § 52.334)
(Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.19 UNATTENDED VEHICLES.

(A) No vehicle shall be left unattended while the motor of such vehicle is running; and no vehicle shall be left without a driver on any hill or incline unless the vehicle is secured against moving.

(B) Whenever any police officer finds a vehicle unattended upon any bridge or roadway where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
(1960 Code, § 52.330) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.20 MOVING PARKED VEHICLE.

No person other than a police officer, as provided in this traffic code, shall move a vehicle into any prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.
(1960 Code, § 52.331) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.21 UNATTENDED ANIMALS.

It shall be unlawful to leave any horse or other draft animal unattended in any street without having such animal securely fastened.
(1960 Code, § 52.332) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.22 TRAIN SIGNALS.

(A) The driver of a vehicle approaching a railroad grade crossing when a signal device gives warning of the immediate approach of a train, shall stop within 50 feet, but not less than ten feet, from the nearest track of such railroad and shall not proceed until he or she can do so safely.

(B) The driver of a vehicle shall stop at and not traverse such grade crossing when a crossing gate is lowered or when a flagman, or automatic signal warns of the approach of a train.

(C) The driver of any motor vehicle carrying passengers for hire, or any school bus carrying any school children, or any vehicle carrying explosives or flammable liquid cargo shall stop such vehicle within 50 feet, but not less than ten feet, from the nearest rail of the tracks and shall listen and look in both directions along such track from which a train might come before proceeding across such tracks at a grade crossing; provided that, no such stop need be made at any such crossing where a police officers or a traffic-control signal directs traffic to proceed.
(1960 Code, § 52.336) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.23 DRIVING IN OR THROUGH FUNERAL OR OTHER PROCESSION.

(A) No driver of a vehicle shall drive between vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this traffic code.
(1960 Code, § 52.337)

(B) Each driver in a funeral or other procession shall drive as near to the right-hand side of the roadway as close as practical and shall follow the vehicle ahead as close as practical and safe.
(1960 Code, § 52.338)

(C) Funeral processions have the right-of-way at intersections when vehicles comprising such procession have their headlights lighted, subject to the following conditions and exceptions.

(1) Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal.

(2) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer.

(3) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic-control signals but when the leading vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all vehicles in such procession may proceed without stopping, regardless of the sign or signal and the leading vehicle and the vehicles in procession shall proceed with due caution.

(4) The operator of a vehicle not in the funeral procession shall not drive his vehicle in the funeral procession, except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signal.

(5) Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights lighted for the purpose of securing the right-of-way granted by this traffic code to funeral processions.

(6) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(7) The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles comprising a funeral procession may utilize funeral pennants or flags or windshield stickers to identify the individual vehicles in such a procession.
(1960 Code, § 52.339)
(Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.24 BACKING.

The driver of a vehicle shall not back the same unless movement can be made with reasonable safety and without interference with other traffic.
(1960 Code, § 52.340) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.25 TRUCKS PROHIBITED ON CERTAIN STREETS.

It shall be unlawful to operate a truck upon any street where truck operation is prohibited by ordinance and where such signs of prohibition are posted; except that, a truck may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.
(1960 Code, § 52.341) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.26 LIMITED LOAD STREETS.

(A) (1) It shall be unlawful to operate any vehicle on any street in the city when the gross weight on the surface of the road through any axle of such vehicle exceeds 16,000 pounds.

(2) Where lower limits are imposed in Ch. 75, Schd. VI, of this code of ordinances and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street, except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose.

(B) It shall be unlawful for person, firm or corporation to park any motor vehicle, including a tractor or trailer having a gross weight of more than four tons or having the width of more than seven feet upon, along or over any street or thoroughfare within the city, except for any motor vehicle in the process of loading or unloading, and except for any municipal vehicle owned or used by the city in the performance of municipal functions.
(1960 Code, § 52.342) (Ord. 2928, passed 1-20-1970; Ord. 5600, passed 6-18-1996) Penalty, see § 73.99

§ 73.27 SCHOOL BUSES.

The driver of a vehicle on any street or highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on the bus a visual signal directing that a stop be made; provided that, the driver of a vehicle upon a street or highway of which the roadway for traffic moving in opposite directions are separated by a strip of ground at least four feet wide which is not surfaced or suitable for vehicle traffic, or on a controlled access highway

where pedestrians are not permitted to cross, need not stop his or her vehicle upon meeting or passing a school bus which is on the opposite roadway.
(1960 Code, § 52.343) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.28 FOLLOWING TOO CLOSELY.

(A) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the street.

(B) The driver of any motor vehicle of the Second Division or motor vehicle drawing another vehicle when traveling upon a street outside of a business or residence district shall not follow within 300 feet of another motor vehicle of the Second Division or motor vehicle drawing another vehicle. The provisions of this division (B) shall not be construed to prevent overtaking and passing, nor shall the same apply upon any lane specifically designated for use by motor vehicles of the.

(C) Motor vehicle being driven upon any street outside of a business or residence district in a caravan or motorcade to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.
(1960 Code, § 52.344) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.29 DISREGARDING TRAFFIC ORDERS.

It shall be unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.
(1960 Code, § 52.345) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.30 REFUSAL TO STOP VEHICLE.

It shall be unlawful for the driver or operator of any motor vehicle who having been given a visual or audible signal by a police officer directing such driver or operator to bring his or her vehicle to a stop, to willfully fail or refuse to obey such direction, to increase his or her speed, to extinguish his or her lights or otherwise flee or attempt to evade the police officer. The signal given by the police officer may be by hand, voice, siren, red or blue light.
(1960 Code, § 52.346) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.31 LIGHT ON MOTOR VEHICLES.

(A) During the period from sunset to sunrise, or at any other time when visibility is so limited as to require the use of lights for safety, every motorcycle shall carry and exhibit one lighted lamp

commonly known as a driving light and every other motor vehicle two such lighted driving lamps showing white lights, or lights of a yellow or amber tint, visible at least 500 feet in the direction toward which each motorcycle or motor vehicle is proceeding. Parking lamps may be used in addition to but not in lieu of any such driving lamps. Each motor vehicle, trailer or semi-trailer shall also exhibit at least two lighted lamps which shall be mounted on the left rear and right rear of the vehicle so as to throw a red light visible for at least 500 feet in the reverse direction; except that, a motorcycle need be equipped with only one such lamp.

(B) (1) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light or rear registration plate when required and render it clearly legible from a distance of 50 feet to the rear.

(2) Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating a rear registration plate, shall be so wired as to be lighted whenever the head lamp or auxiliary driving lamps are lighted.
(1960 Code, § 52.347) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.32 SEAT SAFETY BELTS.

It shall be unlawful for any person to operate any 1961 or later model motor vehicle of the First Division that is titled or licensed by the Secretary of State unless the front seat of such motor vehicle is equipped with two sets of seat safety belts.
(1960 Code, § 52.352) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.33 HOSPITAL QUIET ZONES.

(A) The following areas are designated as hospital quiet zones:

(1) Lincoln Street between Third Street and Centerville Avenue; Third Street between Lincoln and Harrison; and

(2) One block from Memorial Hospital in all directions on the following streets: North Park Drive, Suzanne Court, Park Drive, East Park Drive, West Park Drive, Memorial Drive.

(B) (1) No person shall drive a vehicle at a speed greater than 15 mph in the above hospital zones.

(2) No person shall operate a vehicle which makes unusually loud or unnecessary noise in the above established hospital zones.

(3) Appropriate signs shall be placed in the above zones indicating these restrictions.
(1960 Code, § 52.325) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

PROHIBITED CONDUCT

§ 73.45 CARELESS DRIVING.

(A) *Reckless, negligent or careless driving.* Any person who drives any vehicle with a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(B) *Intentional vehicular damage to private property.* Any person who drives any vehicle with an intentional disregard for the safety of the property of another and causes damage to the property of another is guilty of intentional vehicular damage to private property.
(1960 Code, § 52.321) (Ord. 2928, passed 1-20-1970; Ord. 3475, passed 1-30-1978; Ord. 4151, passed 3-4-1985) Penalty, see § 73.99

§ 73.46 CLINGING TO VEHICLES.

It shall be unlawful for any person on any street riding a bicycle, motorcycle, sled or any toy vehicle to cling to or attach himself or herself or his or her vehicle to any moving vehicle or wagon.
(1960 Code, § 52.333) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.47 RIDING ON RUNNING BOARDS.

It shall be unlawful for any person to ride upon the fenders, running board, bumpers, top or outside step of any vehicle.
(1960 Code, § 52.335) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.48 DISOBEYING TRAFFIC-CONTROL DEVICES.

(A) No driver of a vehicle shall disobey the instructions of any official traffic-control device unless at the time otherwise directed by a police officer.

(B) It shall be unlawful for any person to leave the roadway and travel across private property to avoid a traffic-control device.
(1960 Code, § 52.348) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.49 OPENING DOOR INTO TRAFFIC LANE.

It shall be unlawful to open any door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other

traffic, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.
(1960 Code, § 52.349) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.50 DRAG RACING.

It shall be unlawful for the operator of any motor vehicle to participate in drag racing. ***DRAG RACING*** means the act of two or more individuals competing or racing on any street or highway in the city in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking him or her, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street or highway in the city.
(1960 Code, § 52.350) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.51 ALCOHOLIC LIQUOR IN MOTOR VEHICLES.

It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in, upon or about any motor vehicle, except in the original package and with the seal unbroken.
(1960 Code, § 52.351) (Ord. 2928, passed 1-20-1970) Penalty, see § 73.99

§ 73.52 PUTTING GLASS AND THE LIKE ON STREETS.

(A) No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street.

(B) Any person who drops, or permits to be dropped or thrown, upon any street any destructive or injurious material shall immediately remove the same or cause it to be removed, nor shall any person deposit or allow to be deposited dirt and/or mud upon any street.

(C) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.
(1960 Code, § 52.353) (Ord. 2928, passed 1-20-1970; Ord. 4437, passed 8-17-1987) Penalty, see § 73.99

§ 73.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 70.999 of this code of ordinances.

(B) Every person convicted of intentional vehicular damage to private property, per § 73.45 of this chapter, shall be fined not less than $200, nor more than $500.
(1960 Code, § 52.321) (Ord. 2928, passed 1-20-1970; Ord. 3475, passed 1-30-1978; Ord. 4151, passed 3-4-1985)

CHAPTER 74: PARKING REGULATIONS

Section

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GENERAL PROVISIONS

§ 74.01 PARKING RESTRICTIONS.

The parking restrictions set forth in this chapter apply whether such areas are posted with signs or not; but, if official signs or markings are located in such areas, the instructions of the signs and markings shall take precedence over the terms of this chapter.
(1960 Code, § 52.501) (Ord. 2928, passed 1-20-1970)

§ 74.02 NO PARKING RULES.

It shall be unlawful to permit any vehicle to stand at any time in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device:

(A) In any intersection;

(B) In a crosswalk;

(C) Upon a bridge, viaduct, in any subway or tunnel or the approach thereto;

(D) Within 30 feet of traffic signal, beacon or sign on the approach side;

(E) Within 20 feet of any intersection or crosswalk;

(F) Any place reducing roadway to usable width of less than 18 feet;

(G) Within 15 feet of fire hydrant;

(H) Within six feet of a driveway;

(I) Within 50 feet of nearest rail or railroad crossing grade;

(J) Within 20 feet of the driveway entrance to any Fire Department station and on the side of the street opposite the entrance to any such station within 75 feet of such entrance, when properly signposted or where curb is painted yellow; except that, parking shall be permitted within 25 feet of fire house on the east side of 12th Street;

(K) On sidewalk or parkway;

(L) At any place where official signs prohibit parking or where the curb is painted yellow; and

(M) Fire lane.
(1960 Code, § 52.502) (Ord. 2928, passed 1-20-1970; Ord. 3029, passed 9-7-1971; Ord. 3049, passed 1-7-1972; Ord. 3344, passed 3-15-1976) Penalty, see § 74.99

§ 74.03 STREET CLEANING.

It shall be unlawful to park any vehicle on any public street or portion thereof in the city at any time when such street is being cleaned or snow removed. Signs indicating such cleaning or snow removal shall be posted before such work is done.
(1960 Code, § 52.503) (Ord. 2928, passed 1-20-1970) Penalty, see § 74.99

§ 74.04 TOWING VEHICLES.

The Police Department and all members thereof are hereby authorized to have removed and towed away any car or other vehicle parked, or any vehicle or trailer for hauling items including boats, lawn equipment, campers and the like, which has been parked in the same vicinity on any public street or other public place for a period of 78 consecutive hours. Cars or trailers and the like so towed away shall be stored on any city property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the city in removing or storing such vehicles.
(1960 Code, § 52.504) (Ord. 2928, passed 1-20-1970; Ord. 6685, passed 10-18-2004) Penalty, see § 74.99

§ 74.05 TIME LIMIT PARKING.

It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by ordinance and so posted.
(1960 Code, § 52.505) (Ord. 2928, passed 1-20-1970) Penalty, see § 74.99

§ 74.06 PARKING AT CURB.

(A) No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curb line; except that, upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

(B) See exceptions to this regulation in Ch. 76, Schd. VIII.
(1960 Code, § 52.506) (Ord. 2928, passed 1-20-1970; Ord. 6385, passed 2-18-2002) Penalty, see § 74.99

§ 74.07 VEHICLES FOR SALE OR LEASE AND PEDDLING FROM A VEHICLE.

(A) It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale or lease, or to park any vehicle upon any street from which vehicle merchandise is peddled or sold.

(B) It shall be unlawful for any person, persons, partnership, corporation or any other legal entity in the business of selling, leasing or renting automobiles, trucks or other motor vehicles, to allow any automobile, truck or other motor vehicles owned or possessed by them to be parked on any street in front of, to the rear of, or adjacent to their place of business for a period of time longer than 30 minutes. (1960 Code, § 52.507) (Ord. 2928, passed 1-20-1970; Ord. 3179, passed 11-30-1973) Penalty, see § 74.99

§ 74.08 LOADING ZONES.

When signs are erected or the area otherwise marked giving notice thereof, the following areas are designated loading zones in Ch. 76, Schd. IV, of this code of ordinances and no person shall park a vehicle on such loading zones, except for loading or unloading merchandise or material.
(1960 Code, § 52.508) (Ord. 2928, passed 1-20-1970; Ord. 3344, passed 3-15-1976) Penalty, see § 74.99

§ 74.09 BUS STOPS AND TERMINALS.

(A) The following areas are hereby designated as bus stops or bus terminals: North Illinois Street, west side, from the south curb line of W. "C" Street to a point 70 feet south of the curb line.

(B) No person other than a bus driver of a bus line designated shall park in any bus zone or bus terminal; except that, a taxicab driver may stop on the north side of Main Street, east of the Public Square when there is no interference with a bus.

(C) Whenever it shall be determined by the City Council to be in the best interest of public safety to establish loading and unloading area for school buses, or any other vehicles transporting students to the local schools or other special education classes, such regulations and restrictions may be imposed on such areas relating to parking and traffic regulation as may be deemed necessary by the City Council. The following areas are designated as loading zones for school buses or other vehicles transporting students: South 23rd Street, west side, from 107 S. 23rd Street, 190 feet south.
(1960 Code, § 52.509) (Ord. 2928, passed 1-20-1970; Ord. 3302, passed - -) Penalty, see § 74.99

§ 74.10 TAXICAB STANDS.

The following areas are designated open taxicab stands.

(A) All open taxicab stands are for the convenience of the general public and are reserved exclusively for the use of taxicabs having a certificate of convenience and necessity from the city. No person shall park any vehicle other than a taxicab in any open taxicab stand.

(B) Taxicabs shall be parked in the taxicab stands by heading them directly toward the curb at right angles with the curb.

(C) Signs designating taxicab stands shall be erected at the expense of the taxicab company.
(1960 Code, § 52.510) (Ord. 2928, passed 1-20-1970) Penalty, see § 74.99

§ 74.11 CAB STANDS, BUS STANDS.

No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cab stand; and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.
(1960 Code, § 52.511) (Ord. 2928, passed 1-20-1970) Penalty, see § 74.99

§ 74.12 ALLEYS.

No person shall park a vehicle within an alley, except for the purpose of loading and unloading merchandise and then in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and 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.
(1960 Code, § 52.512) (Ord. 2928, passed 1-20-1970) Penalty, see § 74.99

§ 74.13 PARKING MOTOR VEHICLES ON PRIVATE PROPERTY.

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.
(1960 Code, § 52.513) (Ord. 2928, passed 1-20-1970) Penalty, see § 74.99

§ 74.14 PARKING PROHIBITED AT TIMES ON CERTAIN STREETS.

When signs are erected or the area otherwise marked giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets described in Ch. 76, Schd. I, of this code of ordinances.
(1960 Code, § 52.514) (Ord. 2928, passed 1-20-1970; Ord. 3344, passed 3-15-1976) Penalty, see § 74.99

§ 74.15 LIMITED PARKING.

When signs are erected or the area otherwise marked giving notice thereof, no person shall park a vehicle upon any of the streets described in Ch. 76, Schd. II, of this code of ordinances, at the times or for a longer time than that set forth in the Schedules.
(1960 Code, § 52.515) (Ord. 2928, passed 1-20-1970; Ord. 3344, passed 3-15-1976) Penalty, see § 74.99

§ 74.16 SIGNS; NOTICE.

Appropriate notice by way of signs or other markings shall be given in all areas where parking is limited or prohibited indicating such limitations or prohibitions.
(1960 Code, § 52.516) (Ord. 2928, passed 1-20-1970; Ord. 3344, passed 3-15-1976)

§ 74.17 COMMERCIAL TRUCKS.

(A) It shall be unlawful for any person to park a commercial truck having a gross weight of more than four tons within 500 feet of any residence in the city for longer than 30 minutes, except as for the purpose of loading or unloading.

(B) It shall be unlawful for any person, firm or corporation to park any motor vehicle having a gross weight of more than four tons or having a width of more than seven feet or a motor vehicle with the rate capacity of one ton or more, or a motor vehicle with a length of over 20 feet upon, along or over any street or thoroughfare within the city, except for any motor vehicle in the process of loading or unloading and except for any municipal vehicle owned or used by the city in the performance of municipal functions.

(C) It shall be unlawful to run any motor, refrigeration compressor or any other type of mechanical device or any engine within 500 feet of an occupied residential structure during the hours of 8:00 p.m. and 8:00 a.m. the following day. Such motor, refrigeration compressor or any other type of mechanical device or any engine may not be connected to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.

(D) It shall be unlawful, in a predominantly residential area, for any semi-truck or semi-trailer to be stored in any off-street parking area except when loading or unloading, or unless in an approved loading or unloading area, or in a motel-hotel lot when its owner or driver is registered as a guest.

(E) It shall be unlawful, in a predominantly residential area, to park any trucks, trailers and motor vehicles having a gross weight in excess of four tons which is designed, manufactured or used predominantly for commercial purposes in any residential district, except for the process of loading or unloading.

(F) Notwithstanding anything contained in this section, trucks, trailers and motor vehicles designed, manufactured or used predominantly for commercial purposes, including, but not limited to, wreckers, dump trucks, tracked vehicles, buses, construction vehicles, septic tank trucks, equipment vehicles and carriers, bottling works, delivery trucks, grain trucks and refrigerated trucks, are prohibited from parking on public streets in residential districts unless they are loading, unloading or are being used for the purpose for which it was built.
(1960 Code, § 52.517) (Ord. 5833, passed 1-20-1998; Ord. 5717, passed 3-17-1997) Penalty, see § 74.99

§ 74.18 PERSONS WITH DISABILITIES PARKING.

(A) No person shall park a car in a parking zone set forth in Ch. 76, Schd. VII, of this code of ordinances below unless they have a persons with disabilities parking sticker issued pursuant to 625 ILCS.
(1960 Code, § 52.218)

(B) (1) It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a persons with disabilities, as defined in 625 ILCS 5/1-159.1, pursuant to 625 ILCS 5/3-616 or 625 ILCS 5/11-1301.2, or to a disabled veteran pursuant to 625 ILCS 5/3-609, as evidence that the vehicle is operated by, or for a persons with disabilities, or a disabled veteran, in any parking place, including any private or public off-street parking facility specifically reserved for motor vehicles bearing such registration plates or decals.

(2) The parking privileges for motor vehicles bearing registration plates or decals issued to a persons with disabilities or a disabled veteran shall also include motor vehicles registered in another jurisdiction upon which is displayed a registration plate, special decal or device issued by another jurisdiction designating the vehicle as operated by, or for a persons with disabilities.

(3) The police may remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by persons with disabilities or disabled veterans, which does not display disabled registration plates or a special decal or device as required under this division (B)(3).
(1960 Code, § 52.518)
(Ord. 2928, passed 1-20-1970; Ord. 4802, passed - -; Ord. 5726, passed 4-7-1997) Penalty, see § 74.99

PARKING AT METERS AND IN OTHER DESIGNATED SPACES

§ 74.30 PARKING GENERALLY.

(A) *Chief of Police's authority.* The Chief of Police, at the direction of the Mayor, is hereby authorized and directed to promulgate rules and regulations for on-street parking and for off-street

parking in city-owned lots. Further, he or she shall issue orders for signage and for painting of lines denoting regulations for parking and for no parking. Rules, regulations and directions shall be in accordance with state law and the *Federal Manual for Uniform Traffic-Control Devices* (MUTCD).

(B) *Parking meters and other parking spaces.* The Chief of Police, at the direction of the Mayor, is directed to cause parking meters to be installed and parking spaces, along with where parking is not permitted, to be designated upon such streets and in off-street areas of the city as he or she shall select. From time to time, he or she may add to, change or abandon parking meters and areas. In making changes to parking designations, he or she shall be guided and governed by location, amount of traffic, the demand for parking spaces, the congestion of traffic, the use of the street and other pertinent conditions and demands.

(C) *Maintenance.* The Chief of Police, at the direction of the Mayor, shall maintain parking meters in good workable condition. He or she further is authorized to enter into contracts for such parts and maintenance of parking meters as may be necessary to maintain the same in good operating condition and to pay for such parts and maintenance from the General Fund with advice and guidance from the city's Finance Director. All receipts, funds and revenues from the operation of the parking meters shall be deposited into the city's General Fund.

(D) *Installation and operation.* Parking meters shall be placed immediately adjacent to the individual parking spaces. Each parking meter shall be placed or set in such a manner as to show or display a signal that the parking space adjacent to such meter is or is not legally in use. Each parking meter shall be installed and set to display, upon the deposit of a $0.25 coin of the United States, a signal indicating legal parking for a period of time allowed for such respective amount, and shall continue to operate from the time allotted for such respective coin or coins. Each meter also shall be so arranged that, upon the expiration of the allotted time, it will signal that the lawful parking period has expired.

(E) *Parking spaces.* The Chief of Police shall have lines or markings painted or placed adjacent to each parking meter for the purpose of designating the parking space for which the meter is to be used, and each vehicle parked alongside of or next to any parking meter shall park within the lines or markings so established.

(F) *Parking position.* When a parking space is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be alongside of and next to the parking meter. When a parking space is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directed at and next to such meter.

(G) *Operation of meter.* When any vehicle enters a metered parking space, the operator of said vehicle shall immediately deposit in such parking meter a $0.25 or coins of the United States, and at once shall put the meter into operation; the parking space may then be lawfully occupied by the vehicle during the period of time which has been prescribed for the amount so deposited. If the vehicle remains parked in any such parking space beyond the parking time limit allotted for the coin or coins inserted in the

meter, the parking meter shall display a sign or signal showing illegal parking, and in that event such vehicle shall be considered as parked overtime and beyond the period of legal parking time and in violation of this section.

(H) *Parking time.* The insertion of coins of the United States as herein provided into any parking meter shall allow the occupancy by a vehicle of the parking space in conjunction therewith up to the limit of parking time which has been prescribed for the part of the street in which parking space is located and the parking meter shall be so set or adjusted that it shall indicate the elapsing of said time.

(I) *Disposition of receipts.* The coins to be deposited in parking meters are levied and assessed as fees to cover the cost of the supervision, inspections, installation, operation, maintenance, control and use of the parking meters and also the cost of supervising and regulating the parking of vehicles in the parking meter zones created hereby.

(J) *Parking beyond metered time period.* It shall be unlawful for any person or operator to cause, allow, permit or suffer any vehicle to be parked overtime or beyond the period for which the coin or coins he or she has inserted in the parking meter entitles the vehicle to occupy said parking space. It shall be unlawful for any person or operator to permit a vehicle to remain in any parking space adjacent to any parking meter while the meter is displaying a signal indicating that the vehicle occupying parking space has already been parked beyond the period for which the coin inserted in the meter entitled it to remain in the parking space.

(K) *Ticketing violations.* Any law enforcement officer of the city's Police Department shall be authorized to affix to vehicles parked n violation of any of the provisions of this section a "parking violation notice" that such vehicle has been so illegally parked and instruct the operator to report to the Police Department in regard to such violation. Each such person may, within five business days of the time when such notice was attached to such vehicle, pay as the penalty for and in full satisfaction of such violation the sum which is printed on the parking violation notice (parking ticket). The penalty for non-payment after five business days shall be at a rate of double the applicable rate for each violation as indicated on the face of the "parking violation notice" affixed to the vehicle by a law enforcement officer. Five business days shall be defined as Monday through Friday from 8:00 a.m. until 5:00 p.m., excluding legal holidays.

(L) *Hours of operation.* The parking meters shall control parking only between the hours of 8:00 a.m. and 5:00 p.m., on Mondays through Fridays, except legal holidays. When parking meters are not controlling parking as this section provides, vehicles may be parked without inserting any coin or coins in the meter, but the parking line adjacent to the meters shall be adhered to in such parking in the same manner as is required during other times.

(M) *Off-street parking.* No person shall park a vehicle adjacent to any parking meter or in any gated lot in any of the off-street municipal parking lots at any time for a period in excess of the time provided via the posted signage.

(N) *Parking in designated spaces.* When parking meters are controlling parking in any lot, block or street, it shall be illegal to park except at a meter. When there are no meters, but parking spaces are denoted by lines and/or signage, it shall be illegal to park, except as so specified.

(O) *Penalty.* It shall be illegal to park beyond the time limit indicated on the dial of each parking meter or by the signage. Police officers are authorized to mark tires of any vehicle parked at a meter or in a designated space. Any vehicle found to be over the time limit at that meter or in the space after having been so marked shall be issued a ticket. The amount of the fee to be assessed for the various violations hereunder shall be as set forth on the parking violation notice.
(1960 Code, § 52.801) (Ord. 2928, passed 1-20-1970; Ord. 7483, passed 4-18-2011) Penalty, see § 74.99

§ 74.31 MARKING PLACES.

Suitable markings shall be painted or placed upon the curb or street adjacent to each parking meter for the purpose of designating the parking space and the angle at which vehicles are parked to the curb. Each vehicle parking within any parking meter zone shall park within the line or markings so established. It shall be unlawful to park any vehicle across any such line or marking or to park said vehicle in such a position that the same shall not be entirely within the area designated by such line or markings.
(1960 Code, § 52.803) (Ord. 2928, passed 1-20-1970; Ord. 7483, passed 4-18-2011) Penalty, see § 74.99

§ 74.32 ISSUANCE OF PARKING PERMITS.

The Chief of Police shall be authorized to issue permits at the cost of $144 per year or $12 per month to allow parking at ten-hour meters on the street and in parking lots, excluding both City Hall lots: "A" and North Second Street; and "A" and Jackson Street. When the person has so purchased and so displayed the permit, he or she shall not have to place any coins in said parking meters.
(1960 Code, § 52.804) (Ord. 2928, passed 1-20-1970; Ord. 7483, passed 4-18-2011)

§ 74.33 TAMPERING WITH METERS.

It shall be unlawful for any person not authorized by the Mayor or Chief of Police to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter. It shall be unlawful to deposit any slug, device or metallic or other substitute for a coin in any parking meter.
(1960 Code, § 52.805) (Ord. 2928, passed 1-20-1970; Ord. 7483, passed 4-18-2011) Penalty, see § 74.99

§ 74.34 PARKING WITHOUT PAYING.

It shall be unlawful to park in any municipal parking lot, where a fee is required, without paying such fee. It shall also be unlawful to operate, without paying, or attempt to operate without paying, any mechanical device, such as a gate, which controls traffic either entering or leaving a municipal parking lot.
(1960 Code, § 52.806) (Ord. 2928, passed 1-20-1970; Ord. 7483, passed 4-18-2011)

§ 74.35 PARKING PROHIBITED DURING A SNOW EMERGENCY.

An emergency is automatically declared to exist within the city whenever there is an accumulation of snow and ice of two inches or more; at which time a parking prohibition shall automatically become effective throughout the city in accordance with the provisions of this section.

(A) It shall be unlawful for any person to park, or allow any parked or unattended vehicle, or any vehicle to remain on any designated snow route set forth in Ch. 75, Schd. VII, of this code of ordinances until the streets have been cleared of snow.

(B) A vehicle that is parked and/or unattended when there is an accumulation of snow or ice of two inches or more shall be prima facie evidence of violation of this section by the person in whose name said vehicle is registered.

(C) Officers of the Police Department are hereby authorized to ticket, pursuant to this section, any vehicle parked and/or unattended in violation of this section, and if the Superintendent of Streets or Chief of Police deems it necessary to effectuate snow removal operations, they shall have the vehicle removed.

(D) When the parking prohibition of this section becomes effective upon the occurrence of certain weather conditions, it shall take precedence over provisions of law normally in effect; except that, it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency vehicles, or emergency traffic direction by a police officer.
(1960 Code, § 52.808) (Ord. 2928, passed 1-20-1970; Ord. 7483, passed 4-18-2011) Penalty, see § 74.99

§ 74.36 PARKING OF RECREATIONAL VEHICLES.

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

RECREATION VEHICLE. Any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent, trailer, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer or for any other similar purpose.

YARD, FRONT. A yard which is bounded by the sides of the residence, front lot line, and the front of the residence.

YARD, SIDE. A yard which is bounded by the rear of the residence, front of the residence and side lot line.

YARD, REAR. A yard which is bounded by the sides of the residence, rear lot line and the rear of the residence.

(B) *Storage.* In an area zoned for single-family residential purposes, a recreational vehicle may be stored in a garage. Storage outside of the garage, in the front yard or side yard of a residence, shall only be allowed in the driveway and the vehicle must be stored ten feet from the curb line. Outside storage shall also be allowed in the rear yard if the rear yard is not adjacent to a street. Outside storage shall not be allowed in the side yard.

(C) *Parking on the street.* It shall be unlawful to park any recreational vehicle on a city street unless it is connected to a motor vehicle and for the purpose of loading and unloading of personal property for a period not to exceed 48 hours.

(D) *Towing a vehicle.* If the owner of a recreational vehicle is violating this section and fails to move said recreational vehicle after seven days from the issuance of a notice from the Police Department, said vehicle shall be subject to removal and towing by an authorized tow service. The said recreational vehicle shall be stored by the tow service in a secure area until all penalties, fines and storage costs permitted by state statute or city ordinance have been satisfied by payment.

(E) *Vehicle registration.* All recreational vehicles that are permitted to be parked under this chapter must have current registration, title and insurance.
(1960 Code, § 52.809) (Ord. 2928, passed 1-20-1970; Ord. 7483, passed 4-18-2011) Penalty, see § 74.99

§ 74.37 EMPLOYEE PARKING ON PARKING LOT A.

Parking Lot A is a free parking lot. It is bordered by North High, North Jackson and East "A" Streets. Parking in Lot A shall be restricted to members of the general public who are there to conduct business and/or to visit the area of "downtown". Individuals who work in the downtown area are prohibited from parking in Lot A Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Any person issued a "parking violation notice" (parking ticket) for violating this section shall pay as the penalty for full satisfaction of such violation the sum which is printed on the parking violation notice (parking ticket). The penalty for non-payment after five business days shall be at a rate of double the applicable rate for each violation as indicated on the face of the "parking violation notice" affixed to the vehicle by a law enforcement officer. Five business days shall be defined as Monday through Friday from 8:00 a.m. until 5:00 p.m., excluding legal holidays.
(1960 Code, § 52.810) (Ord. 2928, passed 1-20-1970; Ord. 7483, passed 4-18-2011) Penalty, see § 74.99

§ 74.99 PENALTY.

(A) (1) Any person accused of a violation of an ordinance prohibiting parking of a vehicle may settle the claim against them for such illegal parking by paying the sum as indicated on the face of the "parking violation notice" (parking ticket) affixed to the vehicle by a law enforcement officer, provided that if such violation is paid within five business days from the date of the violation. Any violation(s) not settled after five business days shall be deemed to be in "default". The penalty for non-payment after five business days shall be at a rate of double the applicable rate for each violation as indicated on the face of the "parking violation notice" (parking ticket) affixed to the vehicle by a law enforcement officer. Five business days shall be defined as Monday through Friday from 8:00 a.m. until 5:00 p.m., excluding legal holidays; provided further that, the above penalties shall constitute minimum fines for violations enumerated and shall not prohibit any court of law from assessing a fine up to $500 for said violation.

(2) If, after the expiration of the said five business day period herein designated, the Chief of Police notifies the person accused of the said violation, and said person fails to make payment as requested, and the vehicle owned by said person is found to be illegally parked while payment is still due and owing as a result of said pending violation(s), then the Chief of Police shall be authorized to remove and tow away or have removed and towed away by a commercial towing service, said illegally parked vehicle. Vehicles so towed away for illegal parking shall be stored in a safe place and shall be restored to the owner of such vehicle and upon the payment of Police Department tow release fees; reasonable charges for such removal and storage by the owner or operator of any such vehicle and the payment of all penalties due under this section.
(1960 Code, § 52.806)

(B) (1) Any person found guilty of wrongfully parking in a persons with disabilities parking space, per § 74.18(A) of this chapter, shall be fined not less than $250, nor more than $500, and shall pay any costs and charges connected with the removal or storage of the motor vehicle.
(1960 Code, § 52.219)

(2) Any person found guilty of wrongfully parking in a persons with disabilities parking space, per § 74.18(B), shall be fined $100, in addition to any costs or charges connected with the removal or storage of the motor vehicle.
(1960 Code, § 52.218)

(C) The penalty for violating § 74.35 of this chapter shall be $50 per violation and, if it becomes necessary for the Police to have a vehicle removed and relocated, the violator shall not be deemed to have complied with § 74.35 of this chapter and shall remain liable for the fine provided, Police Department tow release fees, plus all costs resulting from the removal, relocation and storage of said vehicle.
(1960 Code, § 52.808)
(Ord. 2928, passed 1-20-1970; Ord. 4802, passed - -; Ord. 5726, passed 4-7-1997; Ord. 6945, passed 1-2-2007; Ord. 7483, passed 4-18-2011)

CHAPTER 75: TRAFFIC SCHEDULES

Schedule

I. Traffic-control signal locations
II. Through streets, stop and yield intersections
III. One-way streets and alleys
IV. Specific speed limits
V. Prohibited truck routes
VI. Load limits
VII. Designated snow routes
VIII. Turning movements

SCHEDULE I. TRAFFIC-CONTROL SIGNAL LOCATIONS.

(A) *General.* In accordance with § 70.021 of this traffic code, the following locations are designated traffic signal control locations:

Street	*Location*
3rd Street	At "A" Street (D)
3rd Street	At W. Main Street (D)
3rd Street	At Washington Street (D)
74th Street	At Foley Drive (A)
E. Main Street	At Church Street (D)
E. Main Street	At Douglas Street (D)
High Street	At "A" Street (D)
High Street	At E. Main Street (D)
High Street	At Washington Street (D)
Ill. Rte. 13	At 74th Street (A)
Ill. Rte. 13	At Westfield Plaza (D)
Ill. Rte. 13	At N. Belt West (A)
Ill. Rte. 13	At State Street Road (A)

Street	*Location*
Ill. Rte. 13	At Ill. Rte. 158 (A)
Ill. Rte. 15	At 74th Street (A)
Ill. Rte. 159	At Ill. Rte. 13 (A)
Ill. Rte. 159	At Lincoln Street (C)
Ill. Rte. 159	At Washington Street (C)
Ill. Rte. 159	At "A" Street (C)
Ill. Rte. 159	At "C" Street (C)
Ill. Rte. 159	At Lebanon Avenue (C)
Ill. Rte. 159	At "F" Street (C)
Ill. Rte. 159	At Douglas Avenue (E)
Ill. Rte. 161	At Carson Road (C)
Ill. Rte. 161	At 57th Street (B)
Ill. Rte. 161	At Royal Heights Road (B)
Ill. Rte. 161	At 17th Street (A)
Ill. Rte. 161	At Lebanon Avenue (C)
Ill. Rte. 161	At "B" Street (C)
Ill. Rte. 161	At Carlyle Road (B)
Ill. Rte. 161	At West Boulevard (A)
Ill. Rte. 161	At K-Mart (D)
Ill. Rte. 177	At Greenmount Road (A)
N. Belt West	At 17th Street (E)
N. Belt West	At Canterbury (A)
N. Belt West	At Royal Heights Road (A)
N. Belt West	At 42nd Street (D)
N. Belt West	At W. Main Street (A)
N. Belt West	At 59th Street (A)
Shiloh Road	At Old Collinsville Road (A)
W. Main Street	At 57th Street (A)
W. Main Street	At 59th Street (A)
W. Main Street	At 70th Street (A)

Street	*Location*
W. Main Street	At Ill. Rte. 157 (A)
W. Main Street	At 1st Street (D)
W. Main Street	At 6th Street (D)
W. Main Street	At 17th Street (D)
W. Main Street	At 22nd Street (D)
W. Main Street	At 37th Street (D)
W. Main Street	At 62nd Street (D)
W. Main Street	At 95th Street (D)
West Boulevard	At Old Collinsville Road (A)
West Boulevard	At Lebanon Avenue (A)
NOTES TO TABLE: ***Maintenance Responsibility*** (A) = State 100% - City 0% (B) = State 75% - City 25% (C) = State 50% - City 50% (D) = State 0% - City 100% (E) = Other	

(1960 Code, Ch. 52, Schd. A)

(B) *Pedestrian and school traffic signals.* In accordance with § 70.021 of this traffic code, the following locations are designated pedestrian and school traffic signal control locations:

Street	*Location*
Carlyle Road	Between Garden Boulevard and Missouri Avenue
Lebanon Avenue	Between Koerner Street and Sherman Street
N. 2nd Street	Between W. "C" Street and W. "D" Street
N. Belt	At Buckingham Road
Royal Heights Road	Between North Street and S. Park Drive
S. Charles Street	Between Monroe Street and E. Garfield Street
Sherman Street	Between N. Charles Street and LaSalle Street
W. Main Street	At 28th Street
W. Main Street	Between 17th Street and 18th Street
W. Main Street	Between 27th Street and 28th Street

Street	*Location*
W. Main Street	Between 48th Street and 49th Street
W. Main Street	Between 53rd Street and 54th Street
W. Main Street	Between 74th Street and 75th Street
W. Main Street	Between 88th Street and 89th Street

(1960 Code, Ch. 52, Schd. A-1)

SCHEDULE II. THROUGH STREETS, STOP AND YIELD INTERSECTIONS.

(A) *Through streets, stop intersections.* In accordance with § 70.040 of this traffic code, drivers of vehicles shall stop before entering any of the following designated through streets and stop intersections unless otherwise directed by a police officer or traffic-control signal.

(1) *Through street/location of stops.*

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
"A" Street	At N. 2nd Street	3647	
"A" Street	At N. 3rd Street	3647	
"A" Street Coupler	At N. 1st Street (South Bd.)	3647	
"A" Street Coupler	At Oak Street (South Bd.)	3647	
"A" Street Coupler	At West Main Street (West Bd.)		
"A" Street Coupler	At N. 4th Street (North Bd.)		
"B" Street	At W. Schilling Street	3994	
"B" Street	At Glencoe Drive	3994	
"F" Street	At 1st Street (South Bd.)		
74th Street	At Comwest Parkway (West)	6458	9-3-2002
Abend Street	At Adams	7416	7-19-2010
Abend Street	At Garfield Street		
Abend Street	At Monroe Street (Both)	4566	
Bel Aire Street	At Wabash Avenue		
Berwin Green	At Huntmaster Drive	6724	4-4-2005
Brentmor Drive	At Longview Drive	4366	
Brittany Lane	At Brentmoor Drive	3327	
Brookmeadow Drive	At Brookmont Drive (South)	6449	8-5-2002
Brookmeadow Drive	At Brookrun Drive	6769	8-15-2005
Brookmeadow Drive	At Eastbrook Drive (South)	6449	8-5-2002
Brookrun Drive	At Brookmanor	6769	8-15-2005
Brookrun Drive	At Brookmont Drive (North)	6449	8-5-2002
Brookrun Drive	At Eastbrook Drive (North)	6449	8-5-2002
Buckingham Road	At Mariknoll Drive	2996	

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
Buckingham Road	At Dale Allen Drive	2996	
Busch Boulevard	At Bevo Ct. (North)	6371	1-7-2002
Centerville Avenue	At W. Lincoln Street		
Centerville Avenue	At W. Lincoln Street (Both)		
Centerville Avenue	At Lincoln Street (South)	4085	
Chaucer Drive	At Queensway Drive	4140	
Chestnut Drive	At Meadowbrook Ln. (East Bd.)	5699	2-17-1997
Clearview Drive	At Brittany Lane	5699	2-17-1997
Clearview Drive	At Rosewood Drive	3327	
Clearview Drive	At Chevy Chase	3405	
Clearview Drive	At Westfield	6590	11-3-2003
Cleveland Avenue	At S. 6th Street (Both)	3149	
Cleveland Avenue	At S. 1st Street	3895	
Columbus Drive	At W. Belle Street	3384	
Commons Parkway	At Pine Valley Drive	7903	11-2-2015
Commons Parkway	At Wintercreek Drive/Turning Leaf Circle	7903	11-2-2015
Devonshire Drive	At Vicksburg Drive	4114	
Dewey Street	At Orchard Street	3320	
E. "A" Street	At Michigan Avenue		
E. "A" Street and W. "A" Street	Except at N. High Street, N. Jackson Street, N. 17th Street, Iowa Avenue and Pennsylvania Avenue		
E. "C" Street and W. "C" Street	Except at N. High Street and N. Jackson Street		
E. Main Street and W. Main Street	Mascoutah Avenue		
E. McKinley Street	At Annex Street (North Bd.)	5768	8-4-1997
E. McKinley Street	At Caroline Street (North Bd.)	5768	8-4-1997
E. McKinley Street	At S. Douglas Avenue		
E. McKinley Street	At Forest Avenue		
E. McKinley Street	At Garden Boulevard		
E. McKinley Street	At Park Avenue		

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
E. McKinley Street	At S. Pennsylvania		
E. McKinley Street	At Portland		
E. McKinley Street	At Wabash Avenue		
E. McKinley Street	Missouri Avenue		
E. McKinley Street	Virginia Avenue		
E. Monroe Street	Forest Avenue	3305	
E. Monroe Street	Park Avenue	3340	
E. Van Buren	At S. Church Street	7327	11-2-2009
E. Washington Street	At S. Church Street	5445	8-7-1995
E. Washington Street	At S. Charles Street	5594	- -1996
E. Washington Street and W. Washington Street	From 3rd Street to Mascoutah Avenue except at S. Charles Street, S. Jackson Street, and S. 10th Street		
East "C" Street	At N. Church Street (Both)	5159	
East "C" Street	At Hillcrest	3527	
East Adams Street	At Freeburg Avenue		
East Adams Street	At Survey Street	4403	
East Adams Street	At Douglas Alley	7218	1-5-2009
Fairway Drive	At Arnold Palmer Drive	6920	10-2-2006
Fairway Drive	At Fourlakes Drive	6777	10-3-2005
Fairway Drive	At Slammer Drive	6777	10-3-2005
Fairway Drive	At Tigers Way	6777	10-3-2005
Forest Avenue	At E. McKinley Street		
Fourlakes Drive	At Slammer Drive	6777	10-3-2005
Fox Valley Ln.	At Huntmaster Drive	6724	4-4-2005
Fox Valley Ln.	At Wexford Green	6724	4-4-2005
Frank Scott Parkway West	At Dalton Drive	6467	10-7-2002
Freeburg Avenue	From S. Charles Street to south city limits		
Freemont Street	At N. Church Street	3320	
Frontage Road	At Maple Hill Ln.	7232	3-2-2009
Garden Boulevard	At Prairie Avenue (Both)	5905	9-8-1998

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
Garnette	At Beykirch Street	3810	
Gettysburg	At Fourscore	7084	
Golf Course Drive	At Double Eagle Circle	6769	8-15-2005
Golf Course Drive	At Double Eagle Ct.	6467	10-7-2002
Golf Course Drive	At Eighteenth Fairway Drive	5372	2-6-1995
Golf Course Drive	and Sixteenth Green Ct.	5372	2-6-1995
Golf Course Drive (at the exit of the Swimming Pool)	Across From Eighteenth Fairway Drive	5372	2-6-1995
Golf Course Drive (at the exit of the Golf Course)	Across From Eighteenth Fairway Drive	5372	2-6-1995
Gray Street	At N. 46th Street (Both)	4173	
Gray Street	At N. 45th Street	5746	6-16-1997
Green Mount Ln.	At Tower Plaza Drive	7347	1-4-2010
Hecker Street	At Scheel Street	3021	
Highland Avenue	At Monroe Street		
Hillcrest Drive	At East "D" Street	3734	
IL Rte. 13	Busch Boulevard (West)	6371	1-7-2002
Illinois Central Gulf RR	At S. Charles Street (Both)	4154	
Jack Nicklaus Drive	At Ben Hogan Ct.	6777	10-3-2005
Jackson Street	At "C" Street (Both)	6224	11-6-2000
Jay Street	At N. 1st Street	6669	9-7-2004
Kimberlin Lane	At Clearwater Drive	5372	2-6-1995
Lake Forest Drive	At Chestnut Drive (North Bd.)	5768	8-4-1997
LaSalle Street	At Hecker Street	3845	
LaSalle Street	At Arthur Street	3027	
Lebanon Avenue	Except at Douglas Street		
Lebanon Avenue	At Central Plaza Drive (East Bd.)	5793	10-6-1997
Lebanon Avenue	At Dublin Boulevard	6715	3-7-2005
Lincoln Street	At S. Church Street	3665	
Lucinda Avenue	At N. Church Street		
Lucinda Avenue	At LaSalle Street		

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
Lucinda Avenue	At Scheel Street		
Lucinda Avenue	At Muren	2992	
Maple Drive	At West Hampton Trace	7011	8-6-2007
Mariknoll Drive	At Lancelot Place	3320	
Mariknoll Drive	At Dale Allen Drive	3320	
Marlo Drive	At Forest Street	3814	
Memorial Drive	N. 39th Street	3118	
Memorial Drive	N. 43rd Street	3118	
Memorial Drive	E. Park Drive	3134	
Mitchell Ln.	Winchester Drive	7566	2-6-2012
Muren Boulevard	Delaware Avenue		
N. 101st Street	At Olympia Street (North)	6371	1-7-2002
N. 11th Street	At West "C" Street	3484	
N. 12th Street	At West "E" Street	3685	
N. 17th Street	At "A" Street		
N. 18th Street	At West "A" Street (Both)	4673	
N. 1st Street	At West "D" Street		
N. 1st Street	At West "E" Street		
N. 26th Street	At West "A" Street		
N. 28th Street	At Sheridan Avenue	3243	
N. 2nd Street	At West "E" Street	3649	
N. 2nd Street	At West "H" Street		
N. 2nd Street	At West "I" Street	3089	
N. 2nd Street	At West "J" Street		
N. 37th Street	At West "A" Street	3296	
N. 41st Street	At Shirley Drive	5707	3-17-1997
N. 43rd Street	At Berrywood	7416	7-19-2010
N. 43rd Street	At Short Street (East Bd.)	5282	7-18-1994
N. 44th Street	At Southern R. R. Crossing	5501	1-16-1996
N. 47th Street	At Bier Street	3457	

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
N. 49th Street	At Bier Street	3320	
N. 4th Street Rear	At West "C" Street	5467	10-2-1995
N. 5th Street	At West "D" Street	3810	
N. 5th Street	At West "F" Street		
N. 6th Street	At Richland Office exit at the bike trail	6502	1-21-2003
N. 72nd Street	At West "A" Street	3844	
N. 72nd Street	At Lakewood Drive (South)	6852	4-3-2006
N. 98th Street	At Baltimore Street (South)	6371	1-7-2002
N. 98th Street	At Olympia Street (South)	6371	1-7-2002
N. Charles Street	At Arthur Street		
N. Charles Street	At Benton Street (Both)	6377	2-4-2002
N. Charles Street	At "D" Street (East)	6332	10-1-2001
N. Charles Street	At Delaware Avenue		
N. Charles Street	At Freemont Street (South)	6255	
N. Charles Street	At Hecker Street		
N. Charles Street	At Scheel Street	4100	
N. Church Street	At E. Adams Street		
N. Church Street	At Arthur Street		
N. Church Street	At Benton Street (Both)	6377	2-4-2002
N. Church Street	At Bristow Avenue		
N. Church Street	At Clay Street	3376	
N. Church Street	At East "D" Street		
N. Church Street	At Dewey Street	4085	
N. Church Street	At Arthur Street	7839	1-6-2015
N. Douglas Avenue	At East "A" Street (West Bd.)		
N. Douglas Avenue	At East "C" Street		
N. Douglas Avenue	At N. Charles Street		
N. Douglas Avenue	At East "D" Street		
N. Douglas Avenue	At Grand Avenue (South Corner)		
N. Douglas Avenue	At N. Oak (North Bd.)		

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
N. Douglas Avenue	At Sycamore Street (Both)		
N. Douglas Avenue	At Walnut Street	3370	
N. First Street and S. First Street	Except at W. "C" Street, W. Lincoln Street, W. Main Street, W. Monroe Street, and W. Washington Street		
N. High Street and S. High Street	Except at E. Main Street, E. Washington Street, and Lebanon Avenue		
N. Illinois Street and S. Illinois Street			
N. Jackson Street and S. Jackson Street	Except at E. Main Street		
N. Oak Street	E. "D" Street	3155	
N. Park Drive	Susann Court	4879	
Nicholas Drive	Bobby Jones Court	6651	5-17-2004
Oak Street	"A" Street (West Bd.)	3647	
Old Collinsville Road	Central Plaza Drive (West Bd.)	5788	
Olive Street	Douglas Avenue (South)	3563	
Otto Street	S. 29th Street		
Page Street	Delaware Street (Both)	5112	
Park Drive & Bier Street	N. 49th Street		
Pennsylvania Avenue	Olive Street (Both)	5112	
Plum Hill Road	Nicholas Drive	6651	5-17-2004
Portland Avenue	Prairie Avenue	4451	
Pro Tour Drive	Eleventh Fairway Drive	5372	2-6-1995
Raab Avenue	S. 15th Street	4995	
Raab Avenue	S. 16th Street	4995	
Reunion Boulevard	Harmony Ridge Drive	6837	3-6-2006
Reunion Boulevard	Ivy Chase Ln.	6837	3-6-2006
Reunion Boulevard	Liberty Torch Ct.	6714	- -2005
Reunion Boulevard	Reserve Walk Way	6714	- -2005
Reunion Boulevard	Rivermeade Ln.	6714	- -2005
Reunion Boulevard	Woodsong Way East	6837	3-6-2006
Reunion Boulevard	Woodsong Way West	6837	3-6-2006

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
Roland Avenue	S. 31st Street	4437	
Rose Marie Drive	E. Haven Drive	6486	12-2-2002
Route 177	Fox Valley Ln.	6724	4-4-2005
Route 177	Misty Hollow Drive	6724	4-4-2005
Rte. 158	At Meadowlark Drive	5905	9-8-1998
S. 10th Street	At Harrison Street	7511	8-1-2011
S. 10th Street	At West Monroe Street		
S. 10th Street	At West Washington Street		
S. 10th Street	At West Lincoln Street	3109	
S. 11th Street	At West Lincoln Street		
S. 11th Street	At Raab Avenue (West Bd.)	4007	
S. 13th Street	At West Lincoln Street		
S. 15th Street	At Franklin Avenue	4081	
S. 15th Street	At Raap Avenue (Both)	5155	
S. 16th Street	At Franklin Avenue	4081	
S. 17th Street	At Franklin Street	3168	
S. 20th Street	At Roosevelt Avenue	3246	
S. 22nd Street	At W. Washington	6508	2-3-2003
S. 23rd Street	At W. Washington (Both)		
S. 3rd Street	At West Garfield Street	3043	
S. 53rd Street	At Southern most alley off S. 53rd Street	4772	
S. 64th Street	At W. Washington Street (West)	3148	
S. 74th Street	At Sheffeld Drive	4398	
S. Charles Street	From E. Main Street to Freeburg Avenue		
S. Charles Street	At Grant Street	4338	
S. Church Street	At E. Garfield Street		
S. Church Street	At Hecker Street		
S. Church Street	At E. Lincoln Street	3109	
S. Church Street	At Van Buren Street	3320	
S. Church Street	At Grant Street	3320	

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
S. Douglas Avenue	At Prairie Avenue	6774	9-19-2005
S. Missouri Avenue	Prairie Avenue	3305	
S. Park Drive	N. 44th Street	7713	9-3-2013
S. Park Drive	Susan Court	5905	9-8-1998
Sandwedge Drive	Erica Renee Ct.	7208	12-15-2008
Sandwedge Drive	E. Haven Drive (Both)	6255	
Sandwedge Drive	Threewood Drive	6308	
Scheel Street	Arthur Street		
Scheel Street	Benton Street	4085	
Scheel Street	Bristow Street	6145	6-5-2000
Scheel Street	N. Charles Street (South)	6332	10-1-2001
Scheel Street	Sycamore Street (West)	6332	10-1-2001
Schilling Street	Scheel Street (East Bd.)	3890	
Sheridan Street	N. 29th Street (East Bd.)	3887	
Sherman Street (North Belt)	Scheel Street	4828	
Southgate Drive	Mitchell Lane		
Southgate Drive	Rosewood (SE Corner)		
Southgate Drive	Willow Creek Drive	5768	8-4-1997
Southwind Drive	Shannon Ln.	6715	3-7-2005
State Street	Forest Gate Drive	4072	
State Street	S. 7th Street	3955	
State Street	Blair Avenue (Both)	4255	
State Street	Street Clair Avenue (Both)	4255	
Stevens Street	Sheridan Street (North Bd.)		
Summit Street	At N. 36th Street		
Summit Street	At N. 37th Street		
Summit Street	At N. 38th Street		
Summit Street	At N. 39th Street		
Summit Street	At N. 40th Street		

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
Summit Street	At N. 41st Street		
Summit Street	At N. 42nd Street		
Sycamore Street	At Walnut Street		
Taft Street	At Fairwood Drive	6964	2-5-2007
Turkey Hill Ln.	Canyon Creek	6774	9-19-2005
Union Avenue	At 10th Street		
Union Avenue	At S. 13th Street	4879	
Vernier Avenue	At N. 32nd Street	4427	
Vicksburg Drive	At Saratoga Drive (North)	4570	
W. "A" Street	At N. 21st Street	4032	
W. "A" Street	At N. 21st Street (Both)	5198	
W. "C" Street	At N. 4th Street Rear	5463	
West "E" Street	At North 1st Street	7965-2016	6-28-2016
W. "E" Street	At N. 6th Street		
W. "E" Street	At N. 12th Street	4614	
W. "E" Street	At Catawba Avenue		
W. "F" Street	At N. 3rd Street		
W. "F" Street	At N. 5th Street		
W. Belle Street	At Foster Street		
W. Garfield	At S. 2nd Street	3043	
W. Main Street	At 14th Street		
W. Main Street	At 16th Street	4614	
W. Main Street	At N. 50th Street	6803	12-5-2005
W. Main Street	At Mt. Carmel Cemetery Entrance		
W. Monroe Street	2nd Street (South Bd.)		
W. Monroe Street	Bornman Street		
Wabash Avenue	At Arabelle Drive	3405	
Wabash Avenue	At Prairie Avenue	3744	
Wabash Avenue	At Rose Dell Drive	3405	
Washington Street	At S. 6th Street	3647	

Through Street	*Location of Stops*	*Ord. No.*	*Date Passed*
Washington Street	At S. Jackson Street	3647	
Werner Road	At Southgate		
West "B" Street	At N. 1st Street		
West "C" Street	At Kretschmer	4410	
West "C" Street	At N. 4th Street Rear	5463	
West "D" Street	At 2nd Street (Both)	5159	
West "D" Street	At N. 3rd Street	5793	10-6-1997
West "D" Street	At N. 7th Street		
West "D" Street	At N. 13th Street		
West "E" Street	At 8th Street	3314	
West Belle Valley Drive	At Marsh Drive (West Bd.)	7176	9-2-2008
Westhaven Drive	At Westhaven Place Ln. (North Bd.)	5793	10-6-1997
Westhaven School Road	At Celebration Park Circle	6714	- -2005
Westhaven School Road	At Reserve Walk Way	6714	- -2005
Westhaven School Road	At Richmond Springs Ln.	6714	- -2005
Wexford Green	At Misty Hollow Drive	6724	4-4-2005
Woodbury Drive	At Winchester		

(2) *Through street/stop street.*

Through Street or Alley	*Stop Street*	*Ord. No.*	*Date Passed*
E. Main Street	Alley (South Bd.) (at corner of E. Main & Carlyle Avenue)		
Ill. Central Railroad	S. 16th Street	3387	
L & N Railroad Tracks	N. Church Street	3434	
North 33rd Street	West "A" Street (East)	7956-2016	6-6-2016
Southern Railroad	S. 44th Street	3384	

(3) *Special situations.*

(a) No through traffic shall be allowed on the alley south of W. Main Street between S. 12th and 13th Street.

(b) No through truck traffic shall be allowed on Commons Parkway at North Green Mount.

(c) No through truck traffic shall be allowed on Green Mount Commons Drive at the rear of the retail shopping center.

(d) No left turn shall be allowed on Green Mount Commons at the rear of the retail shopping center.
(1960 Code, Ch. 52, Schd. B)

(B) *Stop and yield intersections (varied).*

Street - Direction	*Street - Direction*	*Ord. No.*	*Date Passed*
"E" Street (West Bd.)	At N. 6th Street (North Bd.)	4688	
S. Park Drive (Stop - West)	At N. 39th Street (South - Yield)	5814	12-1-1997

(1960 Code, Ch. 52, Schd. B-1)

(C) *Four-way, three-way and two-way stop intersections.* In accordance with § 70.040 of this traffic code, drivers of all vehicles shall stop as indicated before entering the following designated four-way and three-way stop intersections unless otherwise directed by a police officer or traffic-control signal:

(1) *Four-way stop intersections.*

Intersection	*Ord. No.*	*Date Passed*
8th Street and "C" Street	5274	7-5-1994
8th Street and "D" Street	5274	7-5-1994
11th Street and W. "A" Street	3647	
Abend Street and Garfield Street	4777	
Affleck Street and Street Clair Avenue	7623	9-4-2012
Ben Louis (Both) and Rugby Drive	5357	12-5-1994
Bornman and W. Adams Street	6224	11-6-2000
Brentmoor Drive and Ladue Road	5934	12- -1998
Brittany Lane and Brentmore Drive	3744	
Chevy Chase and Southgate Drive	7470	2-7-2011
Coolidge Drive and Lakeshore Drive	6724	4-4-2005
Commons Parkway and Cedar Grove Drive/Autumn Harvest Drive	7903	11-2-2015

Intersection	*Ord. No.*	*Date Passed*
Cross Drive and John Henry Street	5788	
Denvershire Drive and Vicksburg Drive	5501	1-16-1996
Dewey Street and Commercial Street	5928	11-2-1998
Dewey Street and Orchard Street	5501	1-16-1996
Douglas Avenue and Scheel Street	7296	8-3-2009
Dublin Boulevard and Galway Drive	6852	4-3-2006
Dublin Boulevard and Shannon Ln.	6715	3-7-2005
E. "A" Street and Florida Avenue	5399	4-3-1995
E. "A" Street and Pennsylvania Avenue	5678	1-6-1997
E. "B" Street and N. Charles Street	7476	3-7-2011
E. "B" Street and Church Street	3604	
E. "B" Street and Douglas Avenue		
E. "C" Street and Church Street	5198	
E. Grant Street and Freeburg Avenue	7883	8-3-2015
E. Lincoln Street and S. Charles Street	3968	
E. Main Street and Church Street	7084	
E. Main Street and Jackson Street	7084	
E. Monroe Street and Forest Avenue	3511	
E. Monroe Street and S. High Street	3583	
E. Park Drive and N. Park Drive	5803	11-3-1997
Fairview Avenue and S. 21st Street	6323	9-4-2001
Forest Avenue and E. McKinley Street	4619	
Foster Avenue and Laurette Ln.	5324	10-3-1994
Garden Boulevard and McKinley Drive	3246	
Huff Street and State Street		
Iowa Avenue and E. "A" Street	3405	
Jay Avenue and Foster Street	4287	
Koerner Street and N. Church Street	5726	4-7-1997
Lake Forest Drive and Springwood Drive	5814	12-1-1997
Laurette Lane and Canterbury Drive	3465	

Intersection	*Ord. No.*	*Date Passed*
Lebanon Avenue and Douglas Avenue		
Lincoln Street and S. Church Street	4593	
Lincoln Street and S. Jackson Street	3452	
Lucinda Avenue and E. "B" Street		
Mariknoll and Devonshire Drive	3159	
Mascoutah Avenue and Abend Street	3665	
Mascoutah Avenue and Lincoln Street	3665	
McClintock Avenue and McKinnley Avenue	5395	3-20-1995
McClintock Avenue and S. Pennsylvania Avenue	3597	
Missouri Avenue and E. McKinley Avenue	5395	3-20-1995
Missouri Avenue and Prairie Street	5324	10-3-1994
Missouri Avenue and Wabash Avenue	5395	3-20-1995
Muren Boulevard and Delaware Avenue	4512	
N. 11th Street and W. "D" Street	4547	
N. 12th Street and W. "A" Street	6418	5-6-2002
N. 12th Street and W. "E" Street	3784	
N. 14th Street and W. "A" Street	6418	5-6-2002
N. 2nd Street and West "D" Street	5198	
N. 2nd Street and West "C" Street		
N. 37th Street and Summit Avenue	3583	
N. 3rd Street and West "C" Street	5372	2-6-1995
N. 49th Street and Bier Street	3630	
N. 5th Street and West "H" Street	5752	
N. 7th Street and West "C" Street	3073	
North 70th Street and West "A" Street	7956-2016	6-6-2016
N. Charles Street and Lucinda Avenue		
N. Charles Street and Delaware Avenue	4453	
N. Charles Street and Bristow Street	5463	
N. Church Street and Hecker Street	4057	
N. Church Street and E. "C" Street		

Intersection	*Ord. No.*	*Date Passed*
N. High Street and E. "B" Street	3168	
N. High Street and E. "C" Street	4918	
Olive Street and Pennsylvania Avenue	5273	6-20-1994
Orchard Street and Dewey Street	5501	1-16-1996
Prairie Avenue and S. Pennsylvania Avenue	5445	8-7-1995
Raab Avenue and S. 13th Street	4114	
Roan Hill Drive and Canyon Creek Drive	7559	1-3-2012
S. 2nd Street and Harrison Street	3111	
S. 2nd Street and W. Lincoln Street		
S. 6th Street and West Cleveland Avenue	4338	
S. 15th Street and Raab Street	5198	
S. 17th Street and Raab Avenue	3159	
S. 20th Street and Roosevelt Avenue	7889	8-17-2016
S. 29th Street and Godfrey Street	4437	
S. 33rd Street and Roland Avenue	6418	5-6-2002
S. Church Street and E. Van Buren Street	7327	11-2-2009
S. Church Street and E. McKinley Street	5905	9-8-1998
S. High Street and Van Buren Street	5159	
S. High Street and E. Lincoln Street	2992	
S. High Street and E. Adams Street		
S. Jackson Street and E. Garfield Street	6620	2-2-2004
S. Jackson Street and E. Monroe Street	4148	
S. Jackson Street and E. McKinley Street	3362	
S. Jackson Street and E. Adams	6476	11-4-2002
Sheridan Avenue and Alexander Street	5274	7-5-1994
Sheridan Avenue and Stevens Street	3475	
Springdale and Rosewood Drive	7267	6-15-2009
Street Clair Avenue and Union Avenue	7613	8-6-2012
State Street and Cleveland Avenue		
Stevens Street and Foster Street	4312	

Intersection	*Ord. No.*	*Date Passed*
Summit Street and N. 39th Street	6126	5-2-2000
Union Avenue and S. 13th Street	5011	
Union Avenue and S. 11th Street	4007	
Union Avenue and S. 8th Street	4380	
Vernier Avenue and N. 31st Street	5445	8-7-1995
Vernier Avenue and N. 32nd Street	5984	5-17-1999
Virginia Avenue and Prairie Avenue	5341	11-21-1994
W. "B" Street and N. 2nd Street	7176	9-2-2008
W. "G" Street and N. 2nd Street		
W. Garfield Street (Both) and S. 1st Street (South)	5752	
W. Main Street and 2nd Street	7084	
W. Monroe Street and S. 8th Street	4533	
Wabash Avenue and Bel-Aire Drive	3810	
Wabash Avenue and Maiden Lane	4566	
Wabash Avenue and McClintock Avenue	5395	3-20-1995
Walnut Street and E. "D" Street		
Werner Road and Blueridge Drive	5699	2-17-1997
Westhaven Meadows Drive and Westhampton Terrace	7232	3-2-2009

(2) *Three-way stop intersections.*

Intersection	*Ord. No.*	*Date Passed*
10th Fairway and Golf Course Drive	7039	11-5-2007
48th Street (Both) and Bier Street (East Bd.)		
Arnold Palmer Drive and Fairway Drive	7176	9-2-2008
Arnold Palmer Drive and Jack Nicklaus Drive	7067	1-7-2008
Belleville Crossing and Belleville West Parkway	7637	10-15-2012
Ben Louis (Both) and Rugby Drive (North Bd.)	5351	12-5-1994
Brookmeadow Dr. (Both) and Brookglen Drive (South Bd.)	6449	8-5-2002
Church Street (Both) and E. Washington Street (East Bd.)	5445	8-7-1995
Dale-Allen Drive (East Bd.) and Chaucer Drive (Both)		

Intersection	*Ord. No.*	*Date Passed*
Devonshire Drive (South Bd.) and Mariknoll Street (Both)		
E. "A" Street and N. Charles	7129	5-5-2008
Foley Drive and Mitchell Ln. (Both)		
Forest Avenue (Both) and Washington Street (3647) (East Bd.)		
Golf Course Drive (Both) and Pro Tour Drive (South Bd.)	5372	2-6-1995
Koerner Street (South Bd.) and N. Charles Street (Both)	4593	
Lorenz Ln. (North Bd.) and Lake Forest Drive (Both)	5273	6-20-1994
Mariknoll Drive (Both) and Buckingham Road (North Bd.)	3457	
Marlo Drive (Both) and Foster Drive (East Bd.)	3844	
Mascoutah Avenue (Both) and E. Washington Street (East Bd.)	5445	8-7-1995
McKinley Street (Both) and Ann Street (North Bd.)	5445	8-7-1995
Meadowlark Ln. and Four Seasons Drive	6979	4-2-2007
Mt. Pleasant Road (West Bd.) and Old Dutch Hollow Road (Both)	4118	
Muren Boulevard (Both) and Hillcrest Drive (North Bd.)	5884	6-15-1998
N. 2nd Street (Both) and W. A Street (West)	7782	6-2-2014
N. 37th Street (Both) and Columbus Drive (West Bd.)	3155	
N. 82nd Street and Sherwood Forest	6057	
N. Church Street and Arthur Street	7839	1-6-2015
Orchard Drive (Both) and Apple Tree Ln. (South Bd.)	6268	
Orchard Drive (Both) and Belle Crest Drive (South Bd.)	6238	12-4-2000
Pro Tour Drive (Both) and Tenth Fairway Drive (West Bd.)	5445	8-7-1995
Pro Tour Drive and Fairway Drive	6837	3-6-2006
Reunion and Liberty Torch	7720	10-7-2013
Ridgecrest Drive and Westridge Drive	6908	8-7-2006
S. 10th Street (Both) and W. Monroe Street	5852	3-16-1998
S. 11th Street (Both) and Raab Avenue (East Bd.)	6214	10-2-2000
S. 1st Street (Southbd.) and W. Lincoln Street (Both)	4287	
S. 20th Street (Both) and Fairview Avenue (South Bd.)	6323	9-4-2001
S. 2nd Street (Both) and W. Washington Street (East Bd.)	7656	1-7-2013
S. Church Street and E. Adams Street	7832	12-15-2014

Intersection	*Ord. No.*	*Date Passed*
S. Park Street (Both) and 41st Street (North Bd.)	5282	7-18-1994
S. Park Drive and N. 44th Street	7713	9-3-2013
Scheel Street (East Bd.) and Lucinda Avenue (Both)	4777	
Sheridan Avenue (North) and Columbus Drive (Both)	4194	
Springdale and Brentmoor Drive	7267	6-15-2009
Springwood Drive (South) and Lake Forest Drive (Both)	5219	2-7-1994
State Street Road and Lake Shore Drive	7208	12-15-2008
Stevens Street (Both) and Terry lane (South)	7725	11-4-2013
Tampico Drive and Limerick Ln.	7176	9-2-2008
Union Avenue (West) and S. 14th Street (Both)	5965	4-5-1999
W. Adams and S. 18th Street	7312	10-5-2009
W. Garfield Street and S. 1st Street	5752	
W. Harrison Street (Both) and S. 3rd Street (West Bd.)	3358	
W. Harrison Street (Both) and S. 1st Street (South Bd.)	3859	
Washington Street (East) and Mascoutah Avenue (Both)	5445	8-7-1995
Washington Street (East) and S. Jackson Street (Both)	3452	
Westhaven Place and Westhaven Ln.	7327	11-2-2009
Westhaven Place Ln. (North Bd.) and Westhaven Drive (Both)	5793	10-6-1997
Westhaven School Road and Reunion Boulevard	6714	- -2005
Winchester Drive (Both) and Carr Drive (South Bd.)	5616	9-3-1996

(3) *Two-way stop intersections.*

Intersection	*Ord. No.*	*Date Passed*
S. 1st Street and W. Washington Street	7875	7-6-2015
W. Lincoln Street and S. 8th Street	7896	10-5-2015

(1960 Code, Ch. 52, Schd. C-1)

(D) *School stop intersections.*

(1) In accordance with § 70.040 of this traffic code, the following intersections are designated school stop intersections and drivers of vehicles approaching such intersections shall stop during the hours indicated, unless otherwise directed by a police officer or traffic-control signal:

7:30 a.m. to 9:00 a.m.
11:00 a.m. to 1:00 p.m.
3:00 p.m. to 4:00 p.m.

School	*Stop Intersection*
Abraham Lincoln	North Belt, Royal Heights Road and N. 37th Street
Blessed Sacrament	8600 W. Main Street
	Bunsen Douglas Avenue and Sycamore Street
	N. Oak Street and E. "D" Street
	Walnut Street and E. "D" Street
	Walnut Street and Sycamore Street
Cathedral	Harrison Street and S. 3rd Street
	W. Lincoln and S. 3rd Street
Central Junior High	S. High Street and E. Lincoln Street
	S. Illinois Street and Harrison Street
	S. Illinois Street and Lincoln Street
Dewey	N. 46th Street and W. Main Street
	N. 47th Street and Bier Street
	N. 48th Street and Bier Street
	W. Main Street and 48th Street
Douglas	E. Main Street and Iowa Avenue
Harmony	W. Main Street and 75th Street
Henry Raab	S. 11th Street and Union Avenue
	Raab Avenue and S. 12th Street
	Raab Avenue and S. 13th Street
	Union Avenue and S. 11th Street
	Union Avenue and S. 13th Street
Humboldt	W. "C" Street and N. 8th Street

School	*Stop Intersection*
Jefferson	N. Charles Street and Lucinda Avenue
Junior High	Lincoln Street and Illinois Street
Roosevelt	Huff Street, Cleveland Avenue and State Street
Street Henry's	53rd Street and W. Main Street
Street Mary's	1716 W. Main Street
Street Teresa's	Koerner Street and N. Church Street
Union	S. 27th Street, S. 29th Street and W. Main Street
	S. 28th Street and W. Main Street
	W. Main Street and 27th Street
	W. Main Street near S. 28th Street
	(pedestrian-activated school crossing signal)
Washington	Mascoutah Avenue and E. Garfield Street
	S. Abend Street and E. Garfield Street
	S. Charles Street and E. Garfield Street

(2) *School stop signs; temporary.* Jefferson School shall be able to place a temporary stop sign on Lucinda and on LaSalle upon the following conditions.

(a) The sign shall be in place no more than one hour before school and no more than one hour after school.

(b) It shall be the responsibility of Jefferson School to place and remove the sign. (1960 Code, Ch. 52, Schd. C-2)

(E) *Yield right-of-way intersections.* In accordance with § 70.043 of this traffic code, drivers of vehicles shall yield the right-of-way before entering the following designated intersections:

Right-of-Way Street	*Yield Street - (Direction)*	*Ord. No.*	*Date Passed*
Arabelle Drive	Nocturne Crt.	4451	
Arabelle Drive	Radiance Street (South)	5198	
Arabelle Drive	Floridora (South)	5227	3-7-1994
Arabelle Drive	Peace Street (South)	5198	
Blue Ridge Drive	Westfield Drive (Both)	4205	
Blue Ridge Drive	Rosewood Drive (Both)	4326	

Right-of-Way Street	*Yield Street - (Direction)*	*Ord. No.*	*Date Passed*
Brentmoor Drive	Longview Drive (Both)	4299	
Brittany Ln.	Sheraton Drive (Both)	5814	12-1-1997
Brookmeadow Drive	Brookhaven Drive (North side of lake)	6769	8-15-2005
Carlyle Avenue	McClintock Avenue (East)	5092	
Cedar Grove Drive	Greenleaf Circle	7903	11-2-2015
Celebration Park Circle	Southwest corner facing west	7445	11-15-2010
Chaucer Drive	Bedford Drive (Both)	5089	
Commercial	Dewey Street		
Commons Parkway	Chestnut Grove Drive/Sparrow Point Lane	7903	11-2-2015
Concord Drive	S. 97th Street	5803	11-3-1997
Concord Drive	S. 98th Street	5803	11-3-1997
Concord Drive	Glenvue Drive	5803	11-3-1997
Dale Allen Drive	Chaucer		
Delaware Avenue	Belle Street	3722	
Delaware Avenue	Scheel Street (Both)		
Delaware Avenue	E. "C" Street	3043	
Delaware Avenue	E. "D" Street	3962	
Dublin Boulevard	Ring of Kerry	6715	3-7-2005
E. "A" Street	Delmar Street	4925A	
E. "D" Street	N. Pennsylvania Avenue	4925A	
E. "E" Street	N. Jackson Street (Both)	5324	10-3-1994
E. McKinley	Park Avenue (East Bd.)		
E. Monroe Street	S. Jackson Street		
E. Monroe Street	Survey Street	5570	5-6-1996
Easthaven Drive	Sandwedge Drive	5752	
Empire Drive	Amann Drive (South)	5019	
Erica Renee Drive	Sandwedge Drive	5752	
Forest Avenue	Garfield Street	3470	
Forest Avenue	Patterson Crt.	4625	
Gettysburg	High Forest	6171	8-7-2000

Right-of-Way Street	*Yield Street - (Direction)*	*Ord. No.*	*Date Passed*
Grant Street	Abend Street (North Bd.)	4276	
Industrial Drive	Center Plaza	6674	10-4-2004
Industrial Drive	Marsh Drive (Both)	5019	
Kansas Avenue	E. "C" Street	4687	
Lake Forest Drive	John Henry Street (South Bd.)	4148	
LaSalle Street	Hecker Street	3457	
LaSalle Street	Dewey Street (Both)	5087	
Lincoln Street	S. High Street		
Longview Drive	Sheraton Drive	5570	5-6-1996
Marsh Drive	Premier Drive (South)	5019	
Mitchell Lane	Foley Drive (Both)	4524	
N. 20th Street	W. "A" Street	7653	12-3-2012
N. 2nd Street	W. "A" Street		
N. 2nd Street	W. "D" Street	3049	
N. 30th Street	Vernier Street	3927	
N. 35th Street	"A" Street	3327	
N. 42nd Street	Jessie Street	4697	
N. 45th Street	Ammel Street	3744	
N. 5th Street	"D" Street		
N. 5th Street	"H" Street		
N. 6th Street	W. "D" Street	4925A	
N. 8th Street	W. "A" Street (Both)		
N. 66th Street	Grocery Store Parking Lot Exit	5515	2-19-1996
N. 70th Street	W. "B" Street	3707	
N. 70th Street	W. "C" Street	3707	
N. 72nd Street	W. "A" Street	3004	
N. 82nd Street	Sherwood Forest	4817	
N. 82nd Street	"A" Street	5274	7-5-1994
N. Charles Street	Clay Street	4774	
N. Charles Street	Benton Street		

Right-of-Way Street	*Yield Street - (Direction)*	*Ord. No.*	*Date Passed*
N. Charles Street	Dewey Street		
N. Church Street	Benton Street		
N. Church Street	Dewey Street		
N. Church Street	Fremont Street		
N. Church Street	Hecker Street		
Orchard	Dewey		
Otto Street	Sahlender Street (Both)	7037	10-1-2007
Pennsylvania Avenue	E. "C" Street	3981	
Portland Avenue	Olive Street		
Rosewood Drive	Springdale Drive (Both)	6214	10-2-2000
S. 12th Street	W. Lincoln Street (Both)	5678	1-6-1997
S. 14th Street	State Street		
S. 14th Street	Union Avenue		
S. 17th Street	Bunsen Street	3283	
S. 18th Street	Bunsen Street (Both)	5088	
S. 19th Street	Bunsen Street	7265	6-2-2009
S. 1st Street	W. Garfield Street (Both)		
S. 21st Street	Fairview Avenue	4914	
S. 21st Street	Meadows Avenue	3760	
S. 22nd Street	Meadow Drive	4944	
S. 52nd Street	Ruth Street (Both)	4312	
S. 8th Street	Harrison Street	7511	8-1-2011
S. 9th Street	W. Harrison Street	3109	
S. Charles Street	E. Grant Street	3017	
S. Church Street	12th Street (South)	3434	
S. Park Drive	N. 44th Street		
S. Park Drive	N. 39th Street (Both)	5594	- -1996
S. Periwinkle Lane	On Periwinkle Ln. (South Bd.)	4553	
Sahlender Street	Godfrey Street (South Bd.)	7037	10-1-2007
Sahlender Street	Mary Irene Street (South Bd.)	7037	10-1-2007

Right-of-Way Street	*Yield Street - (Direction)*	*Ord. No.*	*Date Passed*
Scheel Street	Muren Street (West Bd.)	6351	12-3-2001
Sheraton Drive	Brentmoor Drive	5678	1-6-1997
Sheridan Street	Stevens Street	3021	
Sheridan Street	Lisa Lane	4403	
Shirley Drive	N. 41st Street	5707	3-17-1997
Springdale Drive	Willow Creek Road (Both)	4312	
State Street	Street Clair Avenue		
State Street	Blair Avenue		
State Street	13th Street (Both)	5159	
Threewood Drive	Sandwedge Drive	5752	
Union Avenue	12th Street		
Vernier Avenue	N. 33rd Street	6653	6-7-2004
Vicksburg Drive	Denvershire Drive (South Bd. - North leg)	5341	11-21-1994
Virginia Avenue	Prairie Avenue	3302	
W. "A" Street	21st Street		
W. "A" Street	N. 34th Street	3457	
W. Adams Street	Borman Avenue (North Bd.)	4016	
W. Lincoln Street	S. 7th Street		
W. Monroe Street	S. 3rd Street		
Willow Creek Drive	Clearview (East Bd.)	6590	11-3-2003
Willow Creek Drive	Southgate Drive	5768	8-4-1997

(1960 Code, Ch. 52, Schd. C-3) (Ord. 7950, passed 5-2-2016; Ord. 7956-2016, passed 6-6-2016; Ord. 7965-2016, passed 6-27-2016)

SCHEDULE III. ONE-WAY STREETS AND ALLEYS.

In accordance with § 70.041 of this traffic code, traffic shall move only in the direction indicated upon the following streets and alleys:

Street (Direction)	*Location*	*Ord. No.*	*Date Passed*
	On an alley between W. "A" Street and N. 1st Street, traffic shall enter the alley on W. "A" Street and proceed South and West to N. 1st Street		
	Alley North of Lebanon Avenue between Arthur Street and the Belleville Swimming Pool parking lot shall be one way Eastbound at all times except for the period of time from the first Sunday in June until the first Monday in September of each year when said alley shall be two way	4999	
	On the alley at the rear of 8500 W. Main Street, traffic shall enter off of S. 85th Street and proceed in a northwesterly direction only to S. 86th Street		
	S. 14th Street, southbound, from Illinois Central Gulf Railroad track to Lincoln Street	3498	
	On the alley which lies south of the 300 block of E. Main Street and extends from S. Church Street to S. Charles Street, traffic shall move one way in a westerly direction	4833	
	Alley (North Bd.) from a point beginning at the north curb line of the E. Main/Carlyle Intersection to 100 ft. north of said point	5586	5-20-1996
	First alley (West Bd.) north of W. Washington Street from S. 22nd Street to S. 23rd Street	5814	12-1-1997
	Alley between S. 16th and 17th one way northbound from S. Belt West to Franklin Avenue	7499	6-6-2011
	Alley between S. Douglas Avenue and Portland Avenue to become one-way, north bound, from E. McKinley Street to Olive Street	7464	12-6-2010
	Alley between S. Douglas Avenue and Portland Avenue to become one-way, south bound, from E. McKinley to McClintock Avenue	7464	12-6-2010
"A" Street (Westbd.)	From Oak Street to W. Main Street		
E. "E" Street (Eastbd.)	From N. Illinois Street to N. High Street		
LaSalle Street (Westbd.)	From Lucinda Avenue to Arthur Street	4140	
Lincoln Circle (Eastbd.)	Entire Street	6418	5-6-2002
1st Street (Southbd.)	From "F" Street to Monroe Street		
N. 16th Street (Northbd.)	From W. "A" Street to W. "E" Street	5746	6-16-1997

Street (Direction)	*Location*	*Ord. No.*	*Date Passed*
N. 45th Street (Northbd.)	From W. Main Street to North Belt West		
N. 49th Street (Northbd.)	From W. Main Street to Bier Street		
N. 4th Street (Southbd.)	From W. Main Street to W. "A" Street		
West "E" Street	From Rt. 159 to North 2nd Street	7965-2016	6-27-2016
W. "E" Street (Eastbd.)	From N. 16th Street to N. 15th Street	5746	6-16-1997
W. "E" Street (Westbd.)	From N. Illinois Street to N. 2nd Street	3148	
W. Washington Street (Eastbd.)	From W. Main Street to Forest Avenue		
W. Washington Street (Westbd.)	From S. 22nd Street to S. 23rd Street	4222	

(1960 Code, Ch. 52, Schd. D)

SCHEDULE IV. SPECIFIC SPEED LIMITS.

In accordance with § 73.16 of this traffic code, the following are determined to be designated speed limits for reasonable and safe travel under conditions found to be existing upon the specified thoroughfares:

(A) *Fifteen mph.*

Street	*Location*	*Ord. No.*	*Date Passed*
Prospect Street	From N. Belt East to Freemont Street	3452	

(B) *Twenty mph.*

Street	*Location*	*Ord. No.*	*Date Passed*
	Greenmount Manor Subdivision	7539	11-7-2011
18th Street	From Rte. 13 to Arnold Field.	5112	
Brentmoor Drive	From Longview Drive to Pinecrest Circle	7004	7-2-2007
Cleveland Avenue (South)	From the east property line of S. 5th Street to the west property line of S. 3rd Street (Projected)		
E. "A" Street	From Douglas Avenue to the City Limits line	3302	
Forest Avenue	From McKinley Street to Monroe Street		
Forest Hill Drive	From Lebanon Avenue to Arthur Street	3111	
Garden Boulevard	From Ill. Rte. 177 to McClintock	5324	10-3-1994
Granvue Drive	From Signs to be installed along the easterly side of the northerly 1,000 ft. of Granvue Drive		
Maiden Lane	From Wabash Avenue to Bel-Aire Drive		
N. 30th Street	From W. Main Street to Sheridan Avenue	7161	8-4-2008
Periwinkle Circle	From Beginning to end	4485	
Persimmon Ridge Drive	Entire distance	7694	7-1-2013
S. 54th Street	From W. Main Street to Foley Drive	6449	8-5-2002
W. Main Street	In front of Street Henry's Grade School and Althoff High School	4533	
Wabash Avenue	From Ill. Rte. 177 to Ill. Rte. 13.	4566	
Woodcrest Drive	From Lebanon Road to the end of the street	4222	

(C) *Twenty-five mph.*

Street	*Location*	*Ord. No.*	*Date Passed*
	Center Plaza	4291	
"A" Street	From Oak Street to W. Main Street	3691	
29th Street	Entire length	3935	
Coolridge Drive		3801	
Cynthia Drive		3801	
E. Washington Street	From S. Illinois to Forest Avenue	3691	
Empire Drive		4291	
Garden Boulevard	From Carlyle Avenue to Mascoutah Avenue	4287	
Industrial Drive		4291	
Lake Forest Drive	From State Street to John Henry Street	4566	
Lakeshore Drive		3801	
Marsh Drive		4291	
N. 37th Street	From Summit Avenue to Columbus Drive	4512	
N. 43rd Street	From Shirley Drive to N. Belt West	4697	
N. Charles Street	From E. "E" Street to Sycamore Street	4673	
N. Church Street	From E. "B" Street to Douglas Avenue, both sides at the following locations:		
	Between "B" Street and "C" Street		
	Near the intersection of "E" Street		
	150 ft. south of the curve		
N. Douglas Avenue	From E. Main Street to Lebanon Avenue	3405	
Orchard Drive	From West Boulevard to Carlyle Avenue	4410; 4124	
Orchard Street	From North Belt Line to Freemont Street	3067	
Premier Drive		4291	
Raab Avenue	From 11th Street to 19th Street	4455	
S. 16th Street	From S. Belt West to South City Limits	3895	
Union Avenue	From Centreville Avenue to 14th Street	4455	
W. Main Street	From S. 7th Street to 30th Street		
W. Main Street	From 41st Street to 50th Street		

Street	*Location*	*Ord. No.*	*Date Passed*
W. Main Street	From Public Square to 30th Street, excepting existing school zone	7725	11-4-2013
W. Washington Street	From Main Street to S. Illinois Street	3691	
W. Wood Drive	From N. 17th Street to a point 725 ft. west	4673	

(D) *Thirty mph.*

Street	*Location*	*Ord. No.*	*Date Passed*
W. Main Street	From Public Square to 7th Street, except for existing school zones	3314	

(E) *Thirty-five mph.*

Street	*Location*	*Ord. No.*	*Date Passed*
W. Main Street	From 28th Street to the city limits, except for existing school zones	3314	

(F) *Forty mph.*

Street	*Location*	*Ord. No.*	*Date Passed*
Amann Drive	Entire distance	5225	2-21-1994

(G) *Forty-five mph.*

Street	*Location*	*Ord. No.*	*Date Passed*
N. 57th Street	From W. Main Street to Illinois Street Route 161	3089	

(1960 Code, Ch. 52, Schd. H)

SCHEDULE V. PROHIBITED TRUCK ROUTES.

In accordance with § 73.25 of this traffic code, trucks are prohibited on the following streets:

Street	*Location*	*Ord. No.*	*Date Passed*
14th Street	From South of the loading dock for the remainder of S. 14th Street	6406	4-1-2002
Abend Street	From Mascoutah Avenue to Rte. 13		
Carbon Street	From W. Main Street to S. 95th Street	7037	10-1-2007
E. Monroe Street	From E. Main Street to Mascoutah Avenue	4533	
Garden Boulevard	From McClintock Street to Mascoutah Avenue	5225	2-21-1994
Grand Avenue	From E. Main Street to N. Douglas Street	4398	
McKinley Street	From Mascoutah Avenue to McClintock Avenue	4398	
Orchard Drive	From West Boulevard To Sherman Street (Rte. 161)	6238	12-4-2000
Patterson Court	Entire length	6406	4-1-2002
Perriwinkle Circle	Entire length	5274	7-5-1994
S. 9th Street	From Main Street to Monroe Street	6164	7-3-2000
S. Virginia	From Garden Boulevard to McClintock	5341	11-21-1994
State Street	From S. 11th Street to S. 14th Street	5324	10-3-1994

(1960 Code, Ch. 52, Schd. J)

SCHEDULE VI. LOAD LIMITS.

In accordance with the provisions of 625 ILCS and §§ 72.14 and 73.26 of this traffic code, the following load limits are established:

Street - Limit	*Location*	*Ord. No.*	*Date Passed*
Allsup Road (8,000 lbs.)	From Ill. Rt. 15 to Town Hall Road	5468	10-2-1995
Beth Ann Drive (9,500 lbs.)	Entire Distance	4276	
Denvershire (9,500 lbs.)	Entire Distance	5395	3-20-1995
Douglas Avenue (30,000 lbs.)	From Illinois Street to Lebanon Avenue	4437	
Garden Boulevard (8,000 lbs.)	From Garden Boulevard to McClintock Drive	4889	
McClintock Avenue (8,000 lbs.)	From Carlyle Avenue to Mascoutah Road	2978	
N. 39th Street (8,000 pounds)	From Main Street to N. Belt West		
N. 43rd Street (16,000 pounds)	Entire Street	2963	
Old Dutch Hollow Road (6,000 pounds)	From Winslow Road to the city limits	4245	
Sheridan Street	From 27th to 28th Streets	4118	
State Street Road (36,000 pounds)	From Belt Line to City Limits	3967	
Wabash Avenue (30,000 lbs.)	From Rte. 177 to Rte. 13	5313	9-19-1994
Washington Street (8,000 pounds)	From 16th to 17th Streets		

(1960 Code, Ch. 52, Schd. L, P)

SCHEDULE VII. DESIGNATED SNOW ROUTES.

Street	*From*	*To*
Centreville Avenue	Rte. 13	W. Washington Street
Dapron Road	N. 57th Street	W. Park Drive
E. "A" Street	Rte. 159	Oak Street
E. Lincoln Street	Rte. 159	Mascoutah Avenue
E. Main Street	Rte. 159	Rte. 161
E. Park Drive	W. Park Drive	Memorial Drive
E. Washington Street	Rte. 159	Forest Avenue
Forest Avenue	E. Washington Street	E. Main Street
Harrison Street	Rte. 159	S. 3rd Street
Lebanon Avenue	Rte. 159	Old Collinsville Road
Mascoutah Avenue	E. Main Street	McClintock Avenue
McClintock Avenue	Mascoutah Avenue	Carlyle Avenue
Memorial Drive	E. Park Drive	Royal Heights Road
N. 17th Street (East)	W. Main Street	"H" Street
N. 17th Street (West)	W. Main Street	N. 28th Street
N. 28th Street	W. Main Street	N. 17th Street
N. 48th Street	W. Main Street	W. Park Drive
N. Douglas Avenue	Rte. 159	E. Main Street
Oak Street	E. "A" Street	E. Main Street
Rte. 159	Rte. 13	"J" Street
S. 17th Street	W. Main Street	Rte. 13
W. "A" Street	Rte. 159	W. Main Street
W. Main Street	Rte. 159	Rte. 157
W. Park Drive	N. 48th Street	E. Park Drive
W. Washington Street	Rte. 159	W. Main Street

(1960 Code, Ch. 52, Schd. Q) (Ord. 5192, passed - -)

SCHEDULE VIII. TURNING MOVEMENTS.

(A) *General.* In accordance with the provisions of § 70.044 of this traffic code, the following are hereby declared to be "no right turns on RED" streets or intersections:

Street	*Street with Restricted Turns (Direction)*	*Ord. No.*	*Date Passed*
N. 37th Street (Both)	At W. Main Street (Both)	5616	9-3-1996
W. Main Street	At N. 28th Street (South Bd.)	4016	

(1960 Code, Ch. 52, Schd. R)

(B) *U-turns.* In accordance with the provisions of § 70.044 of this traffic code, at the following intersections, "U" turns shall be prohibited:

Street	*Street*	*Ord. No.*	*Date Passed*
N. Belt West	At Friendly Drive	4570	
W. Main Street	At W. Washington Street	4410	
W. Main Street	At S. 6th Street	4437	

(1960 Code, Ch. 52, Schd. U)

CHAPTER 76: PARKING SCHEDULES

Schedule

I. No parking zones
II. No parking at specified times; limited parking
III. Special hourly parking
IV. Loading zones
V. Parking meter zones
VI. Off-street parking zones
VII. Persons with disabilities parking
VIII. Angle parking areas

SCHEDULE I. NO PARKING AREAS.

In accordance with § 74.14 of this traffic code, no person shall park a vehicle at any time at any of the following places:

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
"A" Street (Both)	From N. Illinois Street to Walnut Street	4995	
"A" Street (Both)	400 block	3978	
"A" Street (South)	From Illinois Street to 2nd Street	3647; 4995	
1841 E. Belle Street (North)	From a distance of 43 ft.	3131	
70th Street (Both)	From a point 75 ft. north of the centerline of W. Main Street south to W. Main Street	3867	
78th Street (Both)	Entire Street	3692	
Abend Street (East)	From 35 ft. south of Mascoutah Avenue		
Abend Street (West)	From 30 ft. from the south curb line of Lincoln Street		
Ann Street (West)	From Grant Street north 80 ft.	4264	
Annex Street (West)	From 100 ft. from northwest corner of Annex/ McKinley to end of street	7676A	4-15-2013
Arabelle Drive (North)	From Damask Court to Vogue Drive	7497	6-6-2011

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Belle Valley Industrial Park (Both)		6672A	8-16-2004
Belleville Crossing (Both)	Entire Street	7518	9-6-2011
Bellevue Park (West)	West side of the drive through the park which connects N. 49th Street with W. Park Drive		
Bellevue Park Drive (North)	From Front of new apartment buildings		
Bellevue Place (North)	From Park Drive to E. Park Drive	5463	
Ben Louis Drive (North)	From the driveway at 46 Ben Louis Drive 150 ft. in a westerly direction to the existing right-of-way	5928	11-2-1998
Ben Louis Drive (South)	From the driveway at 49 Ben Louis Drive 185 ft. in a westerly direction	5928	11-2-1998
Bier Street (Both)	From 47th to 48th Street	3258	
Bier Street (South)	From 47th Street to 48th Street	3262	
Bristow Street (Northeast)	From Church Street to a point 173 northwest	4817	
Bristow Street (Southwest)	From a distance 144 ft. from the north curb line of Lebanon Avenue at its intersection with southerly curb line of Bristow Street to a point 190 ft. from the same intersecting curb lines	5341	11-21-1994
Canterbury Drive (East)	From South curb line of N. Belt West to a point 215 ft. south of said point	5699	2-17-1997
Canterbury Drive (West)	From Belle Avenue to Laurette Lane		
Carbon Street (Southwest)	From a point 344 ft. southeast of 95th Street to a point 409 ft. southeast of 95th Street		
Carlyle Avenue (Both)	From Garden Avenue to Sherman Street	4057; 4271	
Carlyle Avenue (North)	From 10 ft. east of south curb line of Carlyle Avenue, to 170 ft. east		
Carlyle Avenue (South)	From E. Main Street 170 ft. east	4171	
Catawba Avenue (East)	From W. "E" Street, 225 ft. north		
Cathedral Lane (East)	From Harrison Street to W. Monroe Street		
Cathedral Lane (West)	From W. Monroe Street to Garfield Street	5594	- -1996
Center Plaza, (Both)	From State Route 177 to Industrial Drive	3208	
Centreville Avenue	No truck parking between Mobile Station Driveways at 321 Centreville Avenue	3141	
Centreville Avenue (East)	From Lincoln Street to Dintleman Avenue	3250	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Centreville Avenue (North)	From State Street, 100 ft. northeast		
Centreville Avenue (South)	From State Street, 25 ft. northeast		
Centreville Avenue (South)	From Monroe Street to the railroad tracks		
Centreville Avenue (West)	From Monroe Street to Dintleman Avenue	3250	
Centreville Avenue (West)	From Monroe Street to a point 50 ft. north	3434	
Centreville Avenue (West)	From W. Lincoln Street to W. Monroe Street	5999	7-6-1999
Clayton Court (North)	From 74th Street to Bogey Drive	4032	
Cleveland Avenue (South)	From State Street to S. 6th Street		
Cleveland Avenue (South)	From S. Illinois Street to the easterly end of the bridge across Richland Creek		
Courthouse (Southwest quadrant)	No parking contiguous street side	3141	
Dalton Drive (Both)	From Centerline of Frank Scott Parkway West going 148 ft. east (No parking here to corner)	7296	8-3-2009
Dapron Drive (Both)	From N. Park Drive to N. 57th Street	3358	
Delaware Avenue (Both)	From Muren Street and "D" Street		
Delmar Avenue (West)	From a point 50 ft. south of south curb line of "C" Street to a point 190 ft. south	5852	3-16-1998
Devonshire Drive (West)	From Guardrail to a point 52 ft. south of said guardrail	5515	2-19-1996
Dewey Street (South)	From Lebanon Avenue west 30 ft.	5603	7-15-1996
Donna Drive (Both)	From Rear entrance of the fire station to the intersection of N. 17th Street	4625; 4636	
Douglas Avenue (Both)	From N. Illinois Street to Lebanon Avenue	4337	
Douglas Avenue (South)	From E. Main Street east to "No Parking to Corner" sign		
E. "A" Street	From the alley running north and south between E. "A" and E. "B" Street	6869	5-1-2006
E. "A" Street (Both)	From No parking here to corner 140 ft. from Sherman	6724	4-4-2005
E. "A" Street (South)	From a point 110 ft. east of the east curb line of N. Pennsylvania Avenue to a point 140 ft. east of the curb line	3314	
E. "A" Street (South)	From Oak Street to Walnut Street	3647	
E. "B" Street	In front of Unity Church at the corner of E. "B" Street and Michigan Street		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
E. "B" Street	From the alley running north and south between E. "A" Street and E. "B" Street	6869	5-1-2006
E. "B" Street (Both)	From East and west curb of Charles Street, 60 ft. west		
E. "B" Street (Both)	From Sherman Street (Ill. Rt. 161) to West Boulevard	3855	
E. "B" Street (Both)	From N. Oak Street to a point 50 ft. west	4085	
E. "B" Street (Both)	From Walnut Street west curb line to a point 25 ft. west of same	3127	
E. "B" Street (North)	From 50 ft. east; 50 ft. west from N. Church Street		
E. "B" Street (North)	From N. Belt East to a point 75 ft. east	3302	
E. "B" Street (North)	From N. Oak Street to a point 50 ft. east	4085	
E. "B" Street (North)	From Jackson Street to 60 ft. east		
E. "B" Street (North)	From Delaware to Rte. 161. The triangle located in the intersection of 5th and "F" Streets	3290	
E. "B" Street (South)	From N. Charles Street to Douglas Avenue		
E. "B" Street (South)	From the alley west of Douglas Street to a point 31 ft. west of said alley	5514	2-5-1996
E. "B" Street (South)	From the alley west of Iowa Avenue to the L&N Railroad tracks	3452	
E. "B" Street (South)	The 300 block		
E. "B" Street (South)	From the east right-of-way line of the Metro Link right-of-way and proceeding 375 ft. to the east to the western property line at 1220 E. "B" Street	5904	9-8-1998
E. "B" Street (South)	From Delaware Avenue to N. Belt East	3744	
E. "B" Street (South)	From a point 172 ft. east of the east curb line of N. Jackson Street, to a point 219 ft. east	4792	
E. "B" Street (South)	From N. Jackson Street to a point 175 ft. east	3484	
E. "B" Street (South)	From East side of 308 E. "B" Street driveway		
E. "B" Street (South)	From the alley west of Douglas to a point 31 ft. west of said alley	5514	2-5-1996
E. "C" Street (North)	From the west curb line of Douglas Avenue, to a point 146 ft. of said curb line	3381	
E. "C" Street (North)	From N. High Street to N. Jackson Street	4889	
E. "C" Street (North)	From N. Illinois Street east 30 ft.		
E. "C" Street (South)	From N. Jackson to N. Charles Street		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
E. "C" Street (South)	From Delmar Avenue to Douglas Avenue	3283	
E. "D" Street (North)	30 ft. from Illinois Street		
E. "D" Street (North)	From Walnut Street, 300 ft. east		
E. "D" Street (South)	From Walnut Street, 50 ft. east	3109	
E. "D" Street (South)	From 15 ft. east of N. Illinois, Street to 55 ft. east	4338	
E. "D" Street (South)	From a point 50 ft. west of Oak Street to corner of Oak Street		
E. Adams Street (North)	From S. Illinois Street to a point 75 ft. east	3168	
E. Adams Street (North)	From 61 ft. west of Survey Street	5905	9-8-1998
E. Grant Street (North)	From Ann Street to a point 53 ft. west	4547	
E. Lincoln Street	From Abend and S. Charles Street, 15 ft. from the alley on both sides	3583	
E. Lincoln Street (South)	From the south property line of the alley located between S. Church Street and S. Charles Street for a distance of 30 ft.	3118	
E. Lincoln Street (South)	From a point 17 ft. west of the alley, between Jackson and Church Street, and a point 42 ft. west of the alley	4326	
E. Main Street (Both)	From 3rd Street to Charles Street, except at areas designated by parking meters or other signs designating permissible parking areas	3127	
E. Main Street (Both)	From High Street, 50 ft. east and west		
E. Main Street (Both)	From Spruce Drive to a point 195 ft. east	5028	
E. Main Street (Both)	From Sherman Street to Spruce Street	4471	
E. Main Street (North)	From the west curb line of N. Pennsylvania to a point 159 ft. from said curb line	5768	8-4-1997
E. Main Street (North)	From Douglas Avenue east to first alley		
E. Main Street (North)	From a point 165 ft. west of N. Oak Street to a point 232 ft. west of N. Oak Street	6518	3-3-2003
E. Main Street (North)	From Missouri Avenue to the first alley west of Missouri Avenue		
E. Main Street (North)	From Oak Street to M.E. Church		
E. Main Street (North)	From Virginia Avenue to 144 ft. west	5850	3-2-1998
E. Main Street (North)	From a point beginning at the west curbline of Virginia Avenue to a point 65 ft. west of said point	5586	5-20-1996
E. Main Street (North)	From Virginia Avenue east 160 ft.	5086	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
E. Main Street (South)	From Forest Avenue to a point 37 ft. east	4981	
E. Main Street (South)	From Oak Street to Forest Avenue	3141	
E. Main Street (South)	From Lobby entrance of Imperial Motel, 35 ft. east		
E. Main Street (South)	From Virginia Avenue to Carlyle Avenue		
E. Main Street (South)	From a point beginning at the west curbline of Virginia Avenue to a point 65 ft. west of said point	5586	5-20-1996
E. Main Street and Douglas Avenue intersection, (southeast quadrant)	One sign to be placed along the easterly curb line of Douglas Avenue at a distance of 25 ft. southerly from the southerly curb line of East Main Street; another sign to be placed along the curb line of Monroe Street at a distance of 25 ft. easterly from the east line of Douglas Avenue		
E. McKinley Street (Both)	From Prairie Avenue to the Treatment Plant	4427	
E. McKinley Street (East)	From 50 ft. from northeast curb line of Mascoutah Avenue, to corner	3067	
E. Monroe Street (South)	From S. Illinois Street to S. High Street	6308	
E. Park Drive (Both)	In the 300 and 400 block	3370; 3352	
E. Park Drive (West)	From Memorial Drive to N. Park Drive	3552	
E. Van Buren Street (North)	From a point 20 ft. east of Caroline Street	5603	7-15-1996
E. Washington Street (North)	From Mascoutah Avenue to Forest Avenue		
E. Washington Street (North)	From a point 109 ft. west of Jackson Street, to a point 143 ft. west of the same	3265	
E. Washington Street (South)	From Mascoutah Avenue to 40 ft. east of the east curb line	3203	
E. Washington Street (South)	From Charles Street to Mascoutah Avenue	4222	
Emma Street (West)	From Cleveland north 87 ft. - no parking here to corner	7445	11-15-2010
Empire Drive (Both)	From Industrial Drive to end to street	3208	
Fairway Drive	From Golf Course Drive	6869	5-1-2006
Florida Avenue (East)	From E. "B" Street to a point 71 ft. south	4485	
Foley Drive (C.H. 42) (Both)	From a point 300 ft. southerly of the centerline of W. Main Street, northerly to W. Main Street	3867	
Forest Avenue (West)	From E. Monroe Street to E. Adams Street	7327	11-2-2009
Freeburg Avenue	From S. Belt Line to E. McKinley Street		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Freeburg Avenue (East)	From E. Grant Street north 25 ft.	4524	
Freeburg Avenue (East)	From a point 160 ft. south of Grant Street to a point 225 ft. south	4684	
Freeburg Avenue (East)	From the edge of the building at the truck dock for 100 ft. going south	7549	12-5-2011
Freeburg Avenue (West)	From Monroe Street to Adams Street	3265	
Friendly Drive (West)	From N. Belt West to first intersection south	4100	
Fulton Street (South)	From Mascoutah Avenue, 150 ft. west		
Garden Boulevard (West)	From S. Missouri Avenue south 100 ft.	5037	
Garfield Street (North)	From a point 134 west of S. Church Street to a point 170 ft. west	4848	
Garfield Street (South)	From S. Charles Street to Abend Street	4451	
Gatewood Court, (South & West)	From S. 59th Street to the southerly property line of apartment parking lot		
George Street (Northwest)	From the north curb line of E. Adams to a point 140 ft. northeast of said curb line	4999	
Gettysburg Drive (Both)	From Southwest curb line of Gettysburg and Fourscore 195 ft. in a southeasterly direction from the driveway of 38 Fourscore 180 ft. in a northwestwardly direction	5928	11-2-1998
Gettysburg Road (Both)	From Frank Scott Parkway West east to the first intersection	6803	12-5-2005
Glenview (West)	From 65 ft. from W. Main Street going south	6563	9-2-2003
Haggard Street (Both)	From Wabash Place to Haggard Street	3168	
Hecker Street (Both)	From Alley between Lebanon Avenue and Lee Street northwest to end of Hecker Street		
Hecker Street (Northeast)	From Lebanon Avenue, 100 ft. north-westerly		
Hecker Street (West)	From Lebanon Avenue to the alley		
Hickman Drive (North)	From Jackson Street, 100 ft. east		
High Street (East)	From "A" Street to Washington Street		
Highforest Drive (East)	From Memorial Drive to Presidents Way	4999	
Huff Street (Northwest)	From Union Avenue to a point 178 ft. northwest of said intersection	4861	
Huff Street (Southeast)	From State Street southwest 187 ft.	4995	
Ill. Rte. 13 (Both)	From 108 ft. west of 7th Street to 119 ft. east of 10th Street	4922	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Ill. Rte. 161 (Both)	From Western city limits to Eastern city limits	4823	
Ill. Rte. 161 (FAP Route 805)	From Both sides from the City's West City Limits East to the City's East City Limits	5454	
Illinois Rt. 13 (Both)	From 74th Street to F.A.U. 9257	4457	
Illinois Rt. 161 (Both)	From Northwesterly City limits to easterly City limits	4838; 5454	
Illinois Rt. 177	No parking or stopping on the shoulder between Premier and Green Mount Road	7357	2-16-2010
Illinois Street (Both)	From "B" Street to Washington Street	3149	
Industrial Drive		3694	
Iowa Avenue (Both)	From "B" Street to a point 60 ft. south	4366	
Ivanhoe Court (West)	From Sign to be installed 50 ft. north of the north edge of the N. Belt pavement and a second sign installed 200 ft. from same pavement edge	3038	
Jackson Street (Both)	From E. Main Street, 25 ft. north and south		
Jackson Street (West)	From E. "D" Street north 30 ft.	5077	
Juanita Place (West)	From 30 ft. from south curb line of driveway for #9 Juanita Place to 60 ft. south of same curb line	7603	6-4-2012
Kil-Mar Drive (West)	Where Kil-Mar Drive crosses the parking lot		
Koerner Street (South)	From N. Charles Street to the alley	4451	
Koerner Street (West)	From Lebanon Avenue 100 ft. north		
Kretschmer Street (West)	From W. "D" Street to W. "C" Street	4398	
Laderman Park, Main Road, (Both)	3563		
Lakeshore Drive (North)	From State Street to a point 600 ft. east	3801	
LaSalle Street (West)	From Sherman Street north 75 ft.		
Lebanon Avenue	From Alley east of N. Illinois Street, to the east curb line of N. Illinois Street	3118	
Lebanon Avenue (Both)	From Sherman Avenue to City limits	4427	
Lebanon Avenue (South)	From Koerner Street 50 ft. east		
Lebanon Avenue (South)	From a point 200 ft. east to the east line of Koerner Street to a point 340 ft. east of the curb line	3495	
Lebanon Avenue (South)	From Koerner Street 50 ft. east	6255	
Lebanon Avenue (South)	From a point 200 ft. east to the east line of Koerner Street to a point 340 ft. east of the curb line	6255	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Lebanon Avenue (South)	From 50 ft. west of Sherman Street to 50 ft. west	6255	
Lee Street (East)	From Koerner Street 50 ft. east		
Lincoln Street (North)	From S. Illinois Street to a point 100 ft. east	3296	
Lincoln Street (North)	From Church Street to a point 50 ft. west		
Lincoln Street (South)	From S. 1st Street to a point 120 ft. west	3694	
Lincoln Street (South)	From Illinois Street to a point 250 ft. east		
Lincoln Street (South)	From S. 3rd Street to a point 20 ft. east	3018	
Lincoln Street (South)	From a point 15 ft. east of S. 16th Street to a point 70 ft. east		
Llewelyn Road (Both)	From Dutch Hollow Road to L&N Railroad tracks	4562	
Logan Street (Northwest)	From State Street curb northeast 99 ft.	5028	
Lucinda Avenue (East)	From Scheel Street to Charles Street	4222	
Mallard Drive (East)	From the south curb line of West Boulevard to a point 575 ft. south of said curb line	5678	1-6-1997
Marlo Drive (Both)	From N. 17th Street to a point 500 ft. west	4173	
Marsh Drive		3694	
Marsh Drive (North)	From Here to corner for 30 ft. going east from Cool Valley Drive	6756	7-18-2005
Mascoutah Avenue (East)	From 148 ft. south of E. Washington Street and 66 ft. north of Mascoutah Avenue	6714	- -2005
Mascoutah Avenue (East)	From E. Main Street and Washington Street		
Mascoutah Avenue (East)	From Garfield Street north to driveway (60 ft.)	6599	12-1-2003
Mascoutah Avenue (North)	From the northerly curb line of E. McKinley Street north 25 ft.		
Mascoutah Avenue (South)	From McKinley Street to McClintock Avenue	4610	
Mascoutah Avenue (South)	Where the jog exists at the intersection of Lincoln and Abend Streets		
Mascoutah Road (Both)	From McClintock Avenue to Green Mount Road	4603	
Mascoutah Road (West)	From McKinley Street to McClintock Avenue	5228	3-7-1994
McClintock Avenue (South)	From Missouri Avenue to Mascoutah Avenue		
McKinley Street (South)	From S. Illinois Street, 90 ft. east		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Memorial Drive (North)	1 sign 5 ft. west of the west edge of the parking lot driveway of the Memorial Hospital Convalescent Center; a second sign 5 ft. west of the west edge of the service driveway of the aforesaid center; and the third sign 5 ft. east of the curb line of Oak Shadow Drive	3148	
Memorial Drive (North)	At Hospital service entrance as designated by signs 50 ft. apart	3134	
Michigan Avenue and E. "A" Street intersection	From Michigan Avenue to 25 ft. east on the north side of E. "A" Street and from Michigan Avenue to 25 ft. west on the south side of E. "A" Street	3083	
Mitchell Lane (Both)	Signs to be located on the southwesterly side of the office building of the Shrine of Our Lady of the Snows		
Monroe Street (North)	From S. Charles Street to Abend Street	4451	
Mt. Pleasant (Both)	From 57th Street to Dutch Hollow Road	5313	9-19-1994
Muren Boulevard (West)	From Sherman Street east 133 ft.	4673	
N. 11th Street (East)	From Main Street north 50 ft.	3203	
N. 12th Street (West)	From W. Main Street and W. "A" Street		
N. 13th Street (East)	From Main Street to a point 30 ft. north of Main Street	3691	
N. 14th Street (East)	From W. "A" Street to Southern Railroad Tracks		
N. 14th Street (East)	From W. Main Street 30 ft. north		
N. 14th Street (East)	From South curb line of W. "A" Street to a point 125 ft. south of said curb line	3418	
N. 14th Street (West)	From W. Main Street W. "A" Street		
N. 15th Street (East)	From "A" Street to "E" Street		
N. 15th Street (West)	From "E" Street south 50 ft.	3258	
N. 16th Street (East)	From W. "A" Street to W. "E" Street	5445	8-7-1995
N. 17th Street (East)	From W. Main Street to alley		
N. 17th Street (West)	From W. Main Street, 50 ft. north		
N. 18th Street	From a point 75 ft. north of the north curbline of W. Main Street, to a point of 110 ft. north of said curbline	4750	
N. 18th Street (West)	From a point 131 ft. north to 175 ft. north of W. Main Street	5028	
N. 18th Street (West)	From W. Main Street North 51 ft.	5048	
N. 1st Street (Both)	From 30 ft. north from the north curb line of W. Main Street	4823	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
N. 1st Street (East)	From Municipal parking lot located between N. Illinois Street and N. 1st Street	3111	
N. 1st Street (West)	From 15 ft. north of W. "A" Street to 90 ft. north of the north curb line		
N. 1st Street (West)	From the northeast property line of Street Paul's Church, 75 ft. south		
N. 1st Street (West)	From the corner of W. "D" Street to a point 50 ft. south of said corner except Sundays	3691	
N. 20th Street (East)	From 2 signs with legend, "No Parking Between Signs", 1 sign to be located 10 ft. north of the north curb line of W. Main Street, and another sign 50 ft. north of the north curb line of W. Main Street		
N. 20th Street (West)	From W. Main Street to the first alley north of W. Main Street		
N. 23rd Street (East)	From W. Main Street and W. "A" Street		
N. 24th Street (West)	From W. Main Street to the first alley north		
N. 28th Street (Both)	From W. Main Street to 17th Street	3718	
N. 29th Street (West)	From W. Main Street to Verne Avenue	4222	
N. 2nd Street (Both)	From Railroad tracks to "F" Street	6363	12-17-2001
N. 2nd Street (Both)	From 50 ft. north of the bridge and 80 ft. south of the bridge	5958	3-1-1999
N. 2nd Street (West)	From W. "A" Street south curb line, south 45 ft.	4140	
N. 2nd Street (West)	Monday through Saturday at 8:00 a.m. - 5:00 p.m. from a point 63 ft. north of curb line on W. Main Street to a point 106 ft. north of curb line of W. Main Street	7567	2-6-2012
N. 32nd Street (West)	From Main Street to the first alley north of Main Street	3895	
N. 32nd Street (West)	From Putnam Avenue to a point 100 ft. south of Putnam Avenue	3630	
N. 34th Street (East)	From W. Main Street to first alley north	3258	
N. 34th Street (East)	From W. "A" Street and Vernier Avenue	4904	
N. 34th Street (East)	From Alley to W. "A" Street	6502	1-21-2003
N. 34th Street (West)	From the south line of the alley north of W. Main Street to a point 48 ft. south of the alley line	3428	
N. 35th Street (Both)	From W. Main Street to W. "A" Street	5984	5-17-1999
N. 35th Street (West)	From W. Main Street east 60 ft.	5603	7-15-1996
N. 36th Street (East)	From W. Main Street to Lisa Lane		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
N. 37th Street	Southwest quadrant of the intersection with Columbus Drive		
N. 37th Street (East)	From N. Belt west to a point 220 ft. south	4684	
N. 37th Street (West)	From Main Street to the alley north of Main Street	3295	
N. 38th Street (East)	From W. Main Street to first alley north	3155	
N. 38th Street (West)	From W. Main Street to a point 48 ft. northeast	4673	
N. 39th Street (West)	From N. Belt West north 815 ft.	3505	
N. 39th Street (West)	From Point 115 ft. north of N. Belt West to a point 815 ft. north	3505	
N. 3rd Street (East)	From W. "C" Street and W. "D" Street		
N. 3rd Street (East)	From "A" Street to a point 170 ft. north	3630	
N. 3rd Street (East)	From W. Main Street 25 ft. north		
N. 3rd Street (West)	From most northerly switch track of the Southern Railroad in a northerly direction for a distance of 300 ft.		
N. 3rd Street (West)	From the north curb line of W. "B" Street, extended to a point 30 ft. north of said curb line	3845	
N. 3rd Street (West)	From W. Main Street to 170 ft. north of W. "A" Street's north curb line	3376	
N. 3rd Street (West)	From the north curb line of W. "C" Street to a point 170 ft. north of said curb line	3370	
N. 40th Street (Both)	From N. Belt West to North Street	3835	
N. 40th Street (East)	From 100 ft. from the northerly edge of the pavement of the N. Belt Line		
N. 40th Street (East)	From W. Main Street to first alley north	3208	
N. 41st Street (Both)	From W. Main Street to a point 50 ft. north of the curb line	4140	
N. 42nd Street (Both)	From 50 ft. from the northerly curb line of W. Main Street		
N. 42nd Street (East)	From North Belt West south 127 ft.	4925A	
N. 44th Street (Both)	From W. Main Street to N. Belt Line		
N. 44th Street (North)	From 50 ft. from the near edge of the N. Belt Line pavement		
N. 45th Street (Both)	From W. Main Street to N. Belt Line		
N. 48th Street (East)	From W. Main Street to S. Park Drive		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
N. 48th Street (East)	From the north curb line of W. Main Street 50 ft. north		
N. 48th Street (East)	From W. Main Street to Walter Street	3099	
N. 48th Street (East)	From W. Main Street to the first alley north	3037	
N. 48th Street (West)	From North curb line of the east/west section of N. 48th Street to a point 49 ft. south, (the first driveway)	5570	5-6-1996
N. 4th Street (Both)	From W. Main Street to W. "A" Street	6521	4-7-2003
N. 4th Street (Both)	From W. "C" Street to the end of the block south of W. "C" Street	3168	
N. 57th Street (East)	From Main Street, 450 ft. north		
N. 57th Street (West)	From Main Street, 350 ft. north		
N. 5th Street (West)	From W. "C" Street north 40 ft.		
N. 5th Street (West)	From W. "F" Street to W. "E" Street	3073	
N. 60th Street (East)	From 50 ft. north of W. "B" Street, north 65 ft.		
N. 66th Street (East)	From W. Main Street to Notre Dame Hills	3637	
N. 6th Street (Both)	From W. Main Street to Rotary Park	5958	3-1-1999
N. 6th Street (East)	From W. "C" Street to a point 100 ft. north	3358	
N. 6th Street (West)	From the corner of W. "C" Street south 126 ft.	6521	4-7-2003
North 70th Street (Both)	From West "A" Street 30 feet north and south	7956-2016	6-6-2016
N. 72nd Street (East)	From W. Main Street to first alley north	3155	
N. 74th Street (Both)	From W. Main Street to "A" Street	6617	1-20-2004
N. 75th Street (West)	From a distance of 30 ft. North W. Main Street to the corner	4772	
N. 78th Street (South)	From East curb line of W. Main Street 50 ft. east		
N. 78th Street (West)	From Entire N. 78th Street	7603	6-4-2012
N. 79th Street (Both)	Entire Street	7502	7-5-2011
N. 89th Street (West)	From Main Street to Access Road	5984	5-17-1999
N. 8th Street (West)	From "A" Street to W. "E" Street		
N. 95th Street (East)	From 140 ft. from the north curb line of W. Main Street		
N. 96th Street (East)	From W. Main Street 150 ft. to alley		
N. Cape Court (East)	From Gettysburg Drive, 150 ft. south	4040	
N. Charles Street (East)	From E. Main Street, 150 ft. north		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
N. Charles Street (East)	From E. "B" Street to E. "E" Street, signs to have legend, "No Truck Parking at Anytime"		
N. Charles Street (East)	917 N. Charles Street entire distance	6435	7-1-2002
N. Charles Street (East)	From E. "B" Street, north 50 ft.	4032	
N. Charles Street (East)	From N. Douglas to a point 152 ft. west	4547	
N. Charles Street (East)	From White Street to Bristow Street	5793	10-6-1997
N. Charles Street (North)	From N. Douglas Street to a point 112 ft. west	4553	
N. Charles Street (West)	From E. "A" Street to a point 75 ft. north	3771	
N. Charles Street (West)	From Alley in the 200 block between "B" and "C" Streets to "C" Street		
N. Charles Street (West)	From E. Main Street, 25 ft. north		
N. Charles Street (West)	At Lutheran School		
N. Charles Street (West)	From E. "A" Street, 150 ft. south		
N. Charles Street (West)	From "A" Street to a point 50 ft. south	3722	
N. Charles Street (West)	From E. "C" Street and E. "D" Street, signs with legend, "No Truck Parking in This Block"		
N. Church Street (Both)	From 30 ft. east and west of intersection with E. "B" Street		
N. Church Street (East)	From N. Douglas to the first alley north	4205	
N. Church Street (East)	From the L&N Railroad tracks to a point 150 ft. south	3434	
N. Church Street (East)	From In front of 10 N. Church Street	3141	
N. Church Street (West)	From E. Main Street, 50 ft. north		
N. Church Street (West)	From 600 Lebanon Avenue rear to Metro Link	6332	10-1-2001
N. Church Street (West)	From the L&N Railroad tracks to the alley north of the railroad	3434	
N. Church Street (West)	From Sherman Street 68 ft. south	6126	5-2-2000
N. Douglas Avenue (East)	From the north curbline of Scheel Street to a point 157 ft. north of said curbline	5594	- -1996
N. Douglas Avenue (West)	From E. Main Street to Lebanon Avenue	3552	
N. High Street (East)	From Curb line of E. "C" Street, 85 ft. south	4245	
N. High Street (West)	From the driveway at the south side of the Moose Hall and the northerly driveway of the Midwest Home Savings and Loan Association		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
N. Illinois Street (Both)	From a point 280 ft. south of the Southern Railroad's intersection with the center of Illinois Street	4173	
N. Illinois Street (Both)	From "F" Street, 50 ft. in all directions	3722	
N. Illinois Street (East)	From "E" Street, 50 to 60 ft. south		
N. Illinois Street (East)	From E. "C" Street to a point 62 ft. north	3302	
N. Jackson Street (Southwest)	From a point 75 ft. from south curb line of Lebanon Avenue, 100 ft.		
N. Jackson Street (East)	From a point 20 ft. south of the centerline of Hickman Drive to a point 85 ft. south	4245	
N. Jackson Street (West)	From the most southerly entrance of City Lot "A" to a point 52 ft. south of said entrance	5699	2-17-1997
N. Park Drive	From Memorial Hospital driveway to a point 30 ft. south		
N. Park Drive (Both)	From Susan Ct. to N. 43rd Street	3352	
N. Park Drive (East)	From 10 ft. south of E. Park Drive to 30 ft. south		
N. Park Drive (North)	From Dapron Drive to the Service Drive of Memorial Hospital, 270 ft.	3942	
N. Virginia Avenue (East)	From E. Main Street to a point 40 ft. north	4403	
North Street (North)	From Royal Heights Road to N. 39th Street	3258	
Notre Dame Hills (Both)		7182	10-6-2008
Oak Knoll (West)	From the curb line of Main Street, to a point 60 ft. north of the curb line	3630	
Oak Ln. (Both)	From a point 274 ft. west of the West curb line of N. 42nd Street to a point 690 ft. west of said curb line	5026	
Oak Street (Both)	From Main Street to "A" Street	3647	
Old Caseyville Road (Both)	N. Belt West to Highway 161	5884	6-15-1998
Old Collinsville Road (Both)	From Shiloh Road to right-of-way of the Norfolk & Southern R.R.	4728	
Orchard Drive (Both)	From N. Belt East to West Boulevard	3059	
Orchard Street (South)	From N. Belt East to end of National Store property	4398	
Park Avenue (West)	From Garfield Street to E. Adams Street	5372; 5768	2-6-1995; 8-4-1997
Park Drive (Both)	From Bellevue Street to N. Park Drive	3352	
Pennsylvania Avenue (East)	From 50 ft. from the intersection of E. "C" Street and 50 ft. from the intersection of E. "D" Street	5159	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Pleasant Hill Park, Main Road (Both)	Entire Road	3563	
Premier Drive (Both)	Entire Road	3694	
Premier Drive (West)	From Route 177 (Mascoutah Avenue) to Marsh Drive	6770	9-6-2005
Public Square (4 quadrants)	Except in the driveway to the southwestern quadrant	3784	
Raab Avenue (North)	At the alley between S. 15th Street and S. 16th Street from 5 ft. west to 25 ft. west of north curb line of alley		
Royal Heights Road (East)	From Illinois Rte. 161 to a point 500 ft. south of Memorial Drive and from N. Belt West north 160 ft.	4684	
Royal Heights Road (West)	From Illinois Rte. 161 to a point 150 ft. south of Memorial Drive	4684 5439	- -; 7-3-1995
Royal Heights Road (West)	From N. Belt West, north 440 ft.	4684; 5439	- -; 7-3-1995
Ruth Street (West)	From N. Belt west to a point 159 ft. north	4636	
S. 10th Street (East)	From W. Monroe to Union Avenue	7511	8-1-2011
S. 10th Street (East)	From W. Main Street to the first alley south	3258	
S. 10th Street (East)	From W. Monroe Street south 95 ft.. (406 S. 10th Street)	5884	6-15-1998
S. 10th Street (West)	From Harrison Street south to the walk at 315 S. 10th Street	5884	6-15-1998
S. 10th Street (West)	At 407 S. 10th Street	5905	9-8-1998
S. 11th Street (East)	From W. Main Street to a point 50 ft. south	3089	
S. 11th Street (East)	From W. Main Street to W. Lincoln	6756	7-18-2005
S. 11th Street (West)	From W. Main Street to alley		
S. 12th Street (Both)	Entire Length	5274	7-5-1994
S. 13th Street (Southeast)	From Lincoln Street and State Street	4817	
S. 13th Street (West)	From South curb line of Union Avenue 50 ft. south		
S. 13th Street (West)	From W. Main Street to alley		
S. 14th Street (East)	From W. Main Street 30 ft. south		
S. 14th Street (East)	From Illinois Central Railroad crossing, 125 ft. north		
S. 14th Street (West)	From Raab Avenue to a point 50 ft. north of Union Avenue		
S. 14th Street (West)	From W. Main Street to W. Washington Street		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
S. 14th Street (West)	From Lincoln Street to 204 S. 14th Street	6024	8-16-1999
S. 15th Street (Both)	From W. Main Street to the alley adjacent to the Illinois Central Railroad Tracks.		
S. 16th Street (East)	From 200 S. 16th Street		
S. 16th Street (East)	From a point 445 ft. north of Raab Avenue extending south to the South Belt West	4861	
S. 16th Street (West)	From South Belt West to a point 66 ft. north	5965	4-5-1999
S. 16th Street (West)	From Illinois Central Railroad to a point 230 ft. south from the south right-of-way line of railroad		
S. 17th Street (Both)	From W. Main Street to Bunsen Avenue	7470	2-7-2011
S. 17th Street (East)	From W. Main Street to a point 200 ft. south of the Illinois Central Gulf Railroad Tracks	3537	
S. 17th Street (East)	From W. Main Street to Illinois Central Gulf Railroad tracks	4398	
S. 17th Street (West)	From W. Main Street to alley		
S. 18th Street	From a distance of 150 ft. in a northerly direction to the intersection with W. Adams Street (located along ball park)		
S. 18th Street (East)	From S. Belt West to W. Adams Street	5439	7-3-1995
S. 18th Street (East)	From South curb line of W. Main Street to a point 76 ft. south then to 131 south (sign) No Parking on School Days	5852	3-16-1998
S. 18th Street (West)	From Arnold Field to the curve where S. 18th Street intersects with S. 19th Street (West) and from S. Belt West to Roosevelt	5439	7-3-1995
S. 19th Street (West)	From the Illinois Central Railroad Tracks to W. Main Street	4755	
S. 19th Street (West)	From sign to be 20 ft. beyond the Raab Avenue intersection		
S. 1st Street (Both)	From Washington Street to Lincoln Street	4291	
S. 1st Street (East)	From Harrison Street and W. Washington Street		
S. 1st Street (East)	From 25 ft. north and south of Meyer Pants Factory		
S. 1st Street (East)	From Main Street to Washington Street	3320	
S. 20th Street (East)	From the south curb line of W. Main Street to a point 185 ft. south of said curb line		
S. 20th Street (East)	From South Belt West to Roosevelt Avenue	4933	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
S. 20th Street (West)	From Northbound Illinois Central Railroad tracks and South Belt line		
S. 22nd Street (Both)	From W. Main Street to the Illinois Central Gulf Railroad		
S. 22nd Street (East)	From S. Belt West south 100 ft.	4276	
S. 22nd Street (East)	From a distance of 165 ft. north from dead end		
S. 23rd Street (East)	From W. Main Street to S. Belt Line	3168	
S. 23rd Street (East)	From Fairview Avenue to end of S. 23rd Street	3258	
S. 23rd Street (West)	From W. Washington Street 100 ft. north and south		
S. 27th Street (Both)	From W. Main Street to south entrance of Union School parking lot	6099	4-3-2000
S. 29th Street (East)	From W. Main Street to Fredricks Street		
S. 29th Street (North)	From S. 27th Street, west 200 ft.	3924	
S. 2nd Street (East)	From W. Main Street south 40 ft.	5341	11-21-1994
S. 2nd Street (West)	Between Harrison and Garfield Streets (temporary only, during construction at Street Elizabeth's Hospital)	6458	9-3-2002
S. 2nd Street (West)	From W. Washington Street to a point 104 ft. north	4484	
S. 30th Street (East)	From W. Main Street, south 100 ft.	3935	
S. 3rd Street (Both)	From W. Main Street to W. Lincoln Street	3111	
S. 3rd Street (Both)	From Cleveland Avenue north 80 ft.	4007	
S. 3rd Street (East)	From Lincoln Street south to sign		
S. 3rd Street (East)	From Washington Street to a point 47 ft. north	3185	
S. 3rd Street (East)	From a point 42 ft. south of south curbline of W. Lincoln Street to a point 84 ft. south of said curbline	5482	11-6-1995
S. 3rd Street (West)	From W. Main Street south 45 ft.		
S. 3rd Street (West)	From 700 Block for a distance of the Items Factory Building		
S. 3rd Street (West)	From W. Lincoln to W. Monroe Street	4427	
S. 44th Street (East)	From 330 ft. from the southerly curb line of W. Main Street	3083	
S. 44th Street (West)	From W. Main Street to W. Washington Street	3043	
S. 50th Street (South alley)	From W. Washington Street to W. Main Street		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
S. 52nd Street (Both)	From W. Main Street to the first alley south of W. Main Street		
S. 56th Street (Both)	From W. Main Street to the first alley south	3208	
S. 62nd Street (West)	From W. Main Street to a point 40 ft. south and from a point 102 ft. south to W. Washington Street	4786	
S. 64th Street (Both)	From W. Main Street, southerly to the north line of the abandoned railroad right-of-way	3073	
S. 6th Street	Including 916 and 918 S. 6th Street		
S. 6th Street (Both)	From Main Street to Washington Street	3685	
S. 6th Street (East)	From Cleveland Avenue to the north end of South Side Park		
S. 6th Street (West)	From Cleveland Street to a point 200 ft. north	3230	
S. 72nd Street (Both)	From W. Main Street south to dead end		
S. 74th Street (Both)	From Foley Drive to W. Main Street	6617	1-20-2004
S. 77th Street (Both)		3692	
S. 77th Street (West)	From W. Main Street to the first alley south of W. Main Street		
S. 79th Street (Both)	Entire Street	7502	7-5-2011
S. 7th Street (Both)	From Lincoln Street north to dead end	6418	5-6-2002
S. 81st Street (East)	From W. Washington north to 38 Juanita Place	3693	
S. 81st Street (East)	From W. Main Street to W. Washington Street (in Juanita Place)	3083	
S. 85th Street (Both)	From W. Main Street		
S. 86th Street (West)	From Main Street to the dead end	5888	7-6-1998
S. 88th Street (East)	From Main Street, 150 ft. to alley		
S. 8th Street (East)	From W. Main Street to a point 200 ft. south	4619	
South 8th Street (East)	From West Main Street south to end of City Police Department property	7956-2016	6-6-2016
S. 95th Street (East)	From Carbon Street to Signal Hill Park Lane	5468	10-2-1995
S. 95th Street (West)	From W. Main Street to the bridge	4410	
S. 97th Street (East)	From W. Main Street 50 ft. to alley		
S. 97th Street (West)	From W. Main Street 20 ft. south		
S. 97th Street (West)	From Main Street south 150 ft.	3942	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
S. 98th Street (Both)	From 15 ft. south of W. Main Street to 165 ft. south	3002	
S. 9th Street (Both)	From South curb line of Main Street to the point 100 ft. south of said curb line	3814	
S. Charles Street (Both)	From E. Main Street, 25 ft. south		
S. Charles Street (East)	From the south curb line of Washington Street to a point 50 ft. south		
S. Charles Street (East)	From S. Belt East to a point 36 ft. north	4471	
S. Charles Street (West)	From E. Washington Street to E. McKinley Street		
S. Charles Street (West)	From McKinley Street, 80 ft. south of south curb	4245	
S. Church Street (East)	From E. Washington Street to E. Lincoln Street	3302	
S. Church Street (West)	From Washington Street to Lincoln Street	3290	
S. Church Street (West)	From 100 ft. south of E. Main Street to 145 ft. south of south curb line	3139	
S. High Street (East)	From a distance of 44 ft. south of E. Lincoln	6714	- -2005
S. High Street (East)	From a distance of 75 ft. south of E. Lincoln Street		
S. High Street (West)	From E. Main Street to 100 ft. south	3109	
S. High Street (West)	From 10 ft. south of the driveway cut and 30 ft. north of the driveway cut at the exit of the YMCA parking lot	7084	
S. High Street (West)	At intersection with E. Washington Street		
S. Illinois Street	At 219 S. Illinois	3049	
S. Illinois Street (Both)	From S. Belt (Ill. Rt. 158) to the Rt. 15 overpass	4173	
S. Illinois Street (East)	From Town House Motel to a point 210 ft. north of said point	5445	8-7-1995
S. Illinois Street (East)	From North curb line of E. Washington Street to a point 117 ft. from said curb line	5707	3-17-1997
S. Illinois Street (East)	From Lincoln Street to a point 508 ft. south	6590	11-3-2003
S. Illinois Street (East)	From Adams Street, to a point 200 ft. south	3118	
S. Illinois Street (East)	From a point beginning 159 ft. from the north curb line of E. Washington Street to a point 205 ft. from said curb line	5707	3-17-1997
S. Illinois Street (Ill. Rt. 159) (West)	From Van Buren Street, south to a point 310 ft. south of the centerline of South Belt (Ill. Rts. 13 and 158)	4023	
S. Illinois Street (Ill. Rt. 159) (East)	From a point 250 ft. north to a point 310 ft. south of the centerline of S. Belt (Ill. Rts. 13 and 158)	4023	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
S. Illinois Street (West)	From W. Garfield Street, south 157 ft.	4553	
S. Illinois Street (West)	From 90 ft. north of east entrance to 66 ft. 8 in. south of entrance	5958	3-1-1999
S. Illinois Street (West)	From Cleveland Avenue, 50 ft. south	3149	
S. Jackson Street	In front of Atkinson Nursing Home (ambulance entrance) for a distance of 40 ft.		
S. Jackson Street (Both)	From Monroe Street north and south 50 ft. for the length of curb lines	4148	
S. Jackson Street (East)	From E. Main south 30 ft.		
S. Jackson Street (West)	From Washington Street to a point 100 ft. south		
S. McKinley Drive (Both)	From Lafayette Boulevard to Prairie Avenue	6486	12-2-2002
S. Oak Street (East)	From the south curb line of Main Street to a Point 130 ft. south of the curb line	3744	
S. Virginia Avenue (East)	From First block between E. Main Street and Olive Street		
S. Woodcrest Drive (Both)	From Lebanon Road to a point 100 ft. south	4562	
Sheffield Drive (Both)	Entire Length	5949	2-1-1999
Sheridan Avenue (Both)	From N. 28th Street to a point 50 ft. north	4655	
Sheridan Avenue (West)	From Haney Drive to Scott Avenue		
Sherman Street (Rte. 161) (Both)	From North City Limits to East City Limits	4673A	
South Belt (Ill. Rts. 13 & 158) (Both)	From Illinois Central Gulf Railroad west to a point 315 ft. west of the centerline of S. Illinois Street (Ill. Rt. 159)	4023	
South Belt West (Ill. Rt. 13 & 158) (Both)	From Centreville Avenue (Ill. Rte. 158) east to S. Illinois Street (Ill. Rte. 159)	5396	3-20-1995
Southwind Drive (North)	From 360 ft. across from 225 Southwind Drive to Shannon Drive	6476	11-4-2002
Springdale (North)	From the present limits at the west property line of the apartment building to Willow Creek Drive		
Springdale (South)	From Frank Scott Parkway West for 260 ft. west	6608	1-5-2004
State Street (Both)	From Route 13, 150 ft. north		
State Street (Both)	From a point 75 ft. north to a point 300 ft. south of the centerline of South Belt West (Ill. 13)	3867	
State Street (North)	From Centreville Avenue, 75 ft. north-easterly		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
State Street (North)	From Huff Avenue to Street Clair Avenue	5225	2-21-1994
State Street (South)	From Centreville Avenue to the South Belt line		
State Street (South)	From Centreville Avenue, east to first alley	4427	
State Street (South)	From East curb line of Centreville Avenue to a point 80 ft. west	4173	
Street Clair Avenue (Northwest)	From W. Adams Street to State Street	4950	
Survey Street (West)	From North curb line of Adams Street to a point 100 ft. north of the curb line	3630	
Tamora Lane (Both)		6777	10-3-2005
Truck Loop (Both)	From N. 17th Street to "F" Street		
Union Avenue (Northeast)	From Huff Street to a point 154 ft. northwest	4861	
Van Buren Street (South)	One sign to be located 20 ft. east of the east curb line of S. Illinois Street and the second sign to be placed 100 ft. east from the same curb line	3059	
Vandor Ct. (East)	From 65 ft. going south from Columbus Drive (No Parking Here to Corner)	7418	8-2-2010
Vernier Avenue (East)	From 30th Street to 31st Street	3340	
Vernier Avenue (West)	From N. 33rd and N. 35th Street		
Virginia Avenue (West)	From E. Main Street, 30 ft. to alley		
W. "A" Street (Both)	From 2nd Street to W. Main Street	3647	
West "A" Street (Both)	From North 70th Street 30 feet east and west	7956-2016	6-6-2016
W. "A" Street (North)	From 100 ft. east to the curb line of N. 1st Street	6972	3-5-2007
W. "A" Street (North)	From N. 21st Street to N. 23rd Street	5768	8-4-1997
W. "A" Street (South)	From N. 36th Street 70 ft.	6672A	8-16-2004
W. "B" Street (Both)	From Driveway at 7900 W. "B" Street to Dead End	6238	12-4-2000
W. "B" Street (South)	From lst Street 175 ft. east		
W. "B" Street (South)	From 2nd to 3rd Street		
W. "C" Street (North)	From N. 10th Street to N. 11th Street		
W. "C" Street (North)	From West curb line of N. 3rd Street, to a point 100 ft. west	3314	
W. "C" Street (North)	From the west curb line of N. 3rd Street and extending west a distance of 100 ft.		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
W. "C" Street (South)	From the corner of N. 6th Street to 7th Street	6521	4-7-2003
W. "C" Street (South)	"No Parking to Corner" sign to be located on the easterly side of the alley between N. Illinois Street and N. 1st Street		
W. "D" Street (South)	From Kretschmer Street, 100 ft. west		
W. "D" Street (South)	From a point beginning 9 ft. from the northeast curb line of N. 10th Street to a point 123 ft. east from the point of beginning	5746	6-16-1997
W. "E" Street (Both)	From 6th Street to 8th Street	3314	
W. "E" Street (North)	From N. 12th Street, 100 ft. east		
W. "E" Street (North)	From N. 13th Street to a point 125 ft. west of Catawba Avenue	3258	
W. "E" Street (South)	From N. Illinois Street to the first alley west of N. Illinois Street		
W. "F" Street (North)	From N. 5th Street to N. 6th Street	3073	
W. "F" Street (South)	From Illinois Street to 2nd Street		
W. Adams Street (North)	From S. 6th Street to Richland Creek	4100	
W. Belle Street (North)	From Canterbury Drive to Columbus Drive		
W. Belle Street (South)	Two signs spaced 50 ft. apart to be located immediately east of the new driveway for Street Augustine's new church		
W. Cleveland (South)	From S. 6th Street to a point 88 ft. east	4792	
W. Harrison Street (Both)	From 1st Street to 2nd Street	3955	
W. Harrison Street (South)	2 signs, one to be located 10 ft. of the easterly line of the first alley west of W. Illinois Street and the other 30 ft. east of the easterly alley line		
W. Lincoln Street	From a point 65 ft. west of South 3rd Street to a point 105 ft. west of South Street	3870	
W. Lincoln Street (Both)	From Centreville Avenue to S. 6th Street		
W. Lincoln Street (North)	From S. 10th Street and 14th Street	5372	2-6-1995
W. Lincoln Street (North)	From Illinois Street to 1st Street	4326	
W. Lincoln Street (North)	From the west curb line of S. Illinois Street to a point 100 ft. west of the curb line	3296	
W. Lincoln Street (South)	From 80 ft. in front of Street Elizabeth's Hospital		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
W. Lincoln Street (South)	From the west curb line of S. Illinois Street, west 100 ft. from the same curb	3296	
W. Lincoln Street (South)	From Centreville Avenue to S. 3rd Street		
W. Lincoln Street (South)	From S. 3rd Street to a point 30 ft. west		
W. Main Street (Both)	30 ft. east and west from 14th Street		
W. Main Street (Both)	From Lebanon Road to N. 95th Street	4895	
W. Main Street (Both)	From 16th to 17th Street	4398	
W. Main Street (Both)	From 250 ft. east S. 23rd Street to 96th Street	4243; 4379; 4590	
W. Main Street (North)	From Curb line of N. 17th Street, 55 ft. west	4398	
W. Main Street (North)	From theater and 14th Street		
W. Main Street (North)	From 3rd Street, 150 ft. west		
W. Main Street (South)	From 3rd Street, 155 ft. east		
W. Main Street (South)	From S. 11th Street east 29 ft.	5019	
W. Main Street (South)	From 7th Street to 8th Street	4619	
W. Main Street (South)	From a point 46 ft. west of the west curb line of S. 18th Street to a point 83 ft. east of the east curb line of S. 16th Street This restriction shall not apply to weddings and funerals held at Street Mary's Church	7549	12-5-2011
W. Main Street (South)	From a point 32 ft. west of the west curb line of S. 18th Street to a point 20 ft. east curb line of S. 16th Street	7565	2-6-2012
W. Main Street (South)	From N. 17th Street to a point 277 ft. west	4398	
W. Main Street (South)	From 11th Street to 12th Street		
W. Main Street (South)	From the west curb line of S. 10th Street to a point 110 ft. west (sign) No Parking Here to Corner	5852	3-16-1998
W. Main Street (South)	From Logan Street, west 85 ft.	3452	
W. Main Street (West)	From the north right-of-way line of the first alley North of W. Main Street to a point 55 ft. North	5077	
W. Monroe Street (Both)	From Richland Creek to Centreville Avenue	6164	7-3-2000
W. Monroe Street (Both)	From S. Illinois Street, 50 ft. west		
W. Park Drive (West)	From the north curbline of the east/west section of N. 48th Street to a point 121 ft. north of the south curbline of N. 49th Street	5570	5-6-1996

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
W. Park Drive (West)	From North curb of the east-west section of N. 48th Street to a point 121 ft. north, the south curb line of N. 49th Street	5070	
W. Washington (Both)	From S. 22nd Street to S. 23rd Street	5803	11-3-1997
W. Washington (North)	From S. 22nd Street to S. 23rd Street	4291	
W. Washington Street (North)	From S. 23rd Street to S. 22nd Street		
W. Washington Street (North)	From the alley to S. 22nd Street	3583	
W. Washington Street (South)	At intervals of 85 ft., 135 ft., 255 ft., and 315 ft., measured westwardly from the westerly property line of S. 14th Street (no parking between signs)		
W. Washington Street (South)	From S. 3rd Street to S. Illinois Street	4245; 4491	
W. Washington Street (South)	From S. 22nd Street to S. 23rd Street	7875	7-7-2015
Wabash Avenue (Both)	From Monroe Street, 50 ft. south		
Walnut Street (West)	From E. Main Street, 25 ft. north		
Walnut Street (West)	From the alley between Main Street to a point 30 ft. north of the alley	3845	
Walnut Street (West)	From a point 137 ft. from the north curb line of Sycamore Street to a point 212 ft. north of said point	5732	5-5-1997
Walter Street (North)	From N. 47th Street to N. 48th Street		
Walter Street (South)	From N. 47th Street to a point 30 ft. west from the east curb line of Walter Street	3111	
Washington Street (Both)	From W. Main Street to 3rd Street	3647	
Washington Street (North)	From 3rd Street to Charles Street	3647	
West Boulevard (North)	From "B" Street 60 ft. westward	6048	
West Boulevard (North)	From Illinois Power's Entrance to the existing bus stop, a distance of 274 ft.	4636	
West Haven School Road (Both)		6672A	8-16-2004
Westwood Court (South)	From West curb line of 17th Street to a point 700 ft. west of said curb line	3288	

(2) *Seasonal no parking.*

(a) *January through June.*

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Benton Street (Both)	From Sycamore Street to School Street	7875	7-6-2015
Forest Avenue (North)	From Grant Street to McClintock Avenue	5341	11-21-1994
Lorene Street (North)	From 36th Street to the east end of Lorene Street	4291	
N. 31st Street (East)	From W. Main Street to Sheridan Avenue	4427	
N. 32nd Street (East)	From W. Main Street to Putnam Avenue	4427	
N. 38th Street (East)	From Summit Avenue north to the northerly terminus of N. 38th Street	4925A	
State Street (North)	From Centreville Avenue to S. 8th Street	4140	
State Street (South)	From Centreville Avenue to S. 8th Street	4925A	
Summit Avenue (East)	From N. 36th Street to the east end of Summit Avenue	4287	

(b) *July through December.*

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Lorene Street (South)	From 36th Street to the east end of Lorene Street	4291	
N. 31st Street (West)	From W. Main Street to Sheridan Avenue	4427	
N. 32nd Street (West)	From W. Main Street to Putnam Avenue	4427	
N. 38th Street (West)	From Summit Avenue north to the northerly terminus of N. 38th Street	4925A	
State Street (North)	From Centreville Avenue to S. 8th Street	4925A	
State Street (South)	From Centreville Avenue to S. 8th Street	4140	
Summit Avenue (West)	From N. 36th Street to the east end of Summit Avenue	4287	

(c) *April through September.*

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
S. 8th Street	From W. Washington to CNRR (tracks) west side	7516	10-3-2011

(d) *October through March.*

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
S. 8th Street	From W. Washington to CNRR (tracks) east side	7516	10-3-2011

(C) *Trucks prohibited.* No trucks three tons or over may park on the following streets:

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
N. 46th Street (West)	From Ammel Street to North Belt Line	5274	7-5-1994
N. 75th Street (Both)		3692	
S. 75th Street (Both)		3692	
S. 76th Street (Both)		3692	

(D) *Fire lanes.*

Street - Side	*Location*	*Ord. No.*	*Date Passed*
"D" Street (North)	From Walnut Street to Oak Street	5732	5-5-1997
"F" Street (North)	From High Street to N. Illinois Street		
"F" Street (North)	From 164 ft. east of N. 17th Street to a point 301 ft. east	4697	
42nd Street (Both)	From W. Main Street to the first alley north of Main Street (146 ft.)	6476	11-4-2002
78th Street (North)	From W. Main Street to a point 100 ft. east of the alley		
Annex Street (East)	From 100 ft. from northeast corner of Annex/ McKinley to end of street	7676A	4-15-2013
Centreville Avenue (East)	From I.C. RR R-O-W to W. Washington Street, thence east on the south side of W. Washington Street to S. 3rd Street	3121	
Church Street (South)	From Benton Street to Clay Street		
Clay Street (West)	From Lebanon Avenue to Church Street		
Cleveland Avenue (Both)	From State Street to S. 5th Street	6315	
Cleveland Avenue (North)	From 3rd Street to 6th Street	3208	
Cleveland Avenue (North)	From S. Illinois Street to the east end of the bridge across Richland Creek		
Columbus Drive (East)	From W. Belle Street extending south for a distance of 300 ft.		

Street - Side	*Location*	*Ord. No.*	*Date Passed*
Court Street (East)	500 Block	6669	9-7-2004
E. "A" Street (North)	From N. Charles Street east 100 ft.	3161	
E. "C" Street (South)	From Illinois Street to High Street	3208	
E. "C" Street (South)	From Douglas Avenue to Pennsylvania Avenue	3327	
E. Belle (South)	From Delaware to Sherman	6873	6-5-2006
E. Garfield (Both)	From 100 ft. east from Mascoutah Avenue	6813	1-17-2006
E. Park Drive (East)	From N. Park Drive to Memorial Drive		
Florida Avenue (Southwest)	From South curb of E. "B" Street to northerly property line of E. Main Street	3055	
Fremont Street (East)	From Lebanon Avenue, north for the full length of Freemont Street		
Gettysburg Drive (North)	From a point 30 ft. east of the east curb line of N. 57th Street to a point 1452 ft. east of the point of beginning	5768	8-4-1997
Gettysburg Drive (South)	From High Forest Drive to a point 515 ft. north of the point of beginning	5793	10-6-1997
Grant Street (South side of first Alley south)	From Freeburg Avenue to Abend Street		
Hampton Ct.	In front of 802 & 803	6733	5-2-2005
Kansas Avenue (East)	From E. "B" Street north 45 ft.	7023	9-4-2007
Kansas Avenue (West)	From E. "B" Street north 67 ft.	7023	9-4-2007
Kingery Ct.		7395	6-7-2010
Lake Street (West)	From S. 21st Street to S. 20th Street		
Lincoln Circle (East)	From each entrance of Lincoln Circle 125 ft. south from W. Main Street to Roland Avenue		
Mascoutah Avenue (South)	Between E. Garfield and Fulton Street	6813	1-17-2006
Mascoutah Avenue (West)	From E. Lincoln to E. McKinley Street	3017	
Memorial Drive (West)	From entire length from Royal Heights Road to Memorial Hospital		
Michigan Avenue (East)	From E. Main Street to E. "B" Street	3111	
N. 10th Street (East)	From W. "D" Street to W. "E" Street	3370	
N. 10th Street (East)	From Main Street to "C" Street		
N. 11th Street (West)	From Main Street to "E" Street		

Street - Side	*Location*	*Ord. No.*	*Date Passed*
N. 12th Street (East)	From "A" Street to "E" Street		
N. 13th Street (East)	Between W. "A" Street to W. "D" Street	6714	- -2005
N. 13th Street (West)	From W. "A" Street to W. "E" Street	6733	5-2-2005
N. 15th Street (East)	From W. Main Street to W. "E" Street		
N. 24th Street (East)	From W. Main Street to Southern tracks		
N. 27th Street (South)	From W. Main Street to Sheridan Avenue	3208	
N. 28th Street (East)	From Main Street to 17th Street		
N. 30th Street (East)	From W. Main Street to Vernier Street		
N. 33rd Street (West)	From W. Main Street to Vernier Street		
N. 36th Street (East)	From the first alley north of W. Main Street to Summit Avenue	3009	
N. 37th Street (Both)	From W. Main Street to W. "A" Street	6351	12-3-2001
N. 37th Street (East)	From W. "A" Street to Columbus Drive		
N. 42nd Street (West)	From W. Main Street to Summit Avenue	6486	12-2-2002
N. 4th Street (East)	From W. "C" Street to W. "E" Street	3852	
N. 5th Street (East)	From "C" Street to "D" Street	4959	
N. 5th Street (East)	From "F" Street north to the Railroad Bridge	3324	
N. 7th Street (East)	From W. "C" Street to W. "E" Street	3384	
N. 7th Street (West)	200 Block	6458	9-3-2002
N. 8th Street (East)	The first block	6624	3-1-2004
N. 8th Street (East)	From Main Street to "A" Street		
N. 8th Street (West)	From "A" Street to "C" Street		
N. 9th Street (East)	From W. "D" Street to W. "E" Street		
N. 9th Street (West)	From W. "C" Street to W. "D" Street	3370	
N. Charles Street (East)	From E. "A" Street north to driveway	3161	
N. Church Street (East)	From Bristow Street to Lebanon Avenue	6263	
N. Jackson Street (East)	From Hickman Street to E. "E" Street	5928	11-2-1998
N. Jackson Street (West)	From Hickman Street 60 ft. west on each side	5928	11-2-1998
N. Jackson Street (North)	From N. 24th Street, a distance of 250 ft. in a westerly direction		

Street - Side	*Location*	*Ord. No.*	*Date Passed*
Premier Drive (East)	From Rt. 177 (Mascoutah Avenue) to Marsh Drive	6770	9-6-2005
Raab Avenue (North)	From S. 11th Street to S. 13th Street		
Raab Avenue (South)	From 13th Street to 19th Street		
Reiss Avenue (North)	From 30th Street south	5313	9-19-1994
Ridge Street (South)	From Oak Knoll Place to the end of Ridge Street		
S. 10th Street (West)	From W. Main Street to Washington	3258	
S. 10th Street (West)	From Washington to Lincoln	7502	7-5-2011
S. 12th Street (East)	From 2nd block		
S. 13th Street (East)	From Raab Avenue to existing persons with disabilities parking	7800	8-4-2014
S. 13th Street (West)	From Union Avenue to the alley	6030	
S. 13th Street (West)	From W. Main Street to State Street		
S. 14th Street (Southeast)	From Union Avenue to Lincoln Street		
S. 14th Street (West)	From Raab Avenue to Franklin Avenue		
S. 15th Street (West)	From Raab Avenue to Franklin Avenue		
S. 17th Street (Northwest)	From W. Main Street to South Belt	3168	
S. 18th Street (East)	From South Belt West to N. Adams Street	5439	7-3-1995
S. 19th Street (West)	From South Belt West to Roosevelt Street	5439	7-3-1995
S. 21st Street (South)	From Roosevelt to Lake Street		
S. 23rd Street (West)	From W. Main Street to the South Belt Line	3168	
S. 27th Street (West)	From the remainder of the distance from W. Main Street to Godfrey Street; existing fire land covers approximately 2/3 of the distance from W. Main to Godfrey		
S. 30th Street (West)	From W. Main Street south to the alley		
S. 32nd Street (East)	From Martha Street to the end of S. 32nd Street	6395	3-4-2002
S. 32nd Street (East)	From Roland Avenue to Martha Street	7208	12-15-2008
S. 35th Street (East)	From W. Main Street to Roland Avenue	6395	3-4-2002
S. 37th Street (East)	From Main Street on around 2 turns for a distance of approximately 2 blocks	3161	
S. 38th Street (West)	From W. Main Street to Michelle Drive		

Street - Side	*Location*	*Ord. No.*	*Date Passed*
S. 53rd Street (West)	From W. Main Street to the first alley	3168	
S. 54th Street (Both)			
S. 60th Street (East)	From W. Main Street to the end of S. 60th Street	3161	
S. 6th Street (East)	From W. Cleveland Avenue to W. Monroe Street	3092	
S. 71st Street (West)	From W. Main Street to the first alley south of W. Main Street	3471	
S. 73rd Street (Northwest)	From W. Main Street to the end of S. 73rd Street	3021	
S. 76th Street (West)	From W. Main Street to the south end of 76th Street		
S. 85th Street (West)	From W. Main Street to the end of S. 85th Street		
S. 86th Street	From Main Street to the dead end	5877	5-4-1998
S. 87th Street	From W. Main Street to dead end	6274	
S. 8th Street (West)	From W. Main Street to W. Washington Street	5803	11-3-1997
S. 98th Street (Both)	From W. Main Street to Olympia	6653	6-7-2004
S. Charles Street (West)	From Van Buren to S. Belt Line		
S. Charles Street (West)	From E. Grant to Van Buren Street	3071	
S. Church Street (West)	From S. Belt Line to south point of Church Street	3552	
S. Florida Avenue	From E. Main Street to dead end	5788	
S. Pennsylvania Avenue (West)	From E. Main Street to Olive Street	3017	
Schilling Street (West)	From Lebanon Avenue to Charles Street		
Sheridan Avenue (East)	From 27th Street to 28th Street	3208	
Sherwood Forest Place (South)		6198	9-5-2000
State Street (Both)	From W. Cleveland Avenue to Roosevelt School property	6315	
State Street (South)	From S. 13th Street to S. 14th Street		
Timothy Lane (West)		7889	8-17-2015
Union Avenue (South)	From S. 11th Street to S. 14th Street	5077	
W. "A" Street (North)	From 6900 Block	5987	6-7-1999
W. "A" Street (North)	From 11th Street to 17th Street		

Street - Side	*Location*	*Ord. No.*	*Date Passed*
W. "C" Street (North)	From 6th Street to Alley east of N. 11th Street	5225	2-21-1994
W. "C" Street (North)	From Westerly side of the alley between N. Illinois Street and N. 1st Street to 2nd Street		
W. "C" Street (South)	From 4th Street to 6th Street		
W. "J" Street (North)	From N. 2nd Street, a distance of 380 ft. in an easterly direction	3304	
W. Harrison Street (North)	From S. Illinois Street to S. 1st Street		
W. Lincoln Street (South)	From intersection with S. 16th Street to first alley east of S. 16th Street		
W. Main Street (South side of first alley			
W. Main Street (West)	From first alley north at N. 42nd Street	5225	2-21-1994
W. Monroe Street (North)	From S. 8th Street to S. 10th Street	6568	10-6-2003
W. Washington Street (South)	From S. 62nd Street to S. 64th Street	3314	
Westwood Ct. (North)	From the west curb line of 17th Street to a point 700 ft. west of said curb line		
Williams Street (South)	From 4th Street to 5th Street		

(E) *Specific properties and alleys.*

(1) At bus stops;

(2) Premises owned by the city known as the north one-half of Lot 90 of the "Original Town of Belleville" as per plat thereof recorded in the Recorder's Office in Book of Plats "E" on page 9, except for employees or officials of the city;

(3) South 30 feet of Lot 4-A of the "Original Town of Belleville", as per plat thereof recorded in the County Recorder's Office in Book of Plats "E" on page 9;

(4) East of and adjacent to the easterly property line of Jefferson School, extending from N. Charles Street to a point 100 feet east of the westerly projection of LaSalle Street to be designated "Joless Drive";

(5) South 1st Street between Washington and Lincoln, except for city employees;

(6) No parking along the guard rail at 333 N. 46th Street;

(7) South side of E. "B" Street, starting at the east right-of-way line of the Metro Link right-of-way and proceeding 375 feet to the east to the eastern property line at 1220 E. "B" Street; and

(8) Maiden Lane and Bel-Aire Drive (grassy open area).

(F) *Alleys.*

Location/Provisions	*Ord. No.*	*Date Passed*
Alley between S. Jackson Street and S. Church Street east side from the south curb line of E. Lincoln Street to a point 45 ft. south of said curb line	5028	
Alley behind S. 57th Street from intersection with S. 57th Street to dead end, both sides. (behind 5700 W. Main Street)	5463	
Alley behind S. 14th Street from intersection with W. Lincoln Street to intersection with S. 14th Street	5463	
No parking any time on both sides of the alley from Roosevelt Street to the curve where the alley intersects with S. 18th Street Signs shall be posted	5900	8-3-1998
The no parking restriction on the west side of S. 18th Street from the entrance to Arnold Field to the curve where S. 18th Street intersects with the Roosevelt Street alley shall be removed except 45 ft. from the south right-of-way line northwardly 45 ft. on the west side of S. 18th Street	5900	8-3-1998
A new no parking at any time restriction on the east side of S. 18th Street where S. 18th Street intersects with the Roosevelt Street alley for a distance of 185 ft. from the south right-of-way line northwardly 185 ft. on the east side of S. 18th Street	5900	8-3-1998

(1960 Code, Ch. 52, Schd. E) (Ord. 3552, passed - -; Ord. 5884, passed 6-15-1998; Ord. 5905, passed 9-8-1998; Ord. 7731, passed 12-2-2013; Ord. 7875, passed 7-6-2015; Ord. 7956-2016, passed 6-6-2016)

SCHEDULE II. NO PARKING AT SPECIFIED TIMES; LIMITED PARKING.

In accordance with § 74.15 of this traffic code, no person shall park a vehicle during the times specified on the following streets:

Location	*Ord. No.*	*Date Passed*
6:00 a.m. to 5:00 p.m. Monday through Friday		
W. "A" Street (South) from N. 16th Street to N. 17th Street	5594	- -1996
6:00 a.m. to 6:00 p.m.		
S. 14th Street, East side, from W. Washington Street to Union Avenue		
6:00 a.m. to 6:00 p.m. Monday through Friday		
N. Douglas, East side, from "B" Street to first alley north	5877	5-4-1998
6:00 a.m. to 12:00 Noon on Saturdays - May through October		
Mascoutah Ave, west side, from Main Street south to Washington Street (tow away zone)	6624	3-1-2004
6:00 a.m. to 12:00 Noon on Sundays		
Columbus Drive, West side, from Blackburn Drive south for 300 ft.		
S. 81st Street, East side, from 38 Juanita Place to W. Main Street	3693	
7:00 a.m. to 5:00 p.m.		
S. 15th Street from the Northeasterly line of Raab Avenue to the Southwesterly line of an alley running parallel to and distant 130 ft. Northeasterly of the Northeasterly line of Raab Avenue		
7:00 a.m. to 5:00 p.m., except Sundays and Legal Holidays		
Bux Avenue, both sides, from W. Monroe Street 100 ft. North		
Florida Avenue, East side from 160 ft. South of the curb line of E. "B" Street to 360 ft. south	3067	
7:00 a.m. to 5:00 p.m., except Saturdays, Sundays and Legal Holidays		
S. 16th Street, east side, from the Northbound I.C. tracks to Raab Avenue		
The alley north of the 2400 block of W. Main Street for the entire block of said alley		
N. Church Street, in front of 17 N. Church Street between signs at property lines	7699	7-15-2013
7:00 a.m. to 12:00 Noon on Sundays		
S. 2nd Street, West side, between W. Lincoln Street and W. Garfield Street		
S. 3rd Street, between W. Lincoln Street and W. Garfield Street		
Douglas Avenue, East side, from E. "A" Street, 40 ft. North and 40 ft. South		

Location	*Ord. No.*	*Date Passed*
Grand Avenue, East side, from N. Douglas Avenue, 100 ft. North and 100 ft. South		
Harrison Street, both sides, between S. 2nd Street and S. 3rd Street		
Harrison Street, north side, between S. 2nd Street and S. Illinois Street		
N. Jackson Street between E. "D" Street and E. "E" Street	5600	6-17-1996
Scheel Street, both sides, 25 ft. west from alley between Bristow Street and Hecker Street		
8:00 a.m. to 12:00 Noon on Sundays		
E. Lincoln Street, 2 signs located at the east and west property lines of First Divine Science Church at 311 E. Lincoln Street		
W. "A" Street, south side, between 13th and 14th Streets	3665	
7:30 a.m. to 3:30 p.m.		
W. Washington Street, between 22nd and 23rd Streets, on the south side of the street	3659	
S. 22nd Street, west side, from Main Street to Washington Street	3665	
7:30 a.m. to 4:00 p.m., Monday through Friday		
Lucinda Avenue between N. Charles and Orbon Place	5877	5-4-1998
8:00 a.m. to 4:00 p.m., Monday through Friday		
Cleveland Avenue, north side, from Emma Avenue to State Street	4338	
W. "B" Street from N. 3rd Street for 90 ft. east	6651	5-17-2004
No Truck Parking from 8:00 a.m. to 4:00 p.m. Monday through Friday		
E. "C" Street, northerly side, from Church Street to Charles Street		
Charles Street, westerly side, from "B" Street to first alley north of "B" Street		
8:00 a.m. to 5:00 p.m. Everyday		
S. 14th Street, west side, from a point opposite of the south curb line of Lincoln Street to a point 100 ft. north of said curb line	3498	
S. 14th Street, west side, from Lincoln Street to a point 100 ft. north	4072	
S. 87th Street, from W. Main Street to the alley on west side	3615	
S. Illinois Street, west side, between McKinley Street and Illinois Central Gulf Railroad	3694	
Florida Avenue, east side, from a point 113 ft. south of E. "B" Street to a point 313 ft. south	4553	
8:00 a.m. to 5:00 p.m., Monday through Friday		
S. 13th Street, east side, from W. Main Street to Lincoln Street		
"C" Street, north side, from Douglas Avenue to Delmar Avenue	3474	

Location	*Ord. No.*	*Date Passed*
"B" Street, north side, from 60 ft. east of N. Charles Street to 150 ft. east	4040	
Hecker Street, north side, from Lebanon Avenue to the east end of Hecker one block east of Scheel Street	4338	
Donna Drive, north side, from N. 15th Street to N. 17th Street	4636	
8:00 a.m. to 5:00 p.m., except Sundays and legal holidays		
2203 W. Main Street, 2 signs, to accommodate Beauty Salon, one sign at each property line		
"B" Street, north side, from a point 60 ft. east of the east curb line of N. Charles Street to a point 150 ft. east of said curb line	3449	
Canterbury Drive, both sides, from W. Belle Street to the North Belt Line	4072	
8:00 a.m. to 5:00 p.m., except Saturdays, Sundays and Legal Holidays		
S. 3rd Street, east side, from W. Lincoln Street, south 60 ft.		
E. "A" Street, north side, from 10 ft. west of the west curb line of N. Oak Street, to 60 ft. west		
N. Oak Street, east side, from 125 ft. north of E. Main Street, to 175 ft. north		
8:00 a.m. to 5:00 p.m. Monday through Saturday		
N. Jackson Street east side, 2 signs, one to be located 20 ft. south of the centerline of Hackman Drive and the second, 85 ft. south of the same point	3002	
S. 16th Street, west side, from the Illinois Central Railroad to a point 150 ft. south of the railroad		
N. 48th Street, west side, between W. Main Street and Walter Street		
8:00 a.m. to 6:00 p.m. Monday through Saturday		
W. Main Street, north side, from a point 34 ft. east of N. 18th Street to a point 268 ft. east	4981	
8:00 a.m. to 5:00 p.m. - Except Saturday and Sunday		
E. "C" Street, north side, from the alley between Church Street and Jackson Street to a point 40 ft. east of alley	6126	5-2-2000
8:00 a.m. to 8:00 p.m.		
42nd Street, both sides from Summit Avenue to N. Belt West	5011	
Oak Lane, both sides from N. 42nd Street to Jessie Street	5011	
8:30 a.m. to 5:00 p.m.		
E. "A" Street, north side in 500 block from driveway to corner of Walnut Street		
Walnut Street, west side, from E. "B" Street 150 ft. south		

Location	*Ord. No.*	*Date Passed*
9:00 a.m. to 5:00 p.m.		
Spruce Drive, both sides, from E. Main Street to Route 161	4977	
Kil-Mar Drive, westerly side, from the parking lot to the northerly end of Kil-Mar Drive		
N. 48th Street, west side, from Main Street to Walter Street	3563	
N. 21st Street, west side, from the first alley north of W. Main Street to a point 60 ft. north of said alley	3563	
E. "E" Street, south side, from a point 50 ft. east of the east curb line of Court Street to a point 100 ft. east of said curb line	3845	
S. Illinois, west side from a point 66 ft. south of the south curb line of McKinley to said curb line	5243	4-4-1994
Police parking only in front of 103 E. "B" Street	6674	10-4-2004
At Any Time, Except Sundays		
"C" Street, north side, in 200 block, from Church Street to a point 60 ft. from alley		
At Any Time, Except Sundays from 9:00 a.m. to 1:00 p.m.		
E. "A" Street, south side, from a point 73 ft. west of west curb line of Walnut Street to a point 151 ft. west of said curb line	5395	3-20-1995
At Any Time, Except Sundays and Legal Holidays		
W. "B" Street, south side, between N. 2nd Street and N. 3rd Street		
W. Main Street, north side, between N. 23rd Street and Southern Railroad right-of-way		
W. Main Street, south side, between S. 23rd Street and S. 27th Street		
W. Lincoln Street, north side, from the west curb line of S. 3rd Street to the West Pedestrian Signal	3099	
S. Church, east side, between E. Washington Street and E. Lincoln Street	3302	
W. Lincoln Street, south side, between S. 1st Street and S. 2nd Street	3302	
10:00 p.m. to 6:00 a.m.		
Benton Street, east side, from Sycamore Street to Scheel Street and from Scheel Street to a point 270 ft. north of Scheel Street		
Scheel Street, north side, from Benton Street to L&N Railroad		
10:00 p.m. to 8:00 a.m.		
W. Park Drive, both sides, between N. 49th Street and Dapron Drive	3446	
7:30 a.m. to 4:00 p.m. on School Days		
Abraham Lincoln Elementary School and West Junior High School		
Royal Heights Road, east side, the length of the property occupied by the school grounds		

Location	*Ord. No.*	*Date Passed*
Royal Heights Road, west side, between North Street and S. Park Drive		
Bunsen School		
E. "E" Street, north side, 350 ft. from Walnut Street to N. Oak Street		
Douglas Avenue, southwest side		
N. Oak Street, west side, from E. "E" Street, 150 ft. north		
Walnut Street, east side, from E. "D" Street, 150 ft. north		
Dewey School		
N. 48th Street, east side, from Bier Street, 165 ft. southward		
Bier Street, south side, from N. 48th Street, 345 ft. east		
Douglas School		
Carlyle Avenue, north side, the length of the property occupied by the Douglas School grounds		
Carlyle Avenue, south side, approximately 400 ft. from Missouri Avenue to Garden Boulevard		
Douglas Avenue, west side, from E. Main Street, 300 ft. north		
E. Main Street, north side, from Douglas Avenue, 330 ft. west		
Franklin School		
N. 2nd Street, west side, from W. "C" Street, 350 ft. north		
W. "C" Street, north side, from N. 2nd Street, 330 ft. west		
W. "D" Street, both sides, from N. 3rd Street, east to school gates		
Henry Raab School		
S. 11th Street, northwest side, 250 ft. from Union Avenue to Raab Avenue		
S. 13th Street southeast side, 250 ft. from Union Avenue to Raab Avenue		
Raab Avenue, northeast side, 325 ft. from S. 11th Street to S. 13th Street		
Union Avenue, southwest side, 325 ft. from S. 11th Street to S. 13th Street		
Humboldt School		
W. "C" Street, north side, 234 ft. immediately in front of school		
W. "D" Street, south side, immediately in rear of school		
Alley, east side of school, between W. "C" Street and W. "D" Street		
Central Junior High		
S. Illinois Street, east side, from Lincoln Street to a point 508 ft. south	4833	

Location	*Ord. No.*	*Date Passed*
Jefferson School		
N. Charles Street, east side, from Lucinda Avenue, 300 ft. north		
Lucinda Avenue, north side, from N. Charles Street, 475 ft. east		
Junior High School and Central Building		
S. Illinois Street, east side, from Lincoln Street, 400 ft. south		
Roosevelt School		
Cleveland Avenue, south side, from State Street, directly in front of the school and continuing a distance of 550 ft.		
State Street, east side, from Cleveland Avenue, 450 ft. south		
Washington School		
Abend Street, west side, from E. Garfield Street to E. Monroe Street, 300 ft. south		
S. Charles Street, both sides, from E. Garfield Street to E. Monroe Street		
7:30 a.m. to 3:30 p.m. on School Days		
W. Washington, south side, from S. 22nd Street and S. 23rd Street	5814	12-1-1997
7:30 a.m. to 4:00 p.m. on School Days		
Union Avenue (North) from 11th Street to S. 13th Street	6030	
(Student drop-off and pick-up shall be allowed in said no parking zone.)		
7:30 a.m. to 4:40 p.m. on School Days		
W. Washington Street, south side, from S. 23rd Street, 60 ft. east		
2:01 a.m. Monday morning to 6:00 a.m. Monday morning		
Main Street, both sides, between Illinois State Bond Route #161, also known as Carlyle Avenue and N. 28th Street		
No Parking During the Months of June, July, August and September		
E. "D" Street, north side, from N. Belt Line (Sherman Street) to the east end of the ball park		
E. "D" Street, south side, for a distance of 100 ft. from the east edge of the North Belt Line pavement		
8:00 a.m. to 4:00 p.m. on School Days		
Signal Hill Place, east side, from Signal Hill Park Lane to Superior Drive	6964	2-5-2007
4:00 p.m. to 7:00 p.m.		
S. 2nd Street, east side, from a point 55 ft. south of W. Monroe Street to a point 120 ft. south	3168	

Location	*Ord. No.*	*Date Passed*
At Anytime Except Sundays From 9:00 a.m. to 1:00 p.m.		
E. "A" Street (South) From a point 73 ft. west of Walnut Street to a point 151 ft. west	5395	3-20-1995
2:30 p.m. to 3:30 p.m.		
Southwind Drive, 200 ft. each side of driveway at the rear entrance to Whiteside School		
January through June		
S. 21st Street (East) From Roosevelt Avenue to South Belt West	6502	1-21-2003
July through December		
S. 21st Street (West) From Roosevelt Avenue to City limits	6502	1-21-2003

(1960 Code, Ch. 52, Schd. F)

(B) *Limited parking.* In accordance with § 74.14 of this chapter, no person shall park a vehicle for longer than the times specified on the following streets:

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
10 Minutes			
"A" Street (North)	From a point 50 ft. east to the east curb line on N. 2nd Street to a point 95 ft. east of said curb line	3814	
Abend Street (East)	In the vicinity of its intersection with Mascoutah Avenue and Lincoln Street, 2 signs to be located 10 ft. on each side of the entrance walk to the building with address of 200 Abend Street		
Charles Street	At R.C. Cola Company		
E. "B" Street and N. Church Street	At Herman Grocery		
E. Washington Street (South)	From 85 ft. of the west curb line of S. Jackson Street to 105 ft. west of same curb line	3109	
Main Street (North)	From Oak Street 115 ft. west		
N. Jackson Street (East)	From 40 ft. south of E. "B" Street to a point 80 ft. south of the curb line	3230	
S. 2nd Street (Both)	From W. Washington Street and W. Lincoln Street (Postal Patrons Only)	4245	
S. Illinois Street	From a point 25 ft. south of Washington Street to a point 125 ft. south		
W. Washington Street (South)	From S. 2nd Street east the length of the U.S. Post Office property (postal patrons only)		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
W. Washington Street (South)	From a point 130 ft. east of S. 1st Street to a point 190 ft. east		
10 Minutes, Monday through Friday			
E. "A" Street (North)	From 10 ft. west of Florida Avenue to 80 ft. west	2988	
E. "A" Street (South)	From 129 ft. west of the west curb line of Jackson Street to 150 ft. west	3234	
307 - 309 N. Illinois Street	In front	6884	7-3-2006
15 Minutes			
111 W. "A" Street		3027	
Canterbury Drive	Along Street Augustine School on school days	6406	4-1-2002
Centreville Avenue (East)	700 block, 75 ft. from State Street		
Delmar Avenue (East)	From a point 30 ft. south to the south curb of "B" Street and a point 50 ft. south of said curb	3734	
E. "A" Street (North)	From 30 ft. east of the curb line of Illinois Street to 90 ft. east of the same curb	3104	
E. "B" Street (North)	From a point 30 ft. east of the east curbline of N. Illinois Street to a point 70 ft. east of said curbline	5617	9-3-1996
E. "C" Street (North)	From the alley between Church Street and Jackson Street to a point 40 ft. east of the alley	3691	
E. "C" Street (North)	From In front of the building occupied by the Poodle Parlor; 2 signs, one to be installed 85 ft. from the east curb line of N. Illinois Street and the other 125 ft. from the same curb line		
E. Adams Street (South)	From E. Adams Street, 150 ft. east to alley		
E. Lincoln Street	At 18 E. Lincoln Street from driveway to driveway		
Illinois Street	From "F" Street, 125 ft. north		
Monroe Street	From a point 20 ft. west of S. 1st Street to a point 62 ft. west	4547	
Monroe Street (South)	From 1st Street, 100 ft. east		
N. 18th Street (East)	From 100 ft. from Main Street north to alley		
N. 2nd Street (West)	From 20 ft. south of W. "C" Street to a point 40 ft. south	4861	
N. 3rd Street (East)	300 block		
N. 47th Street (Both)	From Bier Street to Walter Street		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
N. Charles Street (Both)	From E. "B" Street and the alley south of E. "B" Street	4148	
N. Jackson Street (Northeast) and "C" Street (East)	50 ft. back from the corner	3659	
N. Jackson Street (East)	From a point 50 ft. north of the "C" Street north curb to a point 100 ft. north	4291	
N. Pennsylvania	In front of Rumer Corner Market (E. "C" Street and N. Pennsylvania), at 300 N. Pennsylvania		
S. 1st Street (West)	From "F" Street, 125 ft. north		
S. 20th Street (East)	From W. Main Street, 100 ft. south		
S. 3rd Street (West)	From South side of building line at 11 S. 3rd Street, 42 ft. north		
S. 95th Street (North)	From a point 40 ft. east of Cherry Avenue to a point 265 ft. east		
S. Illinois Street	In front of Metropolitan Building at 213 S. Illinois Street		
S. Illinois Street (East)	From E. Adams Street, 200 ft. south		
S. Illinois Street (West)	From Harrison Street, 150 ft. south		
Van Buren Street (North)	From 50 ft. east of S. Illinois Street to 140 ft. east	3059	
W. "C" Street (South)	From 20 ft. south of west of N. 2nd Street to a point 60 ft. west	4380	
W. "D" Street (South)	200 Block		
W. Main Street	30 ft. in front of liquor store at 1406 W. Main Street		
W. Main Street (South)	From a point 48 ft. east of S. 15th Street to a point 92 ft. east	4904	
W. Main Street (South)	From S. 20th Street, 50 ft. east		
W. Main Street (West)	From a point 50 ft. north of S. 98th Street to a point 94 ft. north of the north curb line	4879	
W. Washington Street (South)	From S. 3rd Street to alley		
15 Minutes, Monday through Saturday			
Michigan (West)	From 50 ft. north of the north curb line of E. "A" Street, to 100 ft. north of the same curb	3067	
N. 10th Street	To a point 165 ft. east of the east curb line	3484	
W. Main Street (North)	From a point 125 ft. east of the east curb line	3484	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
15 Minutes on School Days from 7:30 p.m. to 4:00 p.m.			
Union Avenue	North side 185 ft. from S. 11th Street, west on Union Avenue (In front of 1115 Union Avenue)	6395	3-4-2002
15 Minutes, between 8:00 a.m. and 4:00 p.m. Monday through Friday			
S. 78th Street (West)	From Main Street, 140 ft. south		
15 Minutes between 8:00 a.m. and 5:00 p.m.			
"B" Street (South)	From a point 106 ft. west of N. Church Street, to a point 125 ft. west of same	3185	
N. Charles Street (Both)	From "B" Street to the alley south of "B" Street	3425	
15 Minutes between 8:00 a.m. and 5:00 p.m.			
	Winkler Soda Factory		
N. High Street (West)	From E. "C" Street, 50 ft. north		
N. Oak Street (East)	From E. Main Street to E. Washington Street		
S. 1st Street (West)	From a point 55 ft. north of the north curb line of Garfield Street to a point 90 ft. north of said curb line	3428	
15 Minutes between 8:00 a.m. and 5:00 p.m., except Sundays and Legal Holidays			
E. Adams Street (South)	From S. Illinois Street 150 ft. east to the alley		
S. Illinois Street (East)	From E. Adams Street, 200 ft. south		
20 Minutes			
200 N. Jackson Street (East)			
30 Minutes			
	The 4 parking spaces immediately adjacent to W. Washington Street on the east side of the City Hall Parking Lot, next to Security Abstract and Title Co. building, the area so reserved to be clearly marked by signs bearing the legend: "Parking for City Hall Patrons Only - Thirty Minutes Time Limit - Violators Will be Towed Away".		
	The first 4 spaces west of the two persons with disabilities designated spaces of the High and "A" Street lot (behind 113 and 115 E. Main Street)	5463	
410 Lebanon Avenue	For 30 ft., between 9:00 a.m. to 5:00 p.m.	4380	
E. Main Street (Both)	Two blocks east and two blocks west of the Public Square	3552	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
E. Main Street (South)	186 ft. west of the west curb line of S. High Street to a point 230 ft. west of said curb line	4772	
Lebanon Avenue (South)	From Jackson Street to a point 110 ft. east	3866	
Main Street (Both)	From Oak Street to 6th Street	3704	
Main Street (Both)	Except From a point 27.2 ft. east of east curb line of S. 2nd Street to a point 52.7 ft. east of said curb line	5341	11-21-1994
N. 18th Street (West)	From 50 ft. north of W. Main Street to a point 80 ft. north	3296	
N. 19th Street (East)	From Main Street to the alley immediately north of Main Street	3457	
N. 96th Street (West)	From W. Main Street to the first alley north of W. Main Street		
S. High Street (West)	From E. McKinley Street to 60 ft. south	6292	
W. "B" Street	In front of Illinois Bell	3583	
W. "C" Street (South)	From a distance of 30 ft. west of the westerly line of the alley between 1st and 2nd Streets		
W. Main Street	For the length of the property at 9701 W. Main Street	4124	
W. Main Street (Both)	From 300 block	5928	11-2-1998
W. Main Street (North)	From west property line of N. 4th Street, 250 ft. west		
W. Main Street (North)	From a point 20 ft. west of the west curb line of N. 18th Street to a point 50 ft. west of said curb line	3296	
Williams Street (North)	From N. 4th Street to the east end of Williams Street		
Williams Street (North)	From the west 50 ft.	3123	
30 Minutes Between 8:00 a.m. and 5:00 p.m.			
	The four northerly most parking places south of the one extreme northerly existing persons with disabilities parking place in the center isle of City Lot "J"	5616	9-3-1996
One Hour, at any time			
"B" Street (Both)	From N. Illinois Street to rear entrance to American Legion		
200 W. Main Street	In front	6754	7-5-2005
500 E. Main Street	In front	6754	7-5-2005
Carbon Street (Northeast)			
E. "A" Street (North)	From Charles Street east to 507 E. "A" Street		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
E. "A" Street and Walnut	In front of Moser's Market		
E. "C" Street (South)	At Wessel's Market		
E. "D" Street (North)	From N. Illinois Street 40 ft. east	5930	11-16-1998
E. "E" Street (North)	From N. Illinois Street east 60 ft.	5928	11-2-1998
E. "E" Street (North)	From N. Illinois Street 40 ft.	5930	11-16-1998
E. Main Street (South)	From a point 20 ft. west of Pennsylvania Avenue to a point 60 ft. west	3881	
E. Main Street (South)	From Douglas Avenue to a point 110 ft. east	3866	
E. Monroe Street	948 E. Main Street - Rear	4451	
Fulton Street (North)	From a point 50 ft. west of Mascoutah Avenue, 125 ft. west		
Garfield Street (North)	From Mascoutah Avenue to the first alley east of Mascoutah Avenue		
High Street	100 ft. between property lines at 314 N. High Street		
Illinois Street (West)	Entire 400 Block		
Lebanon Avenue (North)	From Fremont Street to Cart Lane		
Lebanon Avenue (South)	From 50 ft. west of Sherman Street to 50 ft. west		
Memorial Drive (Both)	From E. Park Drive to 43rd Street	3352	
N. 10th Street (Both)	From W. "D" Street to W. "E" Street		
N. 12th Street (Both)	From the Southern Railroad north to W. "E" Street		
N. 14th Street (East)	From W. Main Street north 60 ft.		
N. 1st Street (West)	From "B" Street, 75 ft. north		
N. 28th Street (Both)	From W. Main Street to Sheridan Avenue		
N. 3rd Street (Both)	From Main Street to W. "A" Street		
N. Michigan Avenue (West)	From a point 20 ft. south of E. "A" Street to a point 45 ft. south	3465	
S. 12th Street (West)	From W. Main Street south to the alley		
S. 14th st. (West)	From Lincoln Street to State Street		
S. 37th Street (West)	From Main Street 150 ft. south		
S. 3rd Street (West)	From Monroe Street to a point 94 ft. south	3492	
S. 57th Street (West)	From W. Main Street to the first alley south of W. Main Street		

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
S. 6th Street	In front of South Side Poultry Association for 2 car spaces		
S. 75th Street (Both)	From Main Street 150 ft. north	4817	
S. 75th Street (East)	From Main Street, to a point 150 ft. south	4817	
State Street (West)	From Huff Street to Van Buren Street		
W. "C" Street (South)	From Illinois Street to 1st Street		
W. "D" Street (Both)	From N. 10th Street to N. 13th Street		
W. "E" Street (Both)	From N. 9th Street to N. 15th Street		
W. "E" Street (North)	From Catawba Avenue to N. 15th Street		
W. Lincoln Street (North)	From 20 ft. west of S. 1st Street to 150 ft. west		
W. Main Street	3rd Street to 4th Street	5999	7-6-1999
W. Main Street (Both)	From N. 10th Street to N. 11th Street		
W. Main Street (North)	From 4th Street to 5th Street	3246	
W. Main Street (South)	From 3rd Street and a point west of 3rd Street and from a point 190 ft. west of 3rd Street to 4th Street	3246	
W. Main Street (South)	From west curb line of S. 14th Street to the east curb line of S. 16th Street	3049	
W. Main Street (South)	From Glueck's and Hocker's places of business to 15th Street		
W. Main Street (South)	From 10 ft. south of S. 14th Street to 60 ft. south		
Walnut Street (West)	From E. Main Street to E. "A" Street		
One Hour, between 8:00 a.m. and 5:00 p.m.			
E. "A" Street	From N. Church Street to N. Charles Street		
Krey Packing Co.	From Railroad spur 60 ft. east		
Mascoutah Avenue (West)	From E. Main Street to E. Washington Street		
N. 10th Street (West)	From a point 35 ft. north to the north curb line of W. Main Street to the first alley north of W. Main Street		
N. Illinois Street (West)	From a point 160 ft. to 180 ft. north of the W. "E" Street north curb line	4140	
Street Charles Street			
W. "C" Street (North)	To property line of Carl's Refrigerator Co.		
W. "C" Street (South)	From Illinois Street to 1st Street		
Washington Street (South)	From Stromberg Avenue to Forest Avenue	4057	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
One Hour, between 8:00 a.m. aud 5:00 p.m. Monday through Friday			
S. Illinois Street (West)	From Monroe Street to Adams Street	4547	
W. Main Street (North)	From N. 21st Street to N. 23rd Street	3185	
One Hour, between 8:00 a.m. and 5:00 p.m. Monday through Saturday			
S. Charles Street (East)	From McKinley Street to a point 183 ft. north of curb line	4977	
One Hour Between 8:30 a.m. and 4:30 p.m., except Sundays and Legal Holidays			
E. Main Street (Both)	From Public Square to Walnut Street		
N. Jackson Street (Both)	From E. Main Street to E. "A" Street		
W. Main Street (Both)	From Public Square to 3rd Street		
One Hour, between 8:00 a.m. and 5:00 p.m., except Sundays and Legal Holidays			
E. "D" Street (North)	From High Street to Illinois Street		
Illinois Street	From "D" Street to "E" Street		
Main Street (Both)	From 10th Street to 12th Street	3148	
Main Street (North)	From 4th Street to 6th Street		
Main Street (North)	From N. 14th Street to 60 ft. east from same curb line	5227	3-7-1994
Main Street (South)	From S. 12th Street to S. 13th Street		
N. 18th Street (East)	From a point 40 ft. north of Main Street to a point 95 ft. north		
S. High Street (East)	From a point 40 ft. south of Lincoln Street, to a point 160 ft. south		
S. High Street (West)	From a point 84 ft. south from E. Lincoln Street, to a point 189 ft. south of the same	3185	
Two Hours, at any Time			
City Lot "A"	E. "A" Street between N. High Street and N. Jackson Street; except for the existing 30-minute designated spaces	5699	2-17-1997
Cleveland Avenue (North)	From S. 6th Street to State Street		
Dintelman Avenue (West)	From Centreville Avenue to the Railroad Salvage		
E. "E" Street (South)	From N. Illinois Street to N. High Street, said zone to be marked with signs reading "Two Hour Parking"	3434	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
E. Grant Street (North)	From a point 53 ft. west of the Ann Street right-of-way to a point 100 ft. west of the right-of-way of Ann Street	5274	7-5-1994
E. Main Street (North)	From 65 ft. west of Virginia Avenue to 144 ft. west	5830	1-20-1998
E. Main Street (North)	From Oak Street to Walnut Street		
E. Main Street (South)	From Oak Street to Frank Nevener's Garage		
Freeburg Avenue (Northeast)	From S. Charles Street west 102 ft. from west curb	4944	
Mascoutah Avenue (North)	From E. Washington Street to the end of the second curve of Mascoutah Avenue south and east of the Lincoln Street intersection, except for a distance 35 ft. on the westerly side of Mascoutah Avenue, northerly from the north curb line of Lincoln Street		
N. 2nd Street (East)	From W. "B" Street to W. "C" Street	4398	
N. 41st Street (Both)	From W. Main Street to Summit Avenue		
N. 49th Street (West)	From the property line of 17 N. 49th Street		
N. Park Drive (West)	From a point 30 ft. south of the exit driveway of Memorial Hospital to Park Drive	4410	
Oak Street (South)	From a point 29 ft. south of E. Main Street and going 69 ft. south of E. Main Street	7605	6-4-2012
S. 1st Street (West)	From W. Garfield Street 50 ft. north		
S. 30th Street (West)	From W. Main Street to the first alley		
S. 76th Street (East)	From W. Main Street to the first alley south of Main Street		
Scheel Street (Both)	From N. Douglas Avenue to Benton Street	5594	- -1996
W. "B" Street (North)	(First block by S.O.S. Garage), change present one-hour parking signs to two-hour parking signs		
W. "B" Street (South)	From 1st Street to 2nd Street		
W. Garfield Street (North)	From S. 1st Street 158 ft. west		
W. Lincoln Street (North)	From a point 35 ft. west of S. Charles Street, to a point 60 ft.; and also, from a point 50 ft. east of S. Charles Street to a point 120 ft. east	3283	
W. Main Street (North)	From 17th Street 100 ft. west		
W. Main Street (North)	From N. 20th Street to N. 23rd Street	3018	
Washington and High Street	Parking lot	4959	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Two Hours, Monday through Friday			
Ivanhoe Ct. (East)	From a point 69 ft. south of the south curb line of Queensway to a point 126 ft. south of south curb line	3302	
N. Jackson Street (West)	From the corner of E. "C" Street to a point 50 ft. north of said corner	3691	
Two Hours, Monday through Saturday			
W. Lincoln Street (North)	From S. 3rd Street to Centreville Avenue		
Two Hours between 7:00 a.m. and 5:00 p.m., Monday through Friday			
E. "B" Street (South)	From the east curb line of Florida Avenue to 160 ft. east of the same curb line	3111	
Florida Avenue (East)	From 50 ft. south of the south curb line of E. "B" Street to the south curb line	3111	
Two Hours between 8:00 a.m. and 5:00 p.m., except Saturday, Sundays and Legal Holidays			
S. Illinois Street (East)	From Cleveland Avenue to a point 200 ft. south of the south curb line of Van Buren Street	4245	
S. Illinois Street (West)	From Cleveland Avenue to the opposite south curb line on Van Buren Street	4245	
W. Main Street (South)	From City limits to Lebanon Road		
Two Hours between 8:00 a.m. and 5:00 p.m., Monday through Friday			
E. "A" Street (Both)	From Florida Avenue to Lucinda Avenue	3083	
E. "B" Street (Both)	From 600 Block	5965	4-5-1999
E. "C" Street (Both)	From Oak Street to Douglas Avenue	5463	
E. Garfield Street (Southeast)	2 signs; one to be located 10 ft. easterly from the northeasterly alley line of the first alley east of Mascoutah Avenue and the other 90 ft. easterly from said northeasterly alley line		
N. 48th Street (East)	From W. Main Street to alley		
S. Freeburg Avenue (South)	One sign to be located 200 ft. north of the north property line of Van Buren Street and the other 450 ft. north of the same property line		
State Street (Southwest)	From the northerly right-of-way line of Huff Street to 100 ft. northwesterly from the same right-of-way line	2992	
Two Hours between 8:00 a.m. and 5:00 p.m., except Sundays and Legal Holidays.			
S. Monroe Street	From S. 2nd Street to 100 ft. east	3168	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Two Hours between 8:00 a.m. and 5:00 p.m.			
Delmar Street (West)	From E. "A" Street to E. "B" Street	5514	2-5-1996
E. "B" Street (South)	From Delmar Street east to a point 31 ft. west of alley between Delmar Street and Douglas Avenue	5514	2-5-1996
E. "B" Street (South)	From a point 20 ft. west of Delmar Street to a point 45 ft. of said point	5514	2-5-1996
Memorial Drive (Both)	From N. 43rd Street to a point 670 ft. east	3474	
N. 15th Street (West)	From W. "A" Street to W. "E" Street	3434	
N. 43rd Street (Both)	From S. Park Drive and Sunnyside Drive, said zone to be marked with signs reading, "Two Hour Parking, 8:00 a.m. to 5:00 p.m."	3434	
N. 44th Street (Both)	From S. Park Drive to N. Park Drive, said zone to be marked with appropriate signs	3452	
N. 5th Street (East)	From W. "F" Street to a point opposite the intersection of W. "E" Street	3073	
N. 5th Street (West)	From Southern Railroad Trestle to W. "F" Street	3073	
W. "F" Street (South)	From N. 4th Street to N. 5th Street		
Two Hours between 8:00 a.m. and 6:00 p.m.			
W. "B" Street (North)	From 1st Street to 2nd Street		
Two Hours between 8:00 a.m. and 5:00 p.m., Monday through Saturday			
N. Jackson Street (West)	From 160 ft. north of E. "B" Street to 200 ft. north		
Two Hours between 9:00 a.m. and 5:00 p.m., except Saturdays and Legal Holidays			
N. 21st Street (West)	From the first alley north of W. Main Street to a point 60 ft. north of said alley	3648	
Three Hour Parking			
Charles and Washington Street lot	Behind Olde Town Mall	4832	
E. Main Street and E. Monroe Street	Southeast quadrant	4451	
High and Washington Street northeast lot		4832	
W. Main Street	From N. 4th Street to a point 106 ft. east	4755	
W. Main Street (South)	From 3rd Street west 500 ft.	4933	

Street (Side)	*Location*	*Ord. No.*	*Date Passed*
Nine Hour Parking Between 8:00 a.m. and 5:00 p.m.			
Douglas Avenue (East)	From north curb line of E. "B" Street to a point 148 ft. north of said point		
Ten Hour Parking			
N. Church Street and E. "A" Street	One-half parking lot	6274	
Restricted Parking			
	City Hall parking lot located west of City Hall is restricted to City Hall employees and patrons	3064	
City Employee Parking 8:00 a.m. to 5:00 p.m.			
S. 1st Street	6 spaces on the east and west side of S. 1st Street immediately south of Harrison Street	4312	
W. Harrison Street	5 spaces on the south side of the first block of W. Harrison Street	4312	
W. Lincoln Street	5 spaces on the north side of W. Lincoln Street from S. 1st Street to the Post Office driveway	4312	
W. Lincoln Street	8 spaces on the south side of W. Lincoln Street from S. Illinois Street to S. 1st Street	4312	

(1960 Code, Ch. 52, Schd. G)
(Ord. 7800, passed 8-4-2014; Ord. 7839, passed 1-5-2015)

SCHEDULE III. SPECIAL HOURLY PARKING.

In accordance with § 74.30 of this traffic code, the following are designated as special hourly parking lots:

Street (Side)	*Location*
E. "B" Street	First block past the alley and the second and third block thereof
E. Lincoln Street	From S. Illinois Street to S. Church Street
N. Church Street	From "A" Street to "B" Street
N. High Street	From "B" Street to "C" Street

(1960 Code, Ch. 52, Schd. I) (Ord. 3615, passed - -)

SCHEDULE IV. LOADING ZONES.

It shall be unlawful for any driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading of or unloading of passengers, in any place designated as a loading zone and marked as such. In accordance with the provisions of § 74.08 of this traffic code, the following streets are hereby designated as loading zones:

Street - Side	*Location*	*Ord. No.*	*Date Passed*
	Directly in front of the entrance to any theater at any time that theater is open		
"A" Street (South)	From 64 ft. east of Jackson Street to a point 118 ft. east	3203	
"A" Street (South)	From 123 ft. west of N. Church Street to a point 177 ft. west		
E. "A" Street (South)	From a point 30 ft. west of N. Church Street to a point 70 ft. west	3434	
E. "A" Street (South)	From a point 82 ft. west of the west curb line of N. Charles Street to a point of 156 ft. west of said curb line	4999	
E. Main Street	In front of 221 E. Main Street on Saturday 7:00 a.m. - 4:00 p.m.	7476	3-7-2011
E. Main Street	At 127 E. Main Street	5123	
E. Main Street	In front of 221 E. Main Street Tuesday through Saturday 7:00 a.m. - 4:00 p.m.	7555	12-19-2011
E. Main Street (South)	From a point 58 ft. east of the east curb line of N. Charles Street to a point 112 ft. east of the curb line, the zone to be marked by two signs with the Loading Zone, One Hour Limit	3384	
E. Washington Street (South)	From a point 180.4 ft. east of S. Illinois Street to a point 203.4 ft. east	4959	
Lincoln Street (North)	From a point 100 ft. east of Lincoln Street to a point 225 ft. east	3296	
Lincoln Street (South)	From a point 29 ft. east of S. High Street to a point 49 ft. east	4950	
Lincoln Street (South)	From a point 118 ft. east of S. 1st Street to a point 130 ft. east	5026	
N. 1st Street (West)	From 110 ft. north from curb to W. "A" Street	5984	5-17-1999
N. 1st Street (West)	From a point north of the south curb line of Main 138.17 ft. to a point 182.67 ft. from the same curb line	5225	2-21-1994
N. 2nd Street (West)	From 70 ft. north of W. "B" Street to 90 ft. north of W. "B" Street	7067	1-7-2008

Street - Side	*Location*	*Ord. No.*	*Date Passed*
N. 39th Street (West)	From a point 70 ft. north of North Belt West to a point 115 ft. north	3637	
N. 3rd Street (West)	From a point 10 ft. north of W. Main Street to a point 35 ft. north of W. Main Street		
N. 49th Street (East)	From W. Main Street north to the existing telephone pole		
N. Charles Street (East)	From a point starting 63 ft. south of E. "A" Street to 139 ft. south of E. "A" Street so as to provide for a loading zone on weekdays from 7:00 a.m. until 5:00 p.m.	7605	6-4-2012
N. Church Street (East)	From a point 100 ft. north of the north line of E. Main Street to a point 124 ft. from the same curb line from 7:00 a.m. to 5:00 p.m.	7694	7-1-2013
N. Church Street (West)	From a point 120 ft. north of the north curb line of "B" Street, to a point 165 ft. north of the curb line	3637	
N. Church Street (West)	From the alley north of Main Street to a point 25 ft. north of the alley from 7:00 a.m. to 6:00 p.m.	7694	7-1-2013
N. Church Street (West)	From Benton Street to Clay Street	6274	
N. Church Street (West)	From "A" Street south 18 ft.	5090	
N. High Street (East)	From a point 131 ft. north of the north curb line of E. "D" Street to a point 156 ft. north of said curb line	5011	
N. High Street (East)	From in front of 110 N. High Street	4081	
N. High Street (West)	From a point 57 ft. north of E. "B" Street to a point 83 ft. north	3302	
N. Illinois Street (West)	From a point 74 ft. north of W. "C" Street to a point 95 ft. north	3302	
N. Jackson Street (East)	From a point 35 ft. south of the south curb line of E. "A" Street to a point 60 ft. south of said curb line	4999	
N. Jackson Street (East)	From a point 20 ft. north of E. "B" Street to a point 50 ft. north	3230	
S. 1st Street (East)	From 95 ft. south of W. Main Street to a point 145 ft. south	4711	
S. 3rd Street (East)	From a point 90 ft. south of Garfield Street to a point 120 ft. south of curb line	3258	
S. 7th Street (East)	From Union Avenue north 30 ft.		
S. Charles Street (East)	At 912 S. Charles Street from 8:00 a.m. to 4:00 p.m. Monday through Friday	5877	5-4-1998
S. Charles Street (West)	From the length of E.P. Miller and Son Battery Service property, starting at the northerly edge of driveway and extending 150 ft. southerly		

Street - Side	*Location*	*Ord. No.*	*Date Passed*
S. Charles Street (West)	From a point 82 ft. from the curb line of E. Main Street to a point 146 ft. from curb line of E. Main Street from 7:00 a.m. to 5:00 p.m.	7694	7-1-2013
S. Church Street (East)	From the alley south of Main Street to a point 17 ft. north of the alley, a distance of 56 ft. south, from 7:00 a.m. to 5:00 p.m.	7694	7-1-2013
S. High Street (East)	From E. Main Street south 95 ft., from 7:00 a.m. and 7:00 p.m.	7694	7-1-2013
S. High Street (West)	From a point 230 ft. south of the south curb line of Lincoln Street to a point 275 ft. south of the curb line	3801	
S. High Street (West)	From a point 32 ft. from E. Main Street south 84 ft., from 7:00 a.m. to 7:00 p.m.	7694	7-1-2013
S. Illinois Street (East)	From a point beginning 117 ft. from the north curb line of E. Washington Street to a point 179 ft. from said curb line - 2 hour limit with placard	5746	6-16-1997
S. Jackson Street (East)	From a point 92 ft. south of E. Main Street, a distance of 56 ft. south from 7:00 a.m. to 5:00 p.m.	7694	7-1-2013
S. Jackson Street (West)	From E. Main Street south 66 ft.	4828	
Union Avenue (North)	From S. 7th Street east 160 ft.		
W. "B" Street (North)	From a point 76 ft. east of east curb line of N. 1st Street to a point 138 ft. east of said curb line	5468	10-2-1995
W. Garfield Street (North)	From S. 3rd Street 230 ft. east	6787	11-7-2005
W. Lincoln Street (South)	From a point 132 ft. east of S. 1st Street to a point 154 ft. east		
W. Main Street (North)	From a distance of 25 ft. centered on the entrance walk to 9415 W. Main Street	4040	

(1960 Code, Ch. 52, Schd. K)

SCHEDULE V. PARKING METER ZONES.

In accordance with the provisions of § 74.30 of this traffic code, the following parking meter zones are hereby established:

Street - Side	*Location*	*Ord. No.*	*Date Passed*
Maximum 30 Minutes			
N. 1st Street (West)	3rd and 4th and 5th Meters North from W. Main Street	4124; 4312	
Maximum 60 Minutes			
S. 1st Street	The parking meters on both sides of the first block	3962	
Maximum 2 Hours (Within 4 Consecutive Hours)			
	Parking Lot (W. Main Street and 3rd Street) one row of meters as marked	4593	
"A" Street	From 2nd Street to Charles Street		
"A" Street (North)	From N. High Street to N. Jackson Street	5594	- -1996
"B" Street	From Illinois Street to Jackson Street		
"B" Street (North)	From Jackson Street to the alley west of Jackson Street	3927	
"B" Street (North)	From In front of Illinois Bell Telephone Company office, between the east curb line of N. 1st Street and a point 150 ft. east of the curb line	3859	
1st Street	From "A" Street to Lincoln Street		
1st Street (East)	From Lincoln Street to Washington Street	3461	
1st Street (West)	From (North of W. Main Street) Third through Fifth meters	4655	
2nd Street	From "A" Street to Washington Street		
2nd Street (West)	From Lincoln Street to Washington Street	3461	
3rd Street	From W. Main Street to W. Washington Street, except a space on the west side of S. 3rd Street, extending from a point 45 ft. south of W. Main Street, north to W. Main Street		
3rd Street (East)	From Lincoln Street to Monroe Street	3870	
Charles Street	From "A" Street to Washington Street	5313	9-19-1994
Charles Street	From Main Street to Lincoln Street	5313	9-19-1994
Harrison Street	From 2nd to 3rd Street	3891	

Street - Side	*Location*	*Ord. No.*	*Date Passed*
High Street	From "B" Street to Lincoln Street, except a space 75 ft. in length extending from a point 35 ft. north of "A" Street on the west side of High Street, north 75 ft., and except the most northerly parking meter, located previously on the westerly side of S. High Street at the intersection with E. Washington Street	5313	9-19-1994
Illinois Street	From "A" Street to Lincoln Street, both sides; from Lincoln Street to Harrison Street, west side; from "A" Street to "B" Street, east side; from "B" Street to "D" Street, both sides, except as otherwise provided		
Jackson Street	From "B" Street to Lincoln Street, except the most northerly parking meter formerly on the west side of S. Church Street adjacent to the Illinois Trust		
Lincoln Street	From 1st Street to Illinois Street		
Lincoln Street (Both)	From 1st Street to 2nd Street	3327	
N. Church Street (Both)	From Main Street to "A" Street	3804	
S. Church Street	From E. Main Street to Washington Street	4437	
S. High Street (Both)	From Garfield Street to S. Belt East	5313	9-19-1994
S. Jackson Street (West)	From North curbline of E. Washington Street to a point 169 ft. north of said curb line	5482	11-6-1995
W. Harrison Street (South)	From S. Illinois Street to S. 2nd Street with the 3 meters immediately west of S. Illinois Street being 2-hour meters and the remaining meters being 10-hour meters	3845	1-4-1982
Walnut Street (East)	From Main Street to E. "B" Street	5198	
Washington Street	From 3rd Street to Charles Street		
Maximum 3 hours (within 24 consecutive hours)			
Parking lot at N. High Street and "A" Street		4276	
Maximum 4 hours (within 24 consecutive hours)			
N. 2nd Street (Both)	From a point beginning 42 ft. from the north curb line of W. Main Street to a point 105 ft. north of said curb line	5703	3-3-1997
S. 2nd Street (Both)	From a point beginning 42 ft. from the south curb line of W. Main Street to a point 105 ft. south of said curb line	5703	3-3-1997

Street - Side	*Location*	*Ord. No.*	*Date Passed*
Maximum 10 hours (within 24 consecutive hours)			
	Ten parking meters on the west side of the 3rd Main Street lot and 6 parking meters on the north end of the lot		
	North row parking meters on the parking lot at "A" and Jackson Street	3810	7-21-1981
	Three parking meters on the S. side of E. "B" Street immediately east of Illinois Street shall be 10-hour meters and 6 meters to be installed on the south side of E. "A" Street between Charles Street and Walnut Street shall also be 10-hour meters		8-17-1981
W. "B" Street (South)	From N. Illinois Street to N. 1st Street	5468	10-2-1995

(1960 Code, Ch. 52, Schd. M)

SCHEDULE VI. OFF-STREET PARKING ZONES.

In accordance with the provisions of § 74.30 of this traffic code, the following regulations shall apply to the designated parking lots and zones as follows:

Location	*Time Limit*	*Ord. No.*	*Date Passed*
Fee for parking on a gated lot in the city shall be $0.50, subject to the time restrictions set forth above		3705	5-5-1980
Parking lot at northwest corner of N. Illinois Street and "A" Street	10 hours	3095	
Parking lot at southwest corner of E. "B" Street and N. Jackson Street	10 hours	3095	
Parking lot at the northeast corner of E. Washington Street and S. Jackson Street (designated as Lot "L")	2 hours	5768	8-4-1997
Parking lot on the northeast corner of Lincoln Street and S. 1st Street and the parking lot on N. Jackson between E. Main Street and E. "A" Street	10 hours	3757	12-29-1980
Parking Lot at N. 3rd Street and W. Main Street	10 hours	5768	8-4-1997

(1960 Code, Ch. 52, Schd. N)

SCHEDULE VII. PERSONS WITH DISABILITIES PARKING.

In accordance with the provisions of § 74.14 of this traffic code, no person shall park a vehicle at any of the following locations without a "persons with disabilities sticker":

Street - Side	*Location*	*Ord. No.*	*Date Passed*
1 space on High Street	150 ft. north of E. "D" Street curb line to a point 175 ft. from E. "D" Street curb line	6697	12-20-2005
1 space on High Street	100 ft. north of E. "D" Street curb line to a point 125 ft. from E. "D" Street curb line	6697	12-20-2005
115 E. "B" Street	From 2 spaces in front of current building	7605	6-4-2012
126 N. Virginia Avenue	One space in front for current tenant only	6599	12-1-2003
201 N. Church Street	3 spaces in front of building (SWIC PSOP)	7903	11-2-2015
720 Union Avenue	For current tenant only	7753	3-3-2014
1418 Orchard Street		7395	6-7-2010
311 E. Lincoln	One space	7445	11-15-2010
401 - 403 N. Illinois Street	In front as long as building is a church	6590	11-3-2003
503 N. Jackson	For Current resident only	7603	6-4-2012
512 N. 1st Street	In front of building for current resident only	7896	10-5-2015
617 E. "B" Street	For the current resident only	6486	12-2-2002
620 E. "B" Street	One space in front for current tenants only	6749	6-6-2005
809 Lucinda Avenue	For Resident only	7312	10-5-2009
812 N. Charles Street	One space in front for current tenant only	7015	9-4-2007
City Lot "F"	First 2 spaces at southeast entrance	5726	4-7-1997
E. "B" Street	In front of 613 E. "B" Street for current tenants only	6406	4-1-2002
E. Lincoln Street (South)	From a point 49 ft. east of the east curb line of S. High Street to a point 69 ft. east of said curb line	4950	
E. Main Street (South)	From a point beginning 70 ft. from the west curb line of S. Jackson Street to a point 90 ft. from said curb line	5699	2-17-1997
E. Main Street (South)	From a point 173 ft. west of west curb line of S. Church Street to a point 194 ft. west of said curb line	5395	3-20-1995
Mascoutah Avenue (East)	From a point 20 ft. from the south curb line of Garfield Street to a point 45 ft. south of said curb line	5678	1-6-1997
N. 8th Street	300 N. 8th Street for current resident only	7539	11-7-2011
N. Charles Street	At 902 S. Charles Street	6268	

Street - Side	*Location*	*Ord. No.*	*Date Passed*
N. Charles Street	909 N. Charles Street for current resident only	7539	11-7-2011
N. Church Street	At 1122 to 1124 N. Church	6268	
N. Douglas Street	526 N. Douglas Street	4999	
N. Florida Street	116 N. Florida Avenue	4995	
N. Jackson Street (West)	From a point 140 ft. south of the south curb line of E. "A" Street to a point 160 ft. south of said curb line	4287	
S. 13th Street (East)	From a point 70 ft. south of the south curb line of Union Avenue to a point 110 ft. south of said curb line	4950	
S. 21st Street	In front of 523 S. 21st Street (for present tenants only)	6395	3-4-2002
S. 2nd Street (East)	From a point 16.7 ft. south of south curb line of W. Main Street to a point 36.5 ft. south of said curb line	5341	11-21-1994
S. Illinois Street (East)	From a point 272 ft. south of the south curb line of Lincoln Street to a point 316 ft. south of said curb line	4950	
S. Jackson Street (West)	From a point 180 ft. south of the south curb line of E. Lincoln to a point 260 ft. south of said curb line	4287	
W. "D" Street (South)	From a point 122 ft. west of the west curb line of N. 2nd Street to a point 162 ft. west of said curb line	4950	
W. Main Street	From a point 137 ft. west of west curb line of S. 1st Street to a point 160 ft. west of said curb line	5463	
W. Main Street (South)	From a point 27.2 ft. east of east curb line of S. 2nd Street to a point 52.7 ft. east of said curb line	5341	11-21-1994
W. Washington Street (West)	From S. Illinois Street (first meter south on west side.)	4524	

(1960 Code, Ch. 52, Schd. O)

SCHEDULE VIII. ANGLE PARKING AREAS.

In accordance with the provisions of § 74.06 of this traffic code, the following are hereby declared to be angle parking streets; to-wit:

Street	*Location*	*Ord. No.*	*Date Passed*
East Main Street	Adjacent to the Old Town Market south side only on Saturdays from the first Saturday in May to the last Saturday in October	6385	2-18-2002

(1960 Code, Ch. 52, Schd. V)

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMAL CONTROL

91. CEMETERIES

92. HEALTH AND SANITATION

93. NUISANCES

94. PARKS AND RECREATION

CHAPTER 90: ANIMAL CONTROL

Section

General Provisions

90.01 Definitions
90.02 Animal shelters; permits
90.03 Restraint
90.04 Confinement of vicious or dangerous animals
90.05 Impoundment and violation notice
90.06 Animal care
90.07 Keeping of wild animals
90.08 Performing animal exhibitions
90.09 Pets or other animals at public events and places
90.10 Teasing, striking or tampering with police dogs prohibited
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90.12 Tethering dog regulations
90.13 Microchipping

Beekeeping

90.25 Definitions
90.26 Hives
90.27 Registration
90.28 Fencing, gates and signage
90.29 Water
90.30 Maintenance
90.31 Queens
90.32 Colony densities

90.99 Penalty

Cross-reference:

Nuisances defined, see § 93.002
Nuisances prohibited, see § 93.001
Zoning, see Ch. 162

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

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

ANIMAL AT LARGE. Any animal not secured by a leash or lead or under the control of a responsible person and off the premises of the owner.

ANIMAL CONTROL OFFICER. The employee of the city responsible for the enforcement of this subchapter and all other applicable Animal Control laws and regulations.

ANIMAL SHELTER. Any facility operated by a humane society of the county, or its authorized agents, for the purpose of impounding animals under the authority of this subchapter for care, confinement, return to owner, adoption or euthanasia.

BITE. To cut with teeth.

CIRCUS. A commercial variety show featuring animal acts for public entertainment.

CONFINEMENT STRUCTURE.

(1) A securely locked pen, kennel or structure designed and constructed for the keeping of a vicious or dangerous animal(s), which shall be designed, constructed and maintained in accordance with 510 ILCS 5/1 et seq.

(2) All structures erected to house vicious or dangerous dogs must comply with all zoning and building regulations.

(3) All such structures must be adequately lighted, ventilated and kept in a clean and sanitary condition.

DOMESTIC ANIMAL. An animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

KENNEL. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals. It shall consist of more than three dogs, cats or other domestic animals over four months of age.

LEASH. A cord, chain, rope, strap or other such physical restraint having a tensile strength reasonably capable of controlling the animal under restraint.

MUZZLE. A device constructed of strong, soft material or metal, made in a manner which will not cause injury to the animal(s) or interfere with its vision or respiration, but prevents it from biting any person or animal.

OWNER. Any person, partnership, association or corporation or agent thereof owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for 30 consecutive days or more.

PUBLIC NUISANCE or ***PUBLIC NUISANCE ANIMAL.***

(1) Any animal or animals that unreasonably annoy humans, endanger the life or health of any other animal or person or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term ***PUBLIC NUISANCE ANIMAL*** shall mean and include, but is not limited to: any animal that is repeatedly found at large; attacks other domestic animals; damages the property of anyone other than its owner; molests or intimidates pedestrians or passerby; chases vehicles or cycles; excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored for a continuous period in excess of ten minutes; or has been determined by the city's Animal Control Officer, after notice to its owner, to be a ***PUBLIC NUISANCE ANIMAL*** by virtue of being a menace to the public health, welfare or safety.

(2) The term ***PUBLIC NUISANCE*** shall mean and including, but not be limited to, a condition which causes fouling of the air by odor and thereby creates unreasonable annoyance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained.

RESTRAINT. Any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner(s).

VICIOUS OR DANGEROUS DOG OR CAT. Any individual dog or cat which when either unmuzzled, unleashed or unattended by its owner or a person responsible for the animal's care, in a vicious or terrorizing manner, approaches any person in an apparent of attack upon streets, sidewalks or any public grounds or places. The Police Department shall cause such dog or cat to be destroyed.

WILD ANIMAL. Any member of a species not customarily used as an ordinary household pet, but which would ordinarily be confined to a zoo or one which could ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damages. A ***WILD ANIMAL*** shall include, but not be limited to, any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, except fish in an aquarium or captive-bred species of common cage birds.
(1960 Code, § 13-1-1) (Ord. 7217, passed 1-5-2009)

§ 90.02 ANIMAL SHELTERS; PERMITS.

(A) No person, partnership or corporation residing in the city shall operate a commercial animal establishment or animal shelter without first obtaining approval in compliance with the city's Zoning Code and obtaining the required approval and permits from the state.

(B) It shall be unlawful for any person or persons to keep or harbor within the city more than three domestic animals over six months of age at a single residence. This limitation shall not apply to any person, group of persons or corporation lawfully engaged in the commercial business of breeding, buying, selling or boarding dogs or operating a veterinary hospital or a chartered animal shelter.
(1960 Code, § 13-1-2) (Ord. 7217, passed 1-5-2009) Penalty, see § 90.99

§ 90.03 RESTRAINT.

(A) All animals shall be kept under restraint.

(B) No owner shall fail to exercise proper care and control of his or her domestic animal(s) to prevent them from becoming a public nuisance.

(C) Every domestic animal in heat shall be confined in a building or secure enclosure in such a manner that such animal(s) cannot come into contact with another animal, except for planned breeding.

(D) Officers of the Police Department or an Animal Control Officer shall be authorized to destroy or tranquilize any dangerous or vicious animal or animal in heat when necessary for the protection of any person or property.
(1960 Code, § 13-1-3) (Ord. 7217, passed 1-5-2009) Penalty, see § 90.99

§ 90.04 CONFINEMENT OF VICIOUS OR DANGEROUS ANIMALS.

No person shall possess any vicious or dangerous dog unless the vicious or dangerous dog is confined or restrained in compliance with 510 ILCS 5/1 et seq.
(1960 Code, § 13-1-4) (Ord. 7217, passed 1-5-2009) Penalty, see § 90.99

§ 90.05 IMPOUNDMENT AND VIOLATION NOTICE.

(A) Unrestrained dogs and nuisance animals found running at large by officers of the Police Department or Animal Control shall be presumed to be in violation of this section and shall be subject to impoundment by Animal Control in accordance with the county's Animal Control regulations.

(B) Impounded animals shall be kept at the county's Animal Control and fall under the rules and regulations of the county's Animal Control.

(C) The owner of an impounded animal may also be prosecuted for any violation of this subchapter.

(D) Every case in which an animal bites a person shall be promptly reported to the Police Department and county Animal Control. Investigation of such bites shall be conducted by the Police Department and county Animal Control and quarantine of any involved animals shall be in accordance with 510 ILCS 5/13.
(1960 Code, § 13-1-5) (Ord. 7217, passed 1-5-2009) Penalty, see § 90.99

§ 90.06 ANIMAL CARE.

(A) *Proper care.* No owner shall fail to provide his or her animal(s) with food or water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment, to include rabies vaccination and registration with county Animal Control.

(B) *Animal abuse.* No person shall beat, cruelly treat, torment, overload, overwork or to otherwise abuse an animal or knowingly allow same to be done.

(C) *Animal transportation.* No person shall carry or keep any animal bound or tied by its legs or bound down by the neck so that it cannot freely stand in an upright position while being transported, or by carrying or keeping any animal(s) in a crate or cage so constructed as to permit the animal(s) to push its head between the slats or wires or other openings of the crate or cage, unless the spaces between the slats or wires are also sufficient to permit the animal(s) to freely withdraw its head therefrom.

(D) *Animals as prizes.* No person shall give away any live animal(s), fish, reptile or bird: as a prize for, or as an inducement to enter, any contest, game or other competition; as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade, except for special circumstances with permission granted by the Mayor.

(E) *Exposing poison.* No person shall expose any known poisonous substance, whether mixed with food or not, so that the same is accessible and may be eaten by any animal; provided that, it shall be lawful for a person to expose on his or her own property common rat poison mixed only with vegetable substance.

(F) *Farm animals.* No person shall keep any goats, pigs, sheep, cattle or other farm animals of any kind anywhere in the city. No person shall raise, maintain or have upon any property within the city any chickens, ducks, geese, guinea hens, pigeons and other similar fowl. This limitation shall not apply to any person or persons within the city limits who, on the date of the enactment of this subchapter, own farm animals which is at least 150 feet of any residence other than the residence of the person so keeping or having such animals. This limitation shall not apply to those premises annexed to the city; and, provided that, the farm animals were kept on the premises on the date of such annexation and continuously thereafter; and, provided further that, such premises have remained the same size as when

first annexed to the city. However, this shall not be construed to allow such person or persons to replace farm animals upon the death or loss of such animal with a like number of farm animals.

(G) *Horse stables.* No person, firm or corporation may stable or otherwise keep a horse or horses anywhere in the city, except on premises where keeping of horses was lawful under the ordinances of the county at the time such premises were annexed to the city and provided that horses were kept on the premises on the date of such annexation and continuously thereafter; and, provided further that, such premises have remained the same size as when first annexed to the city.

(H) *Diseased animals.* No animal infested with any disease, whether contagious or pestilential, shall be brought into the city or shall be allowed to remain in the city without proper medical care being sought by the owner.

(I) *Injury of owned at large animals.* Any person who allows his or her animal(s) to run at large is responsible for veterinary fees if the animal is injured by a motor vehicle.

(J) *Giving away animals in public places.* It is a violation to give away dogs or cats in public places including, but not limited to, a grocery store, drugstore, shopping centers or swap meets.

(K) *Dead animals.* Any person being the owner or occupant of any premises within the city having a dead animal on the premises shall, within 24 hours, remove or cause the removal of the dead animal. Failure to remove the dead animal will result in the Sanitation Department removing such animal and charging the owner of the animal, and/or placing a lien on the property of the owner.

(L) *Animal waste.* The owner of every animal shall be responsible for the removal of any excrement deposited by the animal(s) on public walks, streets, recreation areas, private property or any other property located within the city.

(M) *Hunting, trapping and the like.* No person shall hunt, kill, entrap, injure or destroy by any means any bird or animal within the city limits, unless first having obtained permission from the Chief of Police and the state. Humane trapping by the humane society, Animal Control, Police Department or their designees shall be exempt from this provision.

(N) *Feeding stray animals.* No person shall willingly feed stray domestic animals whereby allowing the animals to continue to run at large.
(1960 Code, § 13-1-6) (Ord. 7217, passed 1-5-2009; Ord. 7348, passed 1-19-2010) Penalty, see § 90.99

§ 90.07 KEEPING OF WILD ANIMALS.

(A) No person shall own, possess or have custody of any wild animal for display, training or exhibition purposes, whether gratuitously or for a fee.

(B) No person shall keep or permit to be kept any wild animal as a pet.

(C) The provisions of this section shall not apply to licenses to pet shops and circuses, if:

(1) The location conforms to the provisions of the zoning ordinances of the city;

(2) All animals and animal quarters are kept in a clean and sanitary condition, well ventilated conditions that allow the animal room to exercise, and so maintained as to eliminate objectionable odors; and

(3) No person lives or resides within 150 feet of the quarters in which the animals are kept.
(1960 Code, § 13-1-7) (Ord. 7217, passed 1-5-2009) Penalty, see § 90.99

§ 90.08 PERFORMING ANIMAL EXHIBITIONS.

(A) No person shall fight or bait, conspire to fight or bait, or keep, train or transport for the purpose of fighting or baiting any dog or other animal.

(B) (1) No person may sponsor, promote, train an animal to participate in, contribute to the involvement of any animal in or attend as a spectator any activity or event in which any animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed or displayed in such a way that the animal is abused or stresses mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner that will cause or is likely to cause physical injury or suffering.

(2) This prohibition applies to events and activities taking place in either public or private facilities, and applied regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.
(1960 Code, § 13-1-8) (Ord. 7217, passed 1-5-2009) Penalty, see § 90.99

§ 90.09 PETS OR OTHER ANIMALS AT PUBLIC EVENTS AND PLACES.

(A) Pets or other animals shall not be allowed in the confines of any city approved public event, including, but not limited to, school picnics, parades, sidewalk fairs, organized events and activities scheduled on the public square/downtown area, open to the public. The following types of animals are excluded from this section: seeing eye dogs and other working animals; animals participating in the public event; animals approved by the sponsoring group.

(B) A violation of this section shall be a petty offense.
(1960 Code, § 13-1-9) (Ord. 7217, passed 1-5-2009) Penalty, see § 90.99

§ 90.10 TEASING, STRIKING OR TAMPERING WITH POLICE DOGS PROHIBITED.

It shall be unlawful for any person to willfully or maliciously taunt, torment, tease, beat, strike, administer or subject any desensitizing drugs, chemicals or substance to any dog used by a law enforcement officer in the performance of his or her functions or duties, or when placed in a kennel off duty; or to interfere or meddle with any such dog used by law enforcement department or agency or any handler thereof in the performance of the duty or functions of said department or agency.
(1960 Code, § 13-1-10) (Ord. 7217, passed 1-5-2009) Penalty, see § 90.99

§ 90.11 INJURING OR KILLING POLICE DOGS PROHIBITED.

(A) It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in a kennel off duty.

(B) However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.
(1960 Code, § 13-1-11) (Ord. 7217, passed 1-5-2009) Penalty, see § 90.99

§ 90.12 TETHERING DOG REGULATIONS.

The following regulations shall be applicable to owners and guardians of dogs in their care.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Trolley or pulley types of tethering systems are recommended.

(2) Fixed point tethers shall be acceptable upon inspection and approval by Animal Control.

(3) All tethers will be a minimum of 15 feet in length and no more than one-eighth the dog's weight.

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

(5) No pinch or choke collars shall be allowed.

(6) No tether shall be directly attached to the dog.

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

(N) Owners shall be responsible to maintain a clean and healthy environment on their property and provide medical treatment when needed.
(1960 Code, § 13-1-13) (Ord. 7217, passed 1-5-2009; Ord. 7622, passed 8-6-2012) Penalty, see § 90.99

§ 90.13 MICROCHIPPING.

(A) All dogs impounded for running at large for a second time shall be microchipped at the owner's expense. The fee shall be $15 per dog. A dog found running at large a third time shall be spayed or neutered within 30 days of being reclaimed.

(B) The owner's failure to comply with this section shall result in the impoundment of the dog.
(1960 Code, § 13-1-14) (Ord. 7217, passed 1-5-2009; Ord. 7711, passed 9-3-2013)

BEEKEEPING

§ 90.25 DEFINITIONS.

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

APIARY. A place where bee colonies are kept.

BEE. Any stage of the common domestic honeybee, Apis mellifera species.

COLONY. A hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

HIVE. A structure intended for the housing of a bee colony.
(1960 Code, § 26-7-1) (Ord. 7066, passed 1-8-2008)

§ 90.26 HIVES.

All bee colonies shall be kept in inspectable type hives with removable combs, which shall be kept in sound and usable condition.
(1960 Code, § 26-7-2) (Ord. 7066, passed 1-8-2008) Penalty, see § 90.99

§ 90.27 REGISTRATION.

(A) Beekeepers shall register with the city upon bringing any colony into the city. For bee colonies existing within the city prior to the effective date of this subchapter, beekeepers shall have one month from the date this subchapter went into effect to register with the city for beekeeping. Registrations shall be submitted to the Public Works Office, Health and Housing, Building and Zoning, 213 South Illinois, Belleville, Illinois 62220.

(B) At the time of registration, the applicant shall:

(1) Submit proof of registration of the colonies with the state's Department of Agriculture;

(2) Be in compliance with the other requirements of this subchapter; and

(3) Provide a drawing of beehives in relation to property lines, distance from neighbors and permanent structures.
(1960 Code, § 26-7-3) (Ord. 7066, passed 1-8-2008)

§ 90.28 FENCING, GATES AND SIGNAGE.

All hives shall be enclosed by fencing with a secure gate and prominent signage warning of the presence of a hive.
(1960 Code, § 26-7-4) (Ord. 7066, passed 1-8-2008) Penalty, see § 90.99

§ 90.29 WATER.

Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contract. The water shall be maintained so as not to become stagnant.
(1960 Code, § 26-7-5) (Ord. 7066, passed 1-8-2008) Penalty, see § 90.99

§ 90.30 MAINTENANCE.

Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
(1960 Code, § 26-7-6) (Ord. 7066, passed 1-8-2008) Penalty, see § 90.99

§ 90.31 QUEENS.

In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
(1960 Code, § 26-7-7) (Ord. 7066, passed 1-8-2008)

§ 90.32 COLONY DENSITIES.

(A) There shall be no more than two apiary sites in each ward in the city.

(B) For each two colonies, there may be maintained one nucleus colony in a hive structure not exceeding one standard nine and five-eighths inch depth ten-frame hive body with no supers attached, as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.

(C) The keeping by any person of bee colonies in the city not in compliance with this subchapter is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of

bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful.
(1960 Code, § 26-7-8) (Ord. 7066, passed 1-8-2008) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) In addition to the specified penalties herein, any person violating any provision of §§ 90.01 through 90.13 of this chapter may be prosecuted and found guilty of a misdemeanor, punishable by a fine of not less than $250 and not more than $750, and relinquishment of ownership of the involved animal(s).
(1960 Code, § 13-1-12) (Ord. 7217, passed 1-5-2009)

CHAPTER 91: CEMETERIES

Section

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GENERAL PROVISIONS

§ 91.01 MUNICIPAL CEMETERY.

The city owns or controls a municipal cemetery (Walnut Hill Cemetery) lying within the corporate limits of the city.
(1960 Code, § 14-1-1)

§ 91.02 BOARD; APPOINTMENT AND DUTIES.

(A) *Appointment of Board.* The Mayor, with the advice and consent of the City Council, shall appoint a board of three persons who shall be known as the Cemetery Board of Managers, who shall hold their office for a period of two years or until their successors are appointed.
(1960 Code, § 14-1-2)

(B) *Powers of Board.* The Cemetery Board of Managers shall have the powers and authority provided by 60 ILCS 130/1 to 130/3.
(1960 Code, § 14-1-3)
Statutory reference:
Related provisions, see 65 ILCS 5/11-49-1 through 65 ILCS 5/11-52.2-1

§ 91.03 CARE FUND; MAINTENANCE.

(A) The Cemetery Board of Managers are authorized and empowered to receive in trust, (in addition to the gifts, devises and bequests authorized to be received by 60 ILCS 130/1 to 130/3) the U.S. Government bonds, Series G ($21,000) and Series K ($104,000), being a total of $125,000 in bonds in the Future Care Fund of the city now held by the City Treasurer, and the City Treasurer is hereby authorized, empowered and directed to pay over and deliver to the Treasurer of the Cemetery Board of Managers of the city the said bonds and, upon obtaining a receipt therefor, shall be relieved from all responsibility with respect thereto.
(1960 Code, § 14-1-4)

(B) (1) The Cemetery Board of Managers is hereby authorized and empowered to accept any gift, grant, contribution, payment, devise or bequest, or pursuant to contract, any sum of money, funds, securities or property of any kind, or the income or avails thereof, and to hold the same in trust in perpetuity for the care of its cemetery, or for the care of any lot, grave, crypt or niche in its cemetery; or for the special care of any lot, grave, crypt or niche or of any family mausoleum of memorial, marker or monument in its cemetery. No gift, grant, devise, bequest, payment or other contribution shall be invalid by reason of any indefiniteness of uncertainty as to the beneficiary designated in the instrument creating the gift, grant, devise, bequest, payment or other contribution. If any gift, grant, devise,

bequest, payment or other contribution consists of non-income producing property, the cemetery authority accepting it is authorized and empowered to sell such property and to invest the funds obtained in accordance with the provisions of division (B)(2) below.

(2) The care funds authorized by this section shall be held intact and, unless otherwise restricted by the terms of the gift, grant, devise, bequest, contribution, payment, contract or other authority, in acquiring, investing, reinvesting, exchanging, retaining, selling and managing property for any such trust, shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Within the limitations of the foregoing standard, the cemetery authority or the trustee of the care funds of the cemetery authority is authorized to acquire and retain every kind of property, real, personal or mixed, and every kind of investment, including specifically, but without limiting the generality of the foregoing, bonds, debentures and other corporate obligations, stocks, preferred or common and real estate mortgages, which persons of prudence, discretion and intelligence acquire or retain for their own account. Within the limitation of the foregoing standard, such authority or trustee is authorized to retain property properly acquired without limitation as to time and without regard to its suitability for original purchase. The care funds authorized by this division (B) may be commingled with other trust funds received by such cemetery authority for the care of its cemetery or for the care or special care of any lot, grave, crypt, niche, private mausoleum, memorial, marker, or monument in its cemetery, whether received by gift, grant, devise, bequest, contribution, payment, contract or other conveyance heretofore or hereafter made to such cemetery authority.

(3) Such care funds may be invested with common trust funds as provided in the Common Trust Fund Act, 760 ILCS 45/1 et seq. The net income only from the investment of such care funds shall be allocated and used for the purposes specified in the transaction by which the principal was established in the proportion that each contribution bears to the entire sum invested.
(1960 Code, § 14-1-5)
Statutory reference:
Related provisions, see 65 ILCS 5/11-49-1 through 65 ILCS 5/11-52.2-1

SUPERINTENDENT OF CEMETERIES

§ 91.15 OFFICE CREATED.

There is hereby created the Office of Superintendent of Cemeteries to oversee Walnut Hill Cemetery.
(1960 Code, § 14-2-1) (Ord. 5145, passed 11-1-1993)

§ 91.16 SUBORDINATES.

There shall be as many subordinates appointed to the Superintendent of Cemeteries as shall be determined by the City Council.
(1960 Code, § 14-2-2) (Ord. 5145, passed 11-1-1993)

§ 91.17 APPOINTMENT.

The Superintendent of Cemeteries and his or her subordinates shall be appointed by the Mayor by and with the advice and consent of the City Council at the first regular meeting of the Council in May of each year. They shall constitute the regular Cemetery Department of the city and shall take the oath of office described by law.
(1960 Code, § 14-2-3) (Ord. 5145, passed 11-1-1993)

§ 91.18 DUTIES.

The Superintendent of Cemeteries shall perform the following duties.

(A) He or she shall have the general care and custody of Walnut Hill Cemetery. In connection with the City Engineer, he or she shall lay out all lots and walks and roadways in the cemetery and preserve a record thereof as may be ordered by the City Council.

(B) He or she shall afford purchasers all the facilities in his or her power for the inspection of the grounds and all unsold lots.

(C) He or she or his or her assistant shall be at the cemetery or at some suitable place designated by them, so that any person desiring to have a person buried may be able to find them.

(D) He or she shall have control of all workers employed in the cemetery and oversee the enforcement of all laws, rules and regulations affecting the rights of proprietors or the conduct of visitors.

(E) He or she shall have charge of and keep an account of all property, tools and implements belonging to the cemetery and shall keep a record of all interments made.

(F) He or she shall keep such books of records, make such reports and perform such other duties appropriate to this office as the City Council may from time to time require.

(G) He or she shall pay over or cause to be paid over to the City Treasurer monthly or oftener, all moneys that may be received as Superintendent for work done by him or her or his or her subordinates at the cemetery, or that may be received by him or her from any other source and belonging to the city.

(H) He or she shall duly certify all orders and certificates for expenditures made by him or her, together with monthly payrolls of employees at the cemetery.

(I) He or she shall, on resigning or being removed from office, deliver to the City Clerk, all books and papers, registers and all property belonging to the city.
(1960 Code, § 14-2-4)

§ 91.19 GRAVES.

(A) The Superintendent of Cemeteries shall cause all graves in the Walnut Hill Cemetery to be dug at least two feet from the top of the ground on a level at the top of the vault; and graves over five feet long shall not be less than two feet six inches from the top of the ground to the top of vault. The graves shall be filled up at least 18 inches above the level of the ground at the top.

(B) Only standard burial boxes or vaults, constructed of reinforced concrete or other such permanent material, shall be installed in graves in the Walnut Hill Cemetery. The burials of deceased premature babies, stillborn babies and deceased children of less than one year of age are excluded from the requirements of this division (B).

(C) Only one body may be buried in any burial lot unless an extra deep burial has been purchased.

(D) A limit of two cremations per grave. Cremation container may not be wood (must be concrete, industrial plastic and the like).

(E) One full burial with ashes on top is permitted.

(F) Infant burial is considered full burial; one ashes permitted on top.
(1960 Code, § 14-2-5) (Ord. 3303, passed 8-18-1975; Ord. 5145, passed 11-1-1993; Ord. 6434, passed 6-17-2002) Penalty, see § 10.99

FEES AND CHARGES

§ 91.30 FEES OR GRATUITIES.

A person in the employ of the Superintendent of Cemeteries shall not retain any fee or gratuity for any service connected with the cemetery or his or her duties therein. The salary of such person shall be his or her full compensation therefor.
(1960 Code, § 14-3-1) (Ord. 7245, passed 4-6-2009)

§ 91.31 CARE OF LOTS.

(A) The Superintendent of Cemeteries and his or her assistants shall cut the grass on all the graves and lots in Walnut Hill Cemetery. Upon purchase of a new grave, 15% of the price of the grave is endowed care. For graves/lots in which endowed care is still owed, 15% of the current grave cost is due. If owners were enrolled in the seasonal care plan and still owe endowed care, 15% of the current grave cost, less the seasonal care paid, would be the amount owed. Care will be given to these lots and graves so long as there remains a Walnut Hill Cemetery.

(B) The seasonal care plan shall no longer be available for lots.

(C) The city shall render bills to all lot owners or other persons responsible for the care of lots. If no response is made to the sending of bills, the city will charge all uncollected care charges to these lots. Fees shall be collected before the opening of any grave or the burial of the deceased on any lot where such care fees are in arrears.
(1960 Code, § 14-3-2) (Ord. 3226, passed 5-20-1974; Ord. 7245, passed 4-6-2009; Ord. 7910, passed 11-16-2015)

§ 91.32 CEMETERY FEES.

(A) *General.*

(1) The following shall be paid to the City Treasurer for services performed at Walnut Hill Cemetery.

(2) The Mayor may convey, sell and dispose of a grave or burial space for $800 for each grave or burial space including endowed care.

(a) Opening graves for bodies:

Chapel service	$750
Direct burial (without service)	$700
Graveside - tent, grave lining and chairs	$800

(b) For services specified in division (A)(2)(a) above on Saturdays: $1,000;

(c) For services specified in division (A)(2)(a) above on Sundays/holidays: $1,200;

(d) Opening of graves for still births, infants below six months, limbs from human beings or ashes from cremated bodies:

Chapel service	$375
Direct burial (without service)	$350
Graveside - tent, grave lining and chairs	$400

(e) For services specified in division (A)(2)(d) above on Saturdays: $500;

(f) For services specified in division (A)(2)(d) above on Sundays/holidays: $600;

(j) For disinterring of still births, infants below six months, limbs from human beings or ashes from cremated bodies: $350;

(k) For disinterring any and all bodies of persons over the age of 12 years: $700;

(l) For disinterring any and all bodies of persons under the age of 12 years: $350;

(m) Extra charge for digging a grave extra deep to provide for an additional burial: $200; and

(n) Extra charge for services arriving at the cemetery after 3:00 p.m.: $200.

(B) *Late charges.*

(1) A late charge of $ 200 will be added to the cost of a burial if the burial arrangements are not confirmed before 12:00 p.m. on the last working day for a Saturday or holiday funeral.

(2) A late charge of $ 200 will be added to the cost of a burial if the burial arrangements are not confirmed before 12:00 p.m. on Friday for a funeral that is before 12:00 p.m. on Monday.

(3) A late charge of $ 200 will be added to the cost of a burial if the burial arrangements are not confirmed before 12:00 p.m. on the last working day before a holiday for a burial that is before 12:00 p.m. the date after a holiday.

(4) A late charge of $ 200 will be added to the cost of a burial if the burial arrangements are not confirmed before 12:00 p.m. for a funeral that is scheduled before 12:00 p.m. of the following day.

(5) A late charge of $ 200 will be added to the cost of a burial not confirmed until the day of the burial.

(6) Illinois Public Aid burials are accepted. If grave is to be included, Walnut Hill Cemetery will determine the location of the grave.

(1960 Code, § 14-3-3) (Ord. 7245, passed 4-6-2009; Ord. 7910, passed 11-16-2015)

§ 91.33 FOUNDATION CHARGES.

(A) All sizes are figured at $0.40 per inch.

Fee for baby markers a maximum of 16 inches	$55
In-ground vases with concrete base installed	$110
Minimum fee for regular markers	$96

(B) Width for grass borders will be and not exceed 20 inches. Foundations for grass borders are figured 36 inches deep. Grass borders are required in the 11th Addition, plus all future block additions. Walnut Hill Cemetery will finish all grass borders.

		Standard	*W/Grassborder*
(1)	2 ft. x 10 in. x 3 ft.	$96	$256
	2 ft. x 1 ft. x 3 ft.	$115	$256

		Standard	*W/Grassborder*
(2)	2 ft. 6 in. x 10 in. x 3 ft.	$120	$304
	2 ft. 6 in. x 1 ft. x 3 ft.	$144	$304

		Standard	*W/Grassborder*
(3)	3 ft. x 10 in. x 3 ft.	$144	$352
	3 ft. x 1 ft. x 3 ft.	$173	$352

		Standard	*W/Grassborder*
(4)	3 ft. 6 in. x 10 in. x 3 ft.	$168	$400
	3 ft. 6 in. x 1 ft. x 3 ft.	$202	$400

		Standard	*W/Grassborder*
(5)	4 ft. x 10 in. x 3 ft.	$192	$448
	4 ft. x 1 ft. x 3 ft.	$230	$448

		Standard	*W/Grassborder*
(6)	4 ft. 6 in. x 10 in. x 3 ft.	$216	$496
	4 ft. 6 in. x 1 ft. x 3 ft.	$259	$496

		Standard	*W/Grassborder*
(7)	5 ft. x 10 in. x 3 ft.	$240	$544
	5 ft. x 1 ft. x 3 ft.	$288	$544

		Standard	*W/Grassborder*
(8)	5 ft. 6 in. x 10 in. x 3 ft.	$264	$592
	5 ft. 6 in. x 1 ft. x 3 ft.	$317	$592

		Standard	*W/Grassborder*
(9)	6 ft. x 10 in. x 3 ft.	$288	$640
	6 ft. x 1 ft. x 3 ft.	$346	$640

(1960 Code, § 14-3-4) (Ord. 7245, passed 4-6-2009; Ord. 7910, passed 11-16-2015)

REGULATIONS

§ 91.45 IMPROVEMENTS IN WALNUT HILL CEMETERY.

(A) All graves in Walnut Hill Cemetery shall be made level. Lot owners shall not plant any growing flowers, such as peonies, rose bushes, sweetpeas and the like and all growing plants, bushes or offensive objects on graves and lots shall be removed by the Superintendent of Cemeteries or his or her assistants.

(B) All bushes, trees, shrubs, evergreens, plants and the like shall be removed from that part of each lot in the cemetery facing an areaway, street or alley, commonly known as the front part of a cemetery lot.

(C) The Superintendent of Cemeteries may remove from graves and all bouquets and bouquet holders in excess of one, except on Memorial Day, Christmas Day, Mother's Day and Father's Day.

(D) All persons shall be requested to refrain from using glass jars, tin cans, boxes, baskets or buckets as bouquet holders on graves.

(E) All cornerstones shall be placed at ground level or not more than two inches below ground level.

(F) All copings, fences, concrete curbing, hedges and the like on or around any grave or cemetery lot in the cemetery are declared a nuisance and such copings, fences, concrete curbing, hedges and the like shall be removed by the Superintendent of Cemeteries and his or her assistants.

(G) No person shall construct, aid in constructing or cause to be constructed any curb, coping, rail, fence, trellis or anything similar thereto in the cemetery, and no person shall plant, aid in planting or cause to be planted any bush, shrub or tree in the cemetery, except with the consent and under the supervision of the Superintendent of Cemeteries.

(H) All tombstones in the cemetery shall be placed in a line to be known as the tombstone line.
(1960 Code, § 14-4-1) (Ord. 6535, passed 4-22-2003) Penalty, see § 10.99

§ 91.46 SHOOTING AND TRESPASSING.

No person shall hunt, discharge a firearm or otherwise trespass upon Walnut Hill Cemetery or any cemetery in the city.
(1960 Code, § 14-4-2) (Ord. 6535, passed 4-22-2003) Penalty, see § 10.99

§ 91.47 MALICIOUS MISCHIEF.

No person shall carry away or remove, or break, deface, destroy or otherwise injure any monument, tombstone, tree, shrub or flower, railing, fence or any other property, article or thing belonging to Walnut Hill Cemetery or any cemetery within the city or placed or erected therein for ornament or otherwise; or trespass upon or maltreat any grave or lot.
(1960 Code, § 14-4-3) (Ord. 6535, passed 4-22-2003) Penalty, see § 10.99

§ 91.48 OBSTRUCTING STREETS.

No person shall obstruct any street in Walnut Hill Cemetery or any cemetery within the city of excavation, digging graves or erecting fences or monuments.
(1960 Code, § 14-4-4) (Ord. 6535, passed 4-22-2003) Penalty, see § 10.99

§ 91.49 WORK FOR HIRE PROHIBITED.

No person other than the Superintendent of Cemeteries or other agent or employee of the Superintendent or of the city shall engage in, do or perform any of the work, services or labor about or upon any grave, lot or cemetery ground in Walnut Hill Cemetery which work constitutes the work, services, labor or duties usually performed by or under the Superintendent.
(1960 Code, § 14-4-5) (Ord. 6535, passed 4-22-2003) Penalty, see § 10.99

§ 91.50 CLOSING OF CEMETERY.

(A) Walnut Hill Cemetery will be open from dawn to dusk.

(B) No person shall be on the cemetery grounds or enclosure after these hours without special permit from the Mayor in writing.
(1960 Code, § 14-4-6) (Ord. 6535, passed 4-22-2003; Ord. 7910, passed 11-16-2015) Penalty, see § 10.99

§ 91.51 LOCATION OF CEMETERIES.

No person shall establish or maintain any cemetery or place for burial purposes within one mile of the city limits. Walnut Hill Cemetery, with additions, Mount Hope, Mount Carmel, Valhalla Burial Park, Gethsemane of the Oblate Fathers, and the County Farm Cemetery are exempt from the provisions of this section; but, no person shall lay out any addition to any of these cemeteries without first submitting a plat thereof to the City Council for approval.
(1960 Code, § 14-4-7) (Ord. 6535, passed 4-22-2003) Penalty, see § 10.99

§ 91.52 ONE BODY PER GRAVE.

(A) There shall only be one body buried in any grave in Walnut Hill Cemetery unless the grave has been purchased for a double deep burial. No graves shall be sold for a double deep burial from the date of this section. If a grave deed authorized two bodies to be buried in the same grave, a burial vault must be used for the burial of the first body in the grave. The extra cost for safety for digging a double deep grave shall be paid by the lot owner or person making arrangements for the burial.

(B) This shall not apply to the burial of an urn of ashes in a grave site.
(1960 Code, § 14-4-8) (Ord. 6535, passed 4-22-2003; Ord. 7503, passed 7-5-2011) Penalty, see § 10.99

CHAPTER 92: HEALTH AND SANITATION

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GENERAL PROVISIONS

§ 92.01 DEPARTMENT OF HEALTH, HOUSING AND BUILDING; RESPONSIBILITIES, POWERS.

(A) There is hereby created a Department of Health, Housing and Building, which shall be headed by a Director. The Director shall be appointed by the Mayor with the advice and consent of the City

Council at the first regular meeting of the Council in May of each year. It is the intent of the City Council that the position of Director be on the policy making level in the city government and that it be a position described in 42 U.S.C. § 2000e(f) as being exempt from coverage under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000 et seq.
(1960 Code, § 18-1-1)

(B) (1) *Policy making.* The Director and his or her staff shall formulate, develop and recommend to the Mayor and the Council all policies and procedures for the public health and sanitation of the city and for enforcement of the Housing Occupancy and Maintenance Codes of the city and to formulate, develop and recommend to the Council legislation relating to the sanitation, housing and health of the city and its residents.

(2) *Enforcement.* The Director shall investigate all matters of Sanitation, Health and Housing Code enforcement, determine who shall be prosecuted in connection therewith, and assemble the evidence in connection therewith and present it to the City Attorney for prosecution. The Director shall have such powers and authority as are necessary and reasonable for him or her to carry out his or her responsibilities and powers hereunder to enforce the ordinances and regulations of the city relating to sanitation, housing and health.

(3) *Power to inspect.*

(a) With reference to any health nuisance or any Housing or Maintenance Code violation, the Director shall have the power to enter and examine any property for the purpose of enforcement of the Health Code and the Housing and Maintenance Codes of the city. The Director shall cause to be made a thorough sanitary inspection of the entire area within the city's jurisdiction with such frequency as he or she, in the exercise of his or her judgment and authority, shall determine appropriate, but not less frequently than once each year. Such inspections shall include all matters affecting the public health, as the Director shall determine.

(b) The Director shall have authority to enter and examine, with reference to any nuisance, all premises and parts thereof within the city limits or within one-half mile outside the city limits, and to direct the abatement of the nuisance.

(4) *Reporting.* The Director shall report to the City Council each month at the first regular meeting of the Council on the sanitation, housing and health conditions of the city.

(5) *Orders.* The Director shall be authorized to issue orders pursuant to the exercise of his or her responsibilities and powers, which shall be enforced by the Police Department. The Director shall also have authority to execute orders of the Housing Court through the Police Department.

(6) *Jurisdiction.* All orders and regulations of the Director made in accordance with his or her authority hereunder shall be obeyed by all persons in the city subject to the jurisdiction of the city in matters relating to sanitation, housing and health.
(1960 Code, § 18-1-2)
(Ord. 5602, passed 7-1-1996)

§ 92.02 DANGEROUS BUILDINGS.

(A) No person shall willfully allow any building or premises to become injurious to the health or dangerous to the lives of the occupants thereof or of the public. Whenever it shall come to the knowledge of the Director that the condition of any building or premises is injurious to the health or dangerous to the lives of the occupants thereof or of the public, it shall be the duty of the Director to make a thorough examination of the building or premises and to direct and instruct as to the remedy of such condition and, in his or her discretion, to initiate prosecution under the codes of the city.

(B) If the person responsible for the condition fails or refuses to remedy such condition within three days after he or she is notified of the condition by the Director, the Director shall prosecute such person before the Housing Court and, upon conviction, such person shall be fined as provided in the code. The Court shall order, as part of the judgment in such case, that such building or premises shall be immediately be put in good safe and sanitary condition in compliance with the applicable codes and ordinances relating to sanitation, health and housing at the cost of the person responsible for the condition. Where the Director determines, in his or her discretion, that it is necessary to fumigate such building or premises to render the same in compliance with the applicable codes and ordinances, the same shall be done by the Director at the cost of the person responsible for the condition.
(1960 Code, § 18-1-3) (Ord. 5602, passed 7-1-1996) Penalty, see § 92.99
Cross-reference:
Property Maintenance Code, see Ch. 154

§ 92.03 SALE OF POISON.

No personal shall sell or give away to any person any deadly poison, knowing it to be such, without marking or labeling the same in legible characters, with the word "Poison", or sell or give away any deadly poison to any person to him or her unknown.
(1960 Code, § 18-1-4) (Ord. 5602, passed 7-1-1996) Penalty, see § 92.99

§ 92.04 REPORT OF DISEASES.

(A) A physician or other person with knowledge of any person sick with any disease posing an immediate danger to the public health shall forthwith report the same to the Director. The Director shall at once notify the State Department of Health of the existence of such disease, and shall subsequently cause a full report to be made to the Secretary of the State Department of Health upon the blank forms furnished for that purpose.

(B) Every practicing physician in the city who shall have a patient therein or within three miles thereof affected with any disease posing an immediate danger to the public health shall forthwith make report thereof in writing to the Director, giving the name and address of such patient.
(1960 Code, § 18-1-5) (Ord. 5602, passed 7-1-1996) Penalty, see § 92.99

§ 92.05 INTERFERENCE WITH DIRECTOR.

No person shall interfere with the Director in the execution and enforcement of the codes and ordinances of the state or the city relating to sanitation, housing and health and anyone doing so shall, upon conviction, be subject to such penalties as are permitted by the laws of the state and the city.
(1960 Code, § 18-1-6) (Ord. 5602, passed 7-1-1996) Penalty, see § 92.99

§ 92.06 CONSTRUCTION AND INTERPRETATION.

As used herein, ***DIRECTOR*** means the person appointed and serving in the position and to the extent that the Director, in his or her discretion, delegates his or her responsibilities and power hereunder to them, his or her officers, agents, employees and other staff. It is the intent of the City Council to vest the Director with all of the responsibilities and powers previously held by the Board of Health, the Health Officer and the Housing/Health Inspector and, in addition, to grant to him or her substantial authority to exercise his or her discretion and judgment in the formulation of policy relating to sanitation, housing and health, including the prosecution of violations thereof, and to recommend legislation to the Council for action in connection with the city's sanitation, housing and health. As used herein, reference to the male gender shall also include and mean the female gender.
(1960 Code, § 18-1-7) (Ord. 5602, passed 7-1-1996; Ord. 5743, passed 5-20-1997)

§ 92.07 DUMPS.

(A) No person shall dump or deposit any mine slag or like matter on any premises within the city.

(B) No owner or person in possession of any premises in the city shall suffer or permit the dumping or depositing of any mine slag or like matter on such premises.
(1960 Code, § 18-3-1) (Ord. 2302, passed - -; Ord. 5602, passed 7-1-1996) Penalty, see § 92.99

§ 92.08 TRASH IN VEHICLES.

It shall be unlawful for any vehicle for hire loaded with trash or refuse from being parked overnight in any residential neighborhood within the city.
(1960 Code, § 18-3-2) (Ord. 5602, passed 7-1-1996) Penalty, see § 92.99

§ 92.09 DUMPSTERS.

(A) Owners of commercial businesses and apartment buildings where dumpsters are used must provide adequate containers to hold refuse, rubbish and garbage. When not being filled, emptied or cleaned, dumpster lids must be kept tightly closed to prevent blowing trash and public health concerns such as rats and other vermin.

(B) Dumpsters are not to be placed on residential or commercial property for the purpose of unloading vehicles that are being used to haul trash and junk for a fee.
(1960 Code, § 18-3-3) (Ord. 5836, passed 1-20-1998; Ord. 6506, passed 2-3-2003) Penalty, see § 92.99

GARBAGE AND REFUSE

§ 92.20 DEFINITIONS.

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

ASHES. The residue of combustion of such fuels as wood, coal, charcoal and the like.

COMMERCIAL REFUSE. All ashes and rubbish arising out of the operation of business and industry, excluding highly combustibles and all other refuse resulting from the ordinary operation of private residences or households.

GARBAGE. All putrescible animal and vegetable matter.

HIGHLY COMBUSTIBLE RUBBISH. All waste substances capable of exploding or highly inflammable material such as gunpowder, photographic plates or negatives, substances saturate with inflammable petroleum products or the like.

RESIDENTIAL REFUSE. All ashes and rubbish resulting from the ordinary operation of residential properties. "Residential properties" shall be defined as property up to and including four-unit apartment facilities, with the exception of private developments which contract for pickup of an entire development on a weekly schedule and four-unit apartment facilities where dumpsters are provided.

RUBBISH. All waste substances incapable of explosion such as tin cans, tinware and other metallic substances, bottles, glassware, earthenware, ashes, paper and the like, excluding furniture, appliances, yard waste and tires.

WATER-PROOF BAGS. Water-proof bags are to be used only for the depositing of paper. No garbage or rubbish is to be placed in them unless they are used as a liner within a regulation container. Bags are to be made of a water-proof material and are to be sealed.

YARD WASTE. Organic material produced in a residential yard not measuring more than two inches round.
(1960 Code, § 18-2-1) (Ord. 5602, passed 7-1-1996)

§ 92.21 COLLECTION.

(A) Residential refuse and garbage shall be collected and disposed of by the Department of Sanitation for which a charge may be made by the city. The Department is not required to collect and dispose of any commercial refuse or garbage. Commercial refuse and garbage may be collected and disposed of by the Department if a charge covering the cost of collection and disposal thereof is established and collected by the Department. Highly combustible rubbish shall not be collected by the Department and none shall be placed or deposited in any container for collection. Residential refuse and garbage shall be collected at regular intervals on collection days to be determined by the Department of Sanitation for the various sections of the city. The Department shall determine the points of collection when not otherwise designated in this subchapter and shall distribute to all households notices or memoranda outlining the provisions of this subchapter and stating the collection days and points of collection.

(B) Brush clippings are not to be any larger than two inches round and no longer than four feet. They are to be tied in bundles no larger than 18 inches round.

(C) All hypodermic needles, tubing with needles attached, syringes (with or without attached needles), or any sharp object that has been contaminated with blood and/or bodily fluids, must be contained in a puncture resistant container before disposal in containers to be collected by the city.

(D) To preserve the public health and to protect the public interests, mandatory municipal trash pickup for all residential refuse shall be enforced. Those wishing a waiver or believe they do not qualify, may appeal to the Public Health and Housing Committee.
(1960 Code, § 18-2-2) (Ord. 5602, passed 7-1-1996; Ord. 7898, passed 10-19-2015) Penalty, see § 92.99

§ 92.22 RESIDENTIAL REFUSE COLLECTION FEE.

The fee for municipal collection of residential refuse shall be $18 a month per residence or apartment, except for when there is a senior citizen's discount. Seniors qualify for the discount by providing proof of being 65 years of age or older. The senior citizen's discount rates shall be $14 a month. These fees went into effect 5-1-2010.
(1960 Code, § 18-2-3) (Ord. 5602, passed 7-1-1996; Ord. 7376, passed 4-5-2010)

§ 92.23 FEE COLLECTION, LIEN RIGHTS, COLLECTION AND OCCUPANCY.

(A) *Billing*. Bills for health and sanitation services, including but not limited to use and services of the sewage system and refuse collection charges, determined by the established rates shall be prepared by the office of the City Treasurer and shall be due and payable on or before the twentieth day following the date of the bill. Unless the City Treasurer or a designee determines that the city's interest is best

served by sending the bill to a renter, the bill shall be sent to the owner or the management company of the lot, parcel of land or premises. If charges are not paid within 20 days of the date of any bill rendered, a delayed payment charge in the amount of 10% of the bill shall be imposed, billed, and collected. Every 30 days thereafter, a 1% interest charge shall be applied to any unpaid balance. When a bill is not paid by a tenant within 30 days after the date of the bill, the property owner shall be responsible for paying said bill including delayed payment and interest charges.

(B) *Occupancy permits.* When there is any indebtedness to the city, including any unpaid bills for sewer and/or refuse services to "closed or inactive accounts", the city may in its sole discretion deny occupancy permits for addresses until all outstanding charges have been paid. Further, the city may revoke occupancy permits for addresses when sewer/trash bills have gone unpaid for 60 or more days, and where occupancy permits inadvertently have been issued.

(C) *Lien rights.* Whenever a bill for sewer service/refuse collection remains unpaid for 60 days after it has been rendered, the Treasurer or the Treasurer's designee(s) may file with the Recorder of Deed, St. Clair County, a statement of lien claim. This statement shall contain a legal description of the premises served, the amount of the unpaid bill and the notice that the city claims a lien for this amount as well as for all charges for sewer service/refuse collection subsequent to the period covered by the bill.

(D) *Attorney's fees.* In the event that rates and charges for trash collection services provided by the city are not paid by the owner, occupant or user of said lot, parcel of land or premises then the city shall be entitled to collect, in addition to the basic charges enumerated in this section, reasonable attorney's fees and costs of collection.
(1960 Code, § 18-2-4) (Ord. 5602, passed 7-1-1996; Ord. 7123, passed 4-22-2008; Ord. 7898, passed 10-19-2015)

§ 92.24 PRIVATE HAULERS; HOURS.

(A) All persons hauling trash for hire in the city and placing containers shall have their name and phone number visibly displayed on the containers.

(B) It shall be unlawful for any private trash hauler to collect trash between the hours of 10:00 p.m. and 6:00 a.m.
(1960 Code, § 18-2-5) (Ord. 5602, passed 7-1-1996) Penalty, see § 92.99

§ 92.25 PLACING OF CONTAINERS.

Each occupant of any building in which less than five families, living separately, reside, shall provide and at all times maintain on the lot on which such building is erected separate containers for receiving and holding garbage and residential non-combustible rubbish accumulated during the period between designated days of collection. When five or more families, living separately reside in a building,

or on any premises, the owner of said premises shall provide a dumpster for tenants to place their garbage and non-combustible rubbish in and shall have said dumpster emptied at least once a week. The owners, lessee, tenant or occupant of any premises having an alley entrance shall place conspicuously at the alley entrance to such premises the house number thereof in figures not less than two inches high and shall place the containers for the premises within five feet of the alley line. If there is no alley, or if the same is impassable for vehicles, the containers for such premises shall be placed on collection days in the front of the premises not more than five feet from the street property line. The containers shall be removed from the front of the premises within 24 hours from the time of collection. Employees of the Department of Sanitation may leave written or printed notices at the home of any person charged with the duty of maintaining the containers if such containers are not maintained, handled or placed in accordance with the provisions of this subchapter. If the condition specified in the notice is not rectified by the next collection, the Department shall notify the Police Department of the violation.
(1960 Code, § 18-2-6) (Ord. 5602, passed 7-1-1996; Ord. 7346, passed 1-4-2010; Ord. 7898, passed 10-19-2015) Penalty, see § 92.99

§ 92.26 CONTAINERS.

(A) The capacity and number of containers for garbage and refuse which shall be provided shall be sufficient to hold all accumulations of refuse between collection days. For collection purposes, all garbage and refuse shall be placed in water-tight containers of not more than 45 gallons' capacity each, with the exception of paper which may be deposited in water-proof bags and sealed. All garbage and refuse containers shall have tight-fitting covers which shall be in place at all times, except when filling, emptying or cleaning the container. Containers and container covers shall have suitable bails or handles in good repair so as to facilitate safe handling and lifting by collectors. The Department of Sanitation is not required to collect garbage or refuse deposited in ashpits or in any other manner than that prescribed in this section. All refuse collected by the city shall become the property of the city upon collection. Containers may not be filled so as to weigh more than 60 pounds.

(B) For collection purposes, yard waste may be placed in Kraft 2-ply yard waste bags or in refuse containers. Refuse containers must clearly be marked "Yard Waste" in letters not less than four inches high.
(1960 Code, § 18-2-7) (Ord. 5602, passed 7-1-1996; Ord. 7139, passed 5-20-2008) Penalty, see § 92.99

§ 92.27 ENFORCEMENT.

The Department of Sanitation shall enforce the provisions of this subchapter and may prepare and publish rules and regulations for the effective administration and enforcement of this subchapter.
(1960 Code, § 18-2-8) (Ord. 5602, passed 7-1-1996)

§ 92.28 INTERFERENCE WITH CANS.

No person shall willfully damage, deface, mutilate or in any way disfigure waste paper or refuse cans installed upon the sidewalks and public places of the city by permission of the City Council.
(1960 Code, § 18-2-9) (Ord. 5602, passed 7-1-1996) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating § 92.08 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding $500. Each day such violation is committed or permitted to continue shall constitute separate offense and shall be punishable hereunder as such. For the purposes of § 92.08 of this chapter, any penalty imposed hereunder shall be assessed against the owner of such vehicle for hire.
(1960 Code, § 18-3-2)

(C) Any person violating § 92.09 of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding $500. Each day such violation is committed or permitted to continue shall constitute separate offense and shall be punishable hereunder as such. For the purposes of § 92.09 of this chapter, any penalty imposed hereunder shall be assessed against the property owner where the dumpster is located and/or owner of vehicle hauling trash and junk.
(1960 Code, § 18-3-3)
(Ord. 5602, passed 7-1-1996; Ord. 5836, passed 1-20-1998; Ord. 6506, passed 2-3-2003)

CHAPTER 93: NUISANCES

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§ 93.001 NUISANCES PROHIBITED.

No person shall permit, cause, keep, maintain or create a nuisance, as defined by the laws of the state or by this code, within the city or within one-half mile of the corporate limits of the city. (1960 Code, § 26-1-1) Penalty, see § 93.999

§ 93.002 NUISANCES DEFINED.

The following are hereby declared to be nuisances:

(A) *Nuisances on premises.* Keeping on any premises any carrion, pigsty, decaying animal or vegetable matter, stagnant water or any other thing which may be injurious to the health or offensive to the neighborhood, or by which any noxious or offensive smell may be created;

(B) *Offensive trade.* Any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public;

(C) *Deposits.* Dumping or depositing on any premises, public or private, any decaying animal or vegetable matter, or any waste paper, boxes, filth or refuse of any kind from any store or other place, or any waste liable to create any offensive smell or stench, or liable to become ignited by combustion or otherwise;

(D) *Obstructing watercourse.* Throwing or depositing in or upon the banks or sides of any stream, pond, lake, spring or any other flowing watercourse of any carrion, decaying animal, vegetable, water, straw, hay, brush, ashes, cans, buckets, kegs, rocks or any other substance, material or article which might clog, impede or obstruct the free flow of water in the watercourse;

(E) *Privies.* Any privy within the city limits, or any premises discharging liquid wastes or human excreta which is not connected to a sanitary sewer, where there is a sanitary sewer of not less than 12 inches in diameter in the abutting street;

(F) *Pigs.* Any pig, hog or swine in any pigsty, hog pen or lot, or any barn, stable or shed, situated in the city;

(G) *Filth, trash or refuse in the street.* Throwing or permitting the scape into any street, sidewalk, or other public place, or into or upon any adjacent ground, any filth, trash, refuse or unclean water, or any foul or noxious liquid from any premises or causing rain water to be conducted in any manner so as to throw the same into any street, sidewalk or other public place from a greater height than three feet;

(H) *Standing water in cellars.* Any cellar containing any standing or stagnant or filthy water;

(I) *Pits or excavations.* Any pit, hole or excavation dangerous to the public;

(J) *Ponds.* Any pond, lake or body of water in a stagnant condition or in a condition that is detrimental or injurious or dangerous to the public;

(K) *Water on streets.* Dumping, depositing or permitting any water to run across any sidewalk, street or alley within the city in such a manner as to create a hazardous condition thereon;

(L) *Health and safety hazards.* Maintaining or permitting any condition upon any premises, street, alley or sidewalk within the city which creates a hazard to the health or safety of the public;

(M) *Polluting watercourses.* Dumping, depositing or permitting to remain any dirt, rock, wood or any other material along or upon the banks of any watercourse or creek, or in such close proximity thereto as is likely to fall into or be carried by flood waters into the channel of any such watercourse or creek;

(N) *Obstructing drains.* Interfering with any ditches, drainage easements or natural drains, so as to in any way obstruct, impede or interfere with the flow of water through such ditches, drainage easements or natural drains; and

(O) *Public right-of-way.* To allow any weeds or turf grass to grow to a height greater than eight inches in height on any public right-of-way immediately adjacent to property owned by any party or within five feet of any public right-of-way.
(1960 Code, § 26-1-2) (Ord. 2723, passed - -; Ord. 2886, passed - -; Ord. 2944, passed - -; Ord. 4947, passed 5-4-1992; Ord. 7125, passed 4-21-2008; Ord. 7213, passed 1-5-2009) Penalty, see § 93.999

§ 93.003 NOTICE TO ABATE.

(A) When it shall come to the attention of the city that any condition exists defined by § 93.002 of this chapter, it shall be the duty of the city to give written notice to the owner, occupant of the premises or the person responsible for such condition, directing such owner, occupant or person responsible to correct such condition within five days. If the person directed to do so fails or refuses to remedy such condition within five days after such written notice, the nuisance shall be abated by the city and bill sent to the owner, occupant or person responsible for such condition. If payment is not received for services rendered, the city will file a lien at the Recorder of Deeds of the county.

(B) Charges shall be filed against such owner, occupant or the premises or person responsible and such person, so failing, shall, upon conviction, be fined as provided in this code. Only one notice will be sent to the owner, occupant of the premises or the person responsible for such condition per each property per year.

(C) Failure of the owner, occupant of the premises or person responsible for such condition to maintain the grass and weeds on the property and in the right-of-way after the first notification will be cause for immediate abatement by the city without further written notification.
(1960 Code, § 26-1-3) (Ord. 7125, passed 4-21-2008)

§ 93.004 SUMMARY ABATEMENT BY BOARD OF HEALTH.

It is the duty of the Board of Health to cause summary abatement of any nuisance at the proper expense and cost of the person or persons responsible for, or permitting, such nuisance.
(1960 Code, § 26-1-4)

§ 93.005 ORDER OF COURT.

It shall be the duty of the court or magistrate before whom the cause may be tried to order as part of the judgment in such cause, that such nuisance be immediately abated and removed, and that the Chief of Police proceed to abate and remove the same.
(1960 Code, § 26-1-5)

§ 93.006 ABATEMENT BY POLICE.

(A) (1) If the owner of any real estate upon which there is a nuisance resides out of or is out of the state, or on due inquiry cannot be found, the Chief of Police shall cause publication to be made in some newspaper printed in the city, at least once in each week for four weeks successively, or a notice to the owner of such real estate, giving his or her name, if the same can be ascertained, or designating him or her as unknown owner, if the owner's name cannot be ascertained and giving the description of such real estate, the nature of the nuisance thereon and time within which such nuisance shall be abated. The Chief of Police shall, within ten days after the first publication of such notice, send a copy thereof by mail, addressed to the owner of such real estate, if the name and address of such owner is known to the Chief of Police or can be ascertained by him or her.

(2) If, at the expiration of the time specified in the notice for abating the nuisance, the nuisance still remains the Chief of Police may enter upon such real estate and do all work that may be necessary to abate such nuisance.

(B) The Chief of Police shall keep strict account of the cost and expense of such work and necessary material; for the collection of which, proceedings may be commenced against the property by attachment, as in other cases of attachment under the Illinois Compiled Statutes.
(1960 Code, § 26-1-6)

WEEDS

§ 93.020 DEFINITION.

WEEDS, as used in this subchapter, include the following: burdock; ragweed (giant); ragweed (common); thistle; cocklebur; jimson; blue vervain; common milkweed; wild carrot; poison ivy; wild mustard; rough pigweed; lambs quarter; wild lettuce; curled dock; smart weeds (all varieties); poison hemlock; and wild hemp.
(1960 Code, § 26-2-1)

§ 93.021 HEIGHT LIMIT.

Every owner, lessee, occupant or any agent, servant, representative or employee of an owner, lessee or occupant of any real estate within the city shall cut weeds and grass on his or her property at all such times as may be necessary so that such weeds and grass do not exceed eight inches in height. If said owner, lessee or occupant fails to do so, the city may cut the weeds and grass.
(1960 Code, § 26-2-2) (Ord. 5963, passed 3-1-1999) Penalty, see § 93.999

§ 93.022 LIEN EXPENSES.

(A) If weeds or grass are cut by the city, a notice of lien on the cost and expense thereof incurred by the city shall be recorded in the following manner: the city or the person performing the service by authority of the city, in its or his or her own name, may file notice of lien in the office of the Recorder of Deeds of the county.

(B) The notice of lien shall consist of a sworn statement setting out the following and shall be filed within 60 days after the cost and expense is incurred:

(1) A description of the real estate sufficient for identification thereof;

(2) The amount of money representing the cost and expense incurred or payable for the service; and

(3) The date or dates when said cost and expense was incurred by the city.
(1960 Code, § 26-2-3) (Ord. 5963, passed 3-1-1999)

§ 93.023 PAYMENT BY OWNER.

Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.
(1960 Code, § 26-2-4)

§ 93.024 RANK GROWTH OF GRAIN.

Any rank vegetable growth, including any growing grain, more than two feet in height shall similarly be cut by the owner of the real estate. If the owner fails to do so, the city may cut the growth and file lien therefor as provided in this subchapter.
(1960 Code, § 26-2-5) Penalty, see § 93.999

§ 93.025 DAMAGE TO CITY EQUIPMENT.

If weeds or grass are cut by the city as provided in § 93.021 of this chapter, any damage sustained by any equipment used by the city while cutting the weeds or grass shall be assessable on the owner of the real estate. Such damage shall become a lien on the real estate, which lien shall be perfected by the city in the same manner as provided in § 93.022 of this chapter.
(1960 Code, § 26-2-6) (Ord. 5963, passed 3-1-1999)

DANGEROUS BUILDINGS

§ 93.040 DEFINITION.

(A) The term ***DANGEROUS BUILDINGS***, as used in this subchapter, is hereby defined to mean and include:

(1) Any building, shed, fence or other human-made structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;

(2) Any building, shed, fence or other human-made structure which because of faulty construction, age, lack of proper repair or any other cause is expressly liable to fire and constitutes or creates a fire hazard;

(3) Any building, shed, fence or other human-made structure which by reason of faulty construction, or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure; and

(4) Any building, shed, fence or other human-made structure which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

(B) Any such dangerous building in the city is hereby declared to be a nuisance.
(1960 Code, § 26-3-1) Penalty, see § 93.999

§ 93.041 PROHIBITION.

It shall be unlawful to maintain or permit the existence of any dangerous building in the city; and, it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit

the same to remain in a dangerous condition or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.
(1960 Code, § 26-3-2) Penalty, see § 93.999

§ 93.042 LIEN.

Whenever the Building Inspector, the Fire Chief or the Health Officer shall be of the opinion that any building or structure in the city is a dangerous building, he or she shall file a written statement to this effect with the City Clerk. The City Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition and such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following terms:

TO: _____ (owner-occupant) of the premises known and described as _____.

You are hereby notified that _____ (describe building) on the premises above mentioned has been condemned as a nuisance and dangerous building after inspection by _____.

The causes for this decision are _____ (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building immediately.

(1960 Code, § 26-3-3)

§ 93.043 ABATEMENT.

(A) If the notice sent to the owner or occupant is to inform him or her of violation of § 93.040(A)(4) of this chapter, and said owner or occupant fails to remedy the situation within 15 days from the time when the notice was served upon him, her or them, the Health Officer or the Building Official may proceed to remedy the condition by having the building enclosed through boarding up or any other means.

(B) If the building is enclosed or boarded up by the city, the cost and expenses thereof shall become a lien on the property and the notice of the lien for the cost and expenses thereof shall be recorded in the following manner: the city or the person performing the service by authority of the city, in its or his or her own name, may file notice of lien in the office of the Recorder of Deeds of the county. The notice of lien shall consist of a sworn statement setting out:

(1) A description of real estate sufficient for identification thereof;

(2) The amount of money representing the cost and expenses incurred or payable for the service; and

(3) The date or dates when said cost or expenses was incurred by the city and shall be filed within 60 days after the cost and expenses incurred.

(C) Upon payment of the cost and expenses after the notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of lien.

(D) The lien may be enforced by proceedings to foreclose it as in the case of mortgages or mechanics lien and such suits to foreclose such lien shall be commenced within three years after the date of default.

(E) (1) If the owner or occupant fails to comply with a notice of violation of § 93.040(A)(1), (A)(2) and (A)(3) of this chapter, the city may demolish, repair or cause the demolition or repair of the dangerous and unsafe building, but before it may do so, the city shall apply to the Circuit Court of the county for an order authorizing such action to be taken with respect to any such building if the owner or owners thereof, including the lienholders of record after at least 15 days' written notice by mail or personal service so to do have failed to put such building in a safe condition or demolish it. Whereupon diligent search of the identity or whereabouts of the owner or owners of any such building, including the lienholders of record is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this section. The cost of such demolition or repair incurred by such city or by a lienholder of record is recoverable from the owner or owners of such real estate and is a lien thereon, which lien is superior to all prior existing liens or encumbrances, except taxes; provided that, within 60 days after such repair or demolition, the city or person performing the service by authority of the city, in its or his or her own name, shall file notice of lien of such cost and expenses incurred in the office of the Recorder of Deeds in the county.

(2) The notice must consist of a sworn statement setting out:

(a) A description of the real estate sufficient for identification thereof;

(b) The amount of money representing the cost and expenses incurred; and

(c) The date or dates when the cost or expenses was incurred by the city or by the lienholder of record.

(F) (1) Upon payment of the cost and expenses by the owner of or person interested in the property after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release may be filed of record in the case of filing the notice of lien.

(2) The lien may be enforced by proceedings to foreclose as in the case of mortgage or mechanics liens.

(3) Suit to foreclose this lien must be commenced within three years after the date of filing notice of lien.
(1960 Code, § 26-3-4)
Statutory reference:
Related provisions, see 65 ILCS 5/11-31-1 et seq.

INOPERABLE MOTOR VEHICLES

§ 93.055 DEFINITIONS.

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

DERELICT VEHICLE. Any inoperable or unregistered vehicle.

INOPERABLE MOTOR VEHICLE.

(1) Any motor vehicle which, for a period of at least seven days, or any greater period, fixed by ordinance; the engine, wheels or other parts have been removed; or in which the engine, wheels or other parts have been altered, damaged or otherwise so treated, that the vehicle is incapable of being driven under its own motor power.

(2) ***INOPERABLE MOTOR VEHICLES*** shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.
(1960 Code, § 26-4-1) (Ord. 7146, passed 7-8-2008)

§ 93.056 DECLARATION OF NUISANCE.

All inoperable/derelict motor vehicles, whether on public or private property, in view of the general public are hereby declared to be a nuisance.
(1960 Code, § 26-4-2) (Ord. 5589, passed 6-5-1996) Penalty, see § 93.999

§ 93.057 NOTICE TO OWNER.

If the owner fails to dispose of said inoperable vehicles, after seven days from the issuance of the notice, the Police Department may authorized a towing service to remove and take possession of said inoperable vehicle or parts thereof.
(1960 Code, § 26-4-3) (Ord. 5589, passed 6-5-1996)

§ 93.058 REMOVAL.

(A) When a motor vehicle or other vehicle is inoperable on a highway in the city ten hours or more, its removal by a towing service may be authorized by order of the Chief of the Police Department of the city.

(B) When an inoperable, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Chief of Police Department of the city.

(C) When a vehicle removed from either public or private property is authorized by order of the Chief of the Police Department of the city, the owner of the vehicle will be responsible for all towing costs.
(1960 Code, § 26-4-4) (Ord. 4490, passed 2-15-1988)

§ 93.059 RECORDS OF TOW AWAYS.

When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.
(1960 Code, § 26-4-5)

§ 93.060 SEARCH FOR OWNER.

(A) When the city's Police Department does not know the identity of the registered owner, lienholder or other legally entitled person, they will cause the motor vehicle registration records of the state to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

(B) The Police Department will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be used by the Police Department 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.
(1960 Code, § 26-4-6)

§ 93.061 NOTICE TO STATE POLICE.

When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of the state or from the registration files of a foreign state, if applicable, the Police Department shall notify the State Police for the purpose of identifying the vehicle's owner, lienholder or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.
(1960 Code, § 26-4-7) (Ord. 4490, passed 2-15-1988)

§ 93.062 RECLAIMING BY OWNER.

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department 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 section until all towing and storage charges have been paid.
(1960 Code, § 26-4-8)

§ 93.063 SALE OF UNCLAIMED NEW VEHICLE.

(A) (1) Whenever an inoperable, lost, stolen or unclaimed motor vehicle or other vehicle, seven years of age or newer, remains unclaimed by the registered owner, lienholder or other person legally entitled to its possession for a period of 30 days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder.

(2) Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten days prior to the sale on the premises where the vehicle has been impounded. At least ten days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder or other person legally entitled to the possession of the vehicle.

(3) 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) In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of the state, the sending of a second certified notice will not be required.
(1960 Code, § 26-4-9)

§ 93.064 DISPOSITION OF UNIDENTIFIED VEHICLE OR OLD VEHICLE.

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

(B) (1) When an inoperable vehicle of more than seven years of age is impounded as specified by this section, it will be kept in custody for a minimum of ten days for the purpose of determining ownership, the contacting of the registered owner by the U.S. mail, public service or in person for a determination of disposition and an examination of the State Police stolen motor vehicle files for theft and wanted information.

(2) At the expiration of the ten-day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

(C) A motor vehicle or other vehicle classified as an antique vehicle is excluded from this section.
(1960 Code, § 26-4-10)

§ 93.065 REPORTS.

When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this subchapter, a report of the transaction will be maintained by the Police Department for a period of one year from the date of the sale or disposal.
(1960 Code, § 26-4-11)

§ 93.066 DISPOSITION OF FUNDS.

When a vehicle located within the corporate limits of the city is authorized to be towed away by the Chief of Police and disposed of as set forth in this subchapter, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the municipal treasury.
(1960 Code, § 26-4-12)

§ 93.067 LIABILITY.

Any police 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, lienholder or his or her legal

representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this subchapter.
(1960 Code, § 26-4-13)
Statutory reference:
Related provisions, see 65 ILCS 5/11-40-3 and 625 ILCS 5/4-201 et seq.

LIGHTING REGULATIONS

§ 93.080 DEFINITIONS.

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

DIRECT LIGHT. Light emitted directly from the lamp, off of the reflector or reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

FIXTURE. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing; a mounting bracket or pole socket; a lamp holder; a ballast; a reflector or mirror; and/or a refractor or lens.

FLOOD OR SPOT LIGHT. Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
(1960 Code, § 26-5-1) (Ord. 6880, passed 8-7-2006)

§ 93.081 REGULATIONS.

All public and private outdoor lighting installed in the city shall be in conformance with the requirements established by this subchapter. All previous language in city bylaws and ordinances regarding outdoor lighting is replaced with this subchapter.
(1960 Code, § 26-5-2) (Ord. 6880, passed 8-7-2006) Penalty, see § 93.999

§ 93.082 CONTROL OF GLARE; LUMINAIRE DESIGN FACTORS.

Any luminaire with a lamp, lamps, all flood and spot luminaries shall be mounted at a height equal to or less than the value 3 + (D/3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.
(1960 Code, § 26-5-3) (Ord. 6880, passed 8-7-2006) Penalty, see § 93.999

§ 93.083 EXCEPTIONS TO CONTROL OF GLARE.

(A) Any luminaire with a lamp, lamps, all flood and spot luminaries may be used without restriction to light distribution or mounting height; except that, if any spot of flood luminaire is aimed, directed or focused such as to cause direct light from the luminaire to be directed toward residential building on adjacent or nearby property, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected, diffused or its light output controlled as necessary to eliminate such conditions.

(B) Luminaires used for public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at the height up to the edge of any bordering property.

(C) All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as the vehicular luminaries, shall be exempt from the requirements of this subchapter.

(D) All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this subchapter; except that, all luminaries used must be read and must be shown to be as close as possible to the federally-required minimum lumen output requirement for the specific task.

(E) Luminaires used for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

(F) Where any provision of federal, state, county or town statutes, codes or laws conflicts with any provision of this subchapter, the most restrictive shall govern unless otherwise regulated by law.
(1960 Code, § 26-5-4) (Ord. 6880, passed 8-7-2006) Penalty, see § 93.999

§ 93.084 OUTDOOR ADVERTISING SIGNS.

(A) *Top-mounted fixtures required.*

(1) Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure.

(2) All such fixtures shall comply with the shielding requirements of § 93.082 of this chapter.

(B) *Compliance limit.* Existing outdoor advertising structures shall be brought into conformance with this subchapter within ten years from the date of adoption of this provision.

(C) *Prohibitions.* Electrical illumination of outdoor advertising off-site signs including existing signs between the hours of 11:00 p.m. and sunrise is prohibited.
(1960 Code, § 26-5-5) (Ord. 6880, passed 8-7-2006) Penalty, see § 93.999

§ 93.085 RECREATIONAL FACILITIES.

Any light source permitted by this subchapter may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts or show areas; provided, all of the following conditions are met: all fixtures used for event lighting shall be fully shielded as defined in § 93.082 of this chapter, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light or glare.
(1960 Code, § 26-5-6) (Ord. 6880, passed 8-7-2006) Penalty, see § 93.999

§ 93.086 PROHIBITIONS.

(A) *Laser source light.* The use of laser source light, strobe or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

(B) *Searchlights.* The operation of searchlights for advertising purposes is prohibited.

(C) *Outdoor advertising off-site signs.* Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 p.m. and sunrise.
(1960 Code, § 26-5-7) (Ord. 6880, passed 8-7-2006) Penalty, see § 93.999

§ 93.087 TEMPORARY OUTDOOR LIGHTING.

(A) Any temporary outdoor lighting that conforms to the requirements of this subchapter shall be allowed. Non-conforming temporary outdoor lighting may be permitted by the Streets and Grades Committee after considering:

(1) The public and/or private benefits that will result from the temporary lighting;

(2) Any annoyance or safety problems that may result from the use of the temporary lighting; and

(3) The duration of the temporary non-conforming lighting.

(B) (1) The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Streets and Grades Committee, who shall consider the request at a monthly called meeting of the Streets and Grades Committee. The Committee shall render its decision on the temporary lighting request at the following monthly meeting.

(2) A failure by the Streets and Grades Committee to act on a request within the time allowed shall constitute a denial of the request.
(1960 Code, § 26-5-8) (Ord. 6880, passed 8-7-2006)

§ 93.088 NOTIFICATION REQUIREMENTS.

This subchapter shall take effect from and after its passage, approval and publication as provided by law. Any prior luminaries that direct light toward streets or parking lots that cause disability glare to motorists or cyclists, or direct light toward residential buildings that cause disability glare to residents, should be either shielded or redirected within 30 days of notification, so that the luminaries do not cause a potential hazard to motorists or cyclists, or a nuisance to residents.
(1960 Code, § 26-5-9) (Ord. 6880, passed 8-7-2006)

§ 93.089 NOTICE TO ELECTRICIANS.

Within 30 days of the enactment of this subchapter, the Code Enforcement Officer shall send a copy of the Outdoor Lighting Ordinance, with cover letter, to all electricians and local electric utility (including at least those in the city as listed in the Yellow Pages).
(1960 Code, § 26-5-10) (Ord. 6880, passed 8-7-2006)

FURNITURE AND APPLIANCES LEFT OUTDOORS

§ 93.100 DEFINITIONS.

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

APPLIANCES. Includes, but not limited to, indoor household kitchen appliances, such as cooking stoves, ovens, microwave cooking units, dishwashers, washing machines and dryers.

FURNITURE. Includes, but not limited to, upholstered indoor chairs and couches and finished and unfinished indoor chairs, cabinets, chests, cupboards and tables that were built specifically to be used indoors.

INDOOR UPHOLSTERED FURNITURE. Any furniture constructed with stuffing or cushions or springs, not intended for outdoor use.

OUTDOORS. Any place visible from a public place and exposed to precipitation, including, but not limited to, yards, rooftops and unenclosed porches, decks, patios and balconies.

UNENCLOSED. Any area not totally surrounded with a combination of walls, windows, doors, floor and a roof.
(1960 Code, § 26-6-1) (Ord. 7036, passed 11-6-2007)

§ 93.101 REGULATIONS.

(A) No person shall place, use, keep, store or maintain outdoors any indoor furniture or appliances not manufactured for outdoor use.

(B) No real property owner or real property manager or other person in control of such real property shall permit indoor furniture to remain outdoors on such real property after it has been placed there in violation of this section.
(1960 Code, § 26-6-2) (Ord. 7036, passed 11-6-2007) Penalty, see § 93.999

§ 93.102 EXCEPTIONS.

Except when said indoor furniture is placed at the curb to be removed the same day as part of bulky waste removal, or when said furniture is placed outdoors as part of a lawful garage sale or other sale, where permitted or licensed, and otherwise allowed under city ordinance.
(1960 Code, § 26-6-3) (Ord. 7036, passed 11-6-2007)

§ 93.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) The fine for violating § 93.002(C) shall be $500 for each offense.
(1960 Code, § 26-1-2)

(C) Any person violating any provision of §§ 93.040 through 93.043 of this chapter shall be fined in an amount not less than $250, nor more than $1,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The court shall also order as part of the judgment that the defendant comply with all applicable codes and ordinances relating to the property which is the subject of the violation.
(1960 Code, § 26-3-5)

(D) Any person violating any provision of §§ 93.055 through 93.067 of this chapter or any part thereof shall be fined in an amount not less than $50, nor more than $1,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The court shall also order as part of the judgment that the defendant comply with all applicable codes and ordinances relating to the property which is the subject of the violation.
(1960 Code, § 26-4-14)

(E) (1) Any person violating §§ 93.080 through 93.089 of this chapter shall be fined not less than $50 or more than $1,000.

(2) If, after investigation, the Code Enforcement Officer finds that any provision of §§ 93.080 through 93.089 of this chapter is being violated, he or she shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation to the owner and/or to the occupant of such premises, demanding that violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the 30-day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this code and to collect the penalties for such violations.
(1960 Code, § 26-5-11)

(F) Any person, firm or corporation who shall violate or permit violation of any provision of § 92.101 of this chapter shall be guilty of a misdemeanor, punishable by a fine of not less than $75, nor more than $500. Each day of the violation continues shall be deemed a separate offense.
(1960 Code, § 26-6-1)
(Ord. 5763, passed 7-21-1997; Ord. 6880, passed 8-7-2006; Ord. 7036, passed 11-6-2007; Ord. 7099, passed 4-8-2008)

CHAPTER 94: PARKS AND RECREATION

Section

94.01 Park regulations
94.02 Fishing regulations
94.03 Riding bicycles in Skateboard Park
94.04 Vendors
94.05 Trail guidelines

94.99 Penalty

§ 94.01 PARK REGULATIONS.

The following regulations shall apply in all city parks.

(A) Any person picnicking or visiting in the parks shall properly dispose of all litter by placing it in the litter receptacle indicated for such use.

(B) Fires may be made only in such places as designated by, and with the permission of, the Director of Parks and Recreation.

(C) Fires may only be started in the proper fire receptacles provided and must be completely extinguished before leaving the fire receptacle unattended.

(D) No person shall remove or damage any piece of equipment, court, special facility, structure or area being a part of parks and recreation property.

(E) No person shall climb on any roof of any building, shelter or structure located on park property.

(F) No firearms, shooting or hunting are permitted on park property.

(G) No peddlers or vendors shall dispose of wares in competition with any concession in the parks within a range of two blocks of the parks.

(H) No motor vehicle or vehicles of any kind are to be driven or ridden on park property turf and walking trails. Vehicles shall not be driven in a spinning fashion or operated in an erratic manner so as

to endanger the safety of others in a park or their property. For purposes of this division (H), ***MOTOR VEHICLE*** is defined to include any vehicle that is propelled by motor, including an automobile, truck, motorcycle or similar vehicle, but shall not include motorized equipment utilized for disability access and city vehicles utilized for maintenance, emergency, police and/or fire purposes.

(I) The speed limit of any vehicle in the parks, except emergency vehicles, shall be 15 mph and is to be strictly observed.

(J) Courts, athletic diamonds and fields, shelters and any other special facilities, and/or areas designated as a special area, in the parks are to be used only by reservation through written consent of the Director of Parks and Recreation.

(K) No person shall engage in disorderly conduct, in any manner, infringe on the rights of others in a park, or disrupt the recreation program, parks maintenance and/or parks security family.

(L) No bathing, swimming or wading is permitted in the ponds.

(M) No trapping of animals or wildlife of any kind is permitted without the written permission of the Director of Parks and Recreation.

(N) Feeding of animals or wildlife is permitted only at the designated feeding stations.

(O) All parks, except Skateboard Park, shall be opened to the public for recreation program between the hours of 6:00 a.m. to 10:00 p.m. daily. Skateboard Park shall be opened to the public for recreation programs between 6:00 a.m. and dusk daily. It shall be unlawful for any person to be in the parks after these hours unless they are attending an event sponsored by the Parks and Recreation Board or an event for which a facility reservation and usage permit has been granted.

(P) Parks security families and maintenance personnel are responsible for the enforcement of all park regulations through full cooperation with the law enforcement agency of the city.

(Q) It shall be unlawful for any person to place or use a boat of any kind on any park pond unless they are attending an event sponsored by the Parks and Recreation Board.

(R) It shall be unlawful for any person who is not a patron of Bellevue Park to park his or her automobile on the Bellevue Park parking lot.

(S) It shall be unlawful for any person knowingly to possess alcohol in Bellevue Park except for the Stone Lodge Building by written permission of the Director of Parks and Recreation and written notification to the Liquor Commissioner, Ebsen Park, John Laderman Park, West End Square Park on north or south side, Cambridge Park 15 103 N. 30th Street, Gateway Park at 903 N. Illinois Street, Skateboard Park at 709 N. 2nd Street or Richland Creek Greenway Bike Trail.

(T) It shall be unlawful for any person knowingly to possess alcohol in Rotary, Ever and Anon and Hough Parks unless he or she has been issued a permit by the Mayor with Council approval.
(1960 Code, § 31-1-1) (Ord. 3439, passed 6-27-1977; Ord. 3822, passed 8-31-1981; Ord. 6745, passed 6-6-2005; Ord. 6812, passed 1-3-2006; Ord. 6925, passed 11-6-2006; Ord. 7698, passed 7-15-2013; Ord. 7936, passed 3-21-2016) Penalty, see § 94.99

§ 94.02 FISHING REGULATIONS.

The following fishing regulations shall apply at all city parks.

(A) Minors fishing in the ponds must be accompanied by a guardian.

(B) Only pole and line fishing is permitted and only two poles to each person fishing.

(C) No person shall catch, kill or take frogs on the park property.

(D) No person shall deposit any species of fish in any pond without the written permission of the Director of Parks and Recreation.

(E) There is no fish limit on rough fish and rough fish caught are not to be put back or released in any park pond.

(F) Persons who fish in the ponds must comply with the state fishing laws.
(1960 Code, § 31-1-2) (Ord. 3220, passed 4-15-1974; Ord. 3822, passed 8-31-1981) Penalty, see § 94.99

§ 94.03 RIDING BICYCLES IN SKATEBOARD PARK.

It shall be unlawful to ride a bicycle in Skateboard Park.
(1960 Code, § 31-1-4) (Ord. 6350, passed 11-26-2001) Penalty, see § 94.99

§ 94.04 VENDORS.

Any vendor that is hired to work school picnics or any event sponsored by the Parks Department or is hired to work any event that is sponsored by the city on public property shall, 14 days prior to the event, submit a list of their employees along with birth dates and Social Security numbers and a release form from said employees to allow history check so that the background of said employees may be investigated.
(1960 Code, § 31-1-5) (Ord. 6812, passed 1-3-2006) Penalty, see § 94.99

§ 94.05 TRAIL GUIDELINES.

The following guidelines/regulations shall apply to all city trails:

(A) Trail hours: sunrise to sunset;

(B) No unauthorized motorized vehicles allowed except for wheelchairs;

(C) Walkers and runners stay to the right;

(D) Bicyclists yield to pedestrians;

(E) Please announce "on your left" as you prepare to pass slower traffic;

(F) No firearms allowed;

(G) Alcoholic beverage consumption is prohibited;

(H) Dogs must be leashed at all times. Maximum leash length allowed is six feet;

(I) Please dispose of litter properly;

(J) For maintenance concerns, please call Belleville Parks and Recreation at (618) 233-1416; and

(K) In case of emergency, dial 9-1-1. Or utilize an emergency call box where available.
(Ord. 7888, passed 8-17-2015)

§ 94.99 PENALTY.

(A) Any person violating any provisions of this chapter shall be subject to a fine of not less than $10, nor more than $500.
(1960 Code, § 31-1-3)

(B) (1) Any person violating § 94.01(P) of this chapter shall be subject to a fine of not less than $100, nor more than $500.

(2) Any person violating § 94.01(T) shall be subject to a fine of not less than $250, nor more than $500.
(1960 Code, § 31-1-1)

(C) Any person violating § 94.03 of this chapter shall be subject to a fine not less than $100, nor more than $500.
(1960 Code, § 31-1-4)
(Ord. 3220, passed 4-15-1974; Ord. 6350, passed 11-26-2001; Ord. 6745, passed 6-6-2005; Ord. 6925, passed 11-6-2006; Ord. 7936, passed 3-21-2016)

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: GENERAL LICENSING PROVISIONS

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LICENSE ADMINISTRATION

§ 110.01 MAYOR'S AUTHORITY.

Licenses shall be granted by the Mayor and attested by the City Clerk, except where provision is made for the granting of licenses by some other officer of the city. The Mayor shall have the power to revoke, for cause, any license granted by him or her.
(1960 Code, § 7-1-1) (Ord. 5385, passed 3-8-1995)

§ 110.02 APPLICATION.

(A) Every applicant for a license shall apply in writing to the Mayor.

(B) He or she shall set forth in such application his or her name and, if the application is made by or on behalf of a co-partnership, the names of all the members together with the style of such co-partnership, and the names of the sureties if a bond is required. If the applicant has a permanent or fixed place of business, it shall be stated in the application.
(1960 Code, § 7-1-2) (Ord. 5385, passed 3-8-1995)

§ 110.03 ISSUANCE.

(A) (1) Licenses shall be issued under the hand of the Mayor and shall be countersigned by the City Clerk, who shall affix thereto the seal of the city.

(2) No license shall be issued until the applicant has executed bond, payable to the city, in the penalty prescribed and has paid the license fee.
(1960 Code, § 7-1-3)

(B) No person shall be issued a license by the city if that person is in arrears in a payment of a tax or other indebtedness due to the city.
(1960 Code, § 7-1-11)
(Ord. 5385, passed 3-8-1995; Ord. 5878, passed 5-4-1998)

§ 110.04 FORM.

Licenses shall be substantially in the following form:

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR)
CITY OF BELLEVILLE)

To all whom these presents shall come greeting:

Whereas _____ having compiled with all the requirements of the laws of the State of Illinois, and the ordinances of the City of Belleville, in this behalf made and required license is by authority of the City of Belleville given and granted to the said _____ to _____ at _____ in the City of Belleville, County of St. Clair and State of Illinois, from the date hereof until the _____ day of _____, _____ the said _____ to be subject to all laws of the State of Illinois, and all ordinances of the City of Belleville not in conflict therewith, which now are or hereafter may be in force touching the premises.

Given under the hand of the Mayor of the City of Belleville and the seal thereof, this _____ day of _____, _____.

_____
Mayor of the City of Belleville

Countersigned,

_____
City Clerk

(1960 Code, § 7-1-4) (Ord. 5385, passed 3-8-1995)

§ 110.05 LICENSE REGISTER.

The City Clerk shall keep a license register in which he or she shall enter the name of each person to whom a license is issued, the purpose of such license and the date of issue and expiration. He or she shall furnish a transcript thereof to the Chief of Police.
(1960 Code, § 7-1-5) (Ord. 5385, passed 3-8-1995)

§ 110.06 INVESTIGATION BY POLICE CHIEF.

The Chief of Police shall examine the transcript furnished by the City Clerk and ascertain if any person whose license has expired is engaged in any business in the city without the required license.
(1960 Code, § 7-1-6) (Ord. 5385, passed 3-8-1995)

§ 110.07 TERMS AND LIMITATIONS.

(A) No license shall be issued for a longer period of than one year. Annual license fees, unless otherwise provided, shall be due and payable on May 1 of each year, or on commencing the licensed

activity. In the first case, the license fee shall be paid for one entire year; in the latter case, it shall be computed proportionately from the first day of the month in which liability to pay accrues until the first day of May next following.
(1960 Code, § 7-1-7)

(B) No person may do business or act under any license, except the licensee; nor shall a license authorize any person to act or do business at any place other than the place specified in the license.
(1960 Code, § 7-1-8)
(Ord. 5385, passed 3-8-1995) Penalty, see § 110.99

§ 110.08 CHANGE IN REGULATIONS.

(A) Licenses are subject to all ordinances and regulations which may be in force at the time of issuing the license or which may be passed or made while the license is in force.

(B) If any licensee violates any of the provisions thereof, he or she shall be liable to be proceeded against for any penalty imposed and his or her license shall be subject to revocation in the discretion of the Mayor, or of the court or magistrate before whom he or she is convicted of such violation.
(1960 Code, § 7-1-9) (Ord. 5385, passed 3-8-1995)

§ 110.09 ENFORCEMENT; OFFENSES.

(A) It shall be the duty of the Chief of Police to enforce the provisions of this subchapter in relation to licenses and to prosecute any person guilty of a violation.
(1960 Code, § 7-1-10)

(B) Each day, after the first conviction, that any person continues in any business or occupation without the proper license therefor is a separate offense.
(1960 Code, § 7-1-11)
(Ord. 5385, passed 3-8-1995)

§ 110.10 LOST LICENSE.

Whenever any person who has obtained a license for any vehicle files an affidavit in the office of the City Clerk that the license issued under such license is lost, stolen or destroyed, the City Clerk shall issue a new license and shall put the license number upon the license issued and upon the stub in his or her office, upon the payment by the person applying for same of a fee of $0.50. Thereafter, the original license shall be void.
(1960 Code, § 7-1-12) (Ord. 5385, passed 3-8-1995)

§ 110.11 STEALING, MUTILATION OR DESTRUCTION OF LICENSE.

No person, other than the holder thereof, shall steal, mutilate or destroy any license, license sticker, plate or tag issued and in force under any ordinance of the city.
(1960 Code, § 7-1-13) (Ord. 5385, passed 3-8-1995) Penalty, see § 110.99

§ 110.12 LATE PAYMENT PENALTY.

Any person who has failed to pay for his or her license by May 15 shall pay an additional 25% of the license fee in order to receive said license; and, if said license is not paid by July 30, he or she shall pay an additional 50% of the license fee in order to obtain said license; or, in the alternative, said license may be revoked if said fee is not paid by July 30.
(1960 Code, § 7-1-14) (Ord. 6456, passed 8-19-2002)

CERTIFICATE OF BUSINESS OCCUPANCY

§ 110.25 OCCUPANCY PERMIT REQUIRED.

(A) It shall be unlawful for any person, owner or agent thereof to occupy or use, or to permit the occupancy or use of any property for the purpose of operating a business on said premises until a permit of occupancy for a business has been issued by the Economic Development, Planning and Zoning Department.

(B) The certificate so issued shall state the occupancy complies with all of the ordinances and regulations which may be in force at time of issuing occupancy or which may be passed or made while the occupancy is in force.
(1960 Code, § 7-25-1) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015) Penalty, see § 110.99

§ 110.26 FEES; REBATE.

(A) A fee of $100 shall be charged for each request for a certificate of occupancy. The business occupancy permit shall be obtained by the tenant, occupant or owner and must be secured before the unit(s) can be legally occupied.
(1960 Code, § 7-25-2)

(B) In no event shall any rebate or refund be made of any business occupancy permit fee or part thereof by reason of the death of the applicant or by reason of nonuse of such permit, or by reason of a change in the location of the business, occupation or activity of such permit; provided, however, that the provisions of this division (B) shall not be construed to prevent the Director of Economic Development, Planning and Zoning from authorizing a refund of a business occupancy permit or a portion thereof, where the fee was collected through error.
(1960 Code, § 7-25-17)
(Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

§ 110.27 APPLICATION; ACTION.

(A) It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit for the purpose of operating a business.
(1960 Code, § 7-25-3)

(B) (1) The city shall examine, or cause to be examined, all applications within a reasonable time after filing. The city shall cause the premises to be inspected within 15 working days after filing.

(2) If the premises are not in compliance with all laws and ordinances applicable thereto, the city shall provide the applicant with a list of defects that are not in compliance. Said defects shall be listed with as much specificity as possible.

(3) The owner or occupant of every business unit shall give the city free access thereto, at all reasonable times, for the purpose of such inspection.
(1960 Code, § 7-25-4)
(Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015) Penalty, see § 110.99

§ 110.28 BUILDING AND PREMISES REGULATION.

(A) No permit shall be issued for the conduct of any business, occupation or activity if the premises of the building to be used for such purpose do not fully comply with all applicable provisions of this subchapter, including the fire prevention and building and zoning regulations.

(B) (1) Any business, trade or occupation subject to the business occupancy permit shall be conducted in all respects in accordance with all applicable ordinances of the city.

(2) Said business, trade or occupation shall be conducted on premises which conform to the provisions of the Zoning Code, Building Code, Plumbing Code, Fire Protection Code and all other applicable ordinances.

(3) The Economic Development, Planning and Zoning Department or other duly designated officer or employer of the city may cause such inspection to be made as shall be required to ensure the operation of such business, trade or occupation in full conformance with the ordinances of the city.
(1960 Code, § 7-25-5) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

§ 110.29 PROPERTY MAINTENANCE CODE.

The International Property Maintenance Code of 2006 as amended is hereby adopted to apply to non-residential structures.
(1960 Code, § 7-25-6) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)
Cross-reference:
Property Maintenance Code, see Ch. 154

§ 110.30 INSPECTIONS.

Whenever the inspections of the premises, vehicles, equipment or methods of operation used in conducting a business, occupation or activity are authorized or required by this subchapter, or are reasonably necessary to secure compliance with any provision of this subchapter or to detect violations thereof, it shall be the duty of the occupant or person in charge of such premises, vehicles, equipment or methods of operation to permit, at any reasonable time, any officer or employee of the city who is authorized or directed to make such inspections to be admitted to such premises, to have access to such vehicles or equipment, and to observe such methods of operation for the purpose of making said inspections.
(1960 Code, § 7-25-7) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015) Penalty, see § 110.99

§ 110.31 PROHIBITION AGAINST NUISANCES.

(A) No business, trade or occupation shall be carried on in any manner which will create a public or private nuisance, nor shall such operation be carried on in a manner which will produce noise, odor or other physical disturbances beyond the property line of the premises at which such operations take place, or otherwise threaten the public health, safety, morale or welfare.

(B) The prohibition contained herein shall be an additional regulation besides those otherwise provided by this subchapter and shall not be deemed to be a limitation on any other ordinance.
(1960 Code, § 7-25-8) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015) Penalty, see § 110.99

§ 110.32 PERMIT ISSUANCE.

(A) If all the fees are paid and the city is satisfied that the premises and its occupancy are in compliance with all laws and ordinances applicable thereto, the Economic Development, Planning and Zoning Department shall issue the occupancy permit as soon as practicable.

(B) Any permit issued shall become invalid if the occupancy is not commenced within six months after issuance of the permit or if the occupancy is terminated.
(1960 Code, § 7-25-9) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

§ 110.33 CONDITIONAL PERMIT.

Occupancy shall be permitted on a conditional basis when in the judgment of the city practical difficulties interfere with completing all repairs required to bring the premises into full compliance with all laws and ordinances prior to permitting occupancy. However, no conditional permit shall be issued when there is a condition on the premises which can threaten the health or safety of an occupant. No conditional permit shall be issued under the provisions of this subchapter for premises which have been newly constructed, newly altered, or on which a change in use is proposed unless a certificate of compliance has first been issued under the provisions of the Building Code.
(1960 Code, § 7-25-10) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

§ 110.34 REJECTION OF APPLICATION.

(A) If the application does not comply with the requirements of all pertinent laws, the city shall reject such application in writing, stating the reasons therefore.

(B) Furthermore, the city may reject an application or deny an occupancy permit in such case when an applicant or person applying for an occupancy permit has failed to pay liens, sewer debts, trash collection fees or any other fees which are due to the city.
(1960 Code, § 7-25-11) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

§ 110.35 OCCUPANCY REGISTER.

The Economic Development, Planning and Zoning Department shall keep an occupancy register in which they will enter the name of each person to whom a license is issued, the purpose of such license and the date of issuance.
(1960 Code, § 7-25-13) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

§ 110.36 LIMITATION OF BUSINESS OCCUPANCY ACTIVITY.

No person may do business or act under any occupancy permit except the occupant; nor shall an occupancy permit authorize any person to act or do business at any place other than the place specified on the occupancy permit.
(1960 Code, § 7-25-14) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015) Penalty, see § 110.99

§ 110.37 CHANGE IN REGULATIONS.

(A) Business occupancy permits are subject to all ordinance and regulations which may be in force at the time of issuing the permit or which may be passed or made while the license is in force.

(B) If any occupant violates any of the provisions thereof, he or she shall be liable to be proceeded against for any penalty imposed and his or her permit shall be subject to revocation at the discretion of the Mayor, or of the court before which they are convicted of such violation.
(1960 Code, § 7-25-15) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015) Penalty, see § 110.99

§ 110.38 ENFORCEMENT.

It shall be the duty of the Police Department and the Health, Housing and Building Department to enforce the provisions of this subchapter in relation to business occupancy permits and to prosecute any person guilty of a violation.
(1960 Code, § 7-25-16) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

§ 110.39 TRANSFER PROHIBITION.

No occupant may assign, sell or transfer his or her permit to any other person, even if such other person(s) intends to conduct the same business, occupation or activity as the permittee at the location used by the occupant. Such other person must apply and pay the fee for new business occupancy in accordance with the provisions of this subchapter.
(1960 Code, § 7-25-18) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015) Penalty, see § 110.99

§ 110.40 POSTING PERMIT.

Every permit issued hereunder shall be posted by the occupant in a conspicuous place.
(1960 Code, § 7-25-19) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

§ 110.41 SUSPENSION OR REVOCATION OF PERMIT; APPEALS.

(A) Any permit issued by the city other than liquor licenses may be suspended as recommended by the Health, Housing, Building and Zoning Department or designee if:

(1) The applicant fails to provide all the necessary information required;

(2) The applicant provides false information;

(3) The applicant or the business is not in compliance with any provision of this subchapter, any local ordinance, state or federal laws, rules or regulations;

(4) The applicant has received two or more citations/penalties in regard to substantiated complaints on the property;

(5) The applicant has a background or history of violating local ordinance, state or federal law, rule or regulation;

(6) The public health, welfare or safety would be adversely affected by granting the application;

(7) The permit was issued in error; and/or

(8) The applicant has outstanding fines, fees or monies due the city and has failed to pay them. (1960 Code, § 7-25-20)

(B) Any permit issued by the city other than liquor licenses may be revoked as recommended by the Health, Housing, Building and Zoning Department or designee if:

(1) The applicant fails to provide all the necessary information required;

(2) The applicant provides false information;

(3) The applicant or the business is not in compliance with any provision of this subchapter, any local ordinance, state or federal laws, rules or regulations;

(4) The applicant has received two or more citations/penalties in regard to substantiated complaints on the property;

(5) The applicant has a background or history of violating local ordinance, state or federal law, rule or regulation;

(6) The public health, welfare or safety would be adversely affected by granting the application;

(7) The permit was issued in error; and/or

(8) The applicant has outstanding fines, fees or monies due the city and has failed to pay them. (1960 Code, § 7-25-21)

(C) (1) *Appeal.* Any applicant or permit holder may appeal a denial, suspension or recommendation of revocation of a permit to the Mayor or designee. The appeal shall be in writing and submitted to the Mayor or designee within 15 days of denial, suspension or recommendations of revocation.

(2) *Hearing appeal procedure.* The Mayor or designee shall conduct the hearing regarding all appeals of a denial, suspension or revocation recommendation of any license. The Mayor or designee shall:

(a) Provide written notification to the applicant or permit holder of the basis of the appeal;

(b) Afford the applicant or permit holder the opportunity to present any evidence relevant to the appeal; and be represented by attorney; and/or

(c) Afford the city the opportunity to present any evidence relevant to the appeal.

(3) *Authority.* The Mayor or designee may:

(a) Examine any books, papers, records or memorandum bearing upon the business or activities of the permittee;

(b) Take testimony; and

(c) Make rulings as to the admissibility of evidence. The Mayor or designee is not bound by the technical rules of evidence. No informality in the proceeding or in the manner of taking testimony or receiving evidence shall invalidate any decision ruling or recommendation.

(4) *Burden.* At any hearing held pursuant to this division (C), the Mayor or designee's decision to deny, suspend or recommend revocation of a permit shall be presumed prima facie correct and the party contesting the decision shall have the burden of overturning that finding.
(1960 Code, § 7-25-22)
(Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

§ 110.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating any provision of this §§ 110.25 through 110.41 shall be fined in an amount not less than $250 nor more than $1,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The court shall also order

as part of the judgment that the defendant comply with all applicable codes and ordinances relating to the property which is the subject of the violation.
(1960 Code, § 7-25-12) (Ord. 7127, passed 4-22-2008; Ord. 7858, passed 5-18-2015)

CHAPTER 111: AMUSEMENTS AND RECREATION; RAFFLES

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GENERAL PROVISIONS

§ 111.001 TATTOO PARLORS.

No person shall operate a tattoo parlor in the city without a license. There shall only be two licenses issued in the city to tattoo parlors. The fee for said license shall be $100. Any tattoo parlor in operation on the date that this section took effect shall be entitled to a license even if it requires the city to issue more than two licenses. No establishment requiring a license under this section shall be located in the special service area, as defined by the Special Service Areas Ordinance, Ord. 3325.
(1960 Code, § 7-2-9) (Ord. 6355, passed 12-3-2001) Penalty, see § 111.999

§ 111.002 FIREWORKS.

(A) It shall be unlawful for a person to operate a fireworks stand or any other seasonal sales of fireworks without obtaining a license from the city.

(B) A city license shall not be issued unless the applicant provides the city proof that the applicant has a state license to sell fireworks. Retailers who operate year round may sell fireworks inside their premises without obtaining a city license.

(C) The license fee for a license to sell fireworks shall be $250.

(D) Each location where fireworks are sold is required to obtain a license.
(1960 Code, § 7-2-11) (Ord. 7122, passed 4-22-2008) Penalty, see § 111.999

§ 111.003 CABLE TELEVISION.

The 20-year cable television franchise, and its specific provisions, with Continental Cablevision, Inc., its successors and assigns, is hereby adopted by reference and incorporated herein as if set out in full.
(1960 Code, §§ 10.01—10.24, 10-2-1—10-2-7, 10-3-1—10-3-4) (Ord. 3672, passed - -; Ord. 7079, passed 1-22-2008; Ord. 7078, passed 1-23-2008)

§ 111.004 VIDEO GAMING.

(A) Any establishment within the city which is licensed to sell alcoholic liquor and has obtained a license to operate a video gaming terminal from the Illinois Gaming Board at such premises shall be required to apply for and obtain a video gaming sticker from the city for each video gaming terminal located at such establishment.

(B) (1) Any person licensed to sell alcoholic liquor may apply to the Liquor Control Commissioner for a city video gaming sticker on an application form provided and pay a fee of $100 for each video gaming terminal at the premises.

(2) Each video gaming sticker issued by the city shall expire April 30, next, after date of issue.

(C) All video gaming terminals at premises within the city shall display a city video gaming sticker at all times.

(D) Video gaming may be played only during the hours of operation for the consumption of alcohol at that establishment.

(E) No establishment shall be eligible for the issuance of video gaming sticker(s) unless it derives at least 50% of its gross monthly revenues from food, beverage and/or other non-gaming sales. At any

time during the video gaming sticker period or prior to the renewal of a video gaming sticker, the Mayor may order the licensee to produce his, her or its accounting records to determine if the licensee remains eligible for a video gaming sticker under this section. Ineligibility under this division (E), or the failure of the licensee to produce said records to the Mayor upon request, shall result in the automatic revocation of a video gaming sticker.

(F) An establishment with a Class "C" liquor license as defined in § 121.06 of the Liquor Code shall not be eligible for the issuance of video gaming sticker(s).
(1960 Code, § 7-27-1) (Ord. 7663, passed 1-7-2013; Ord. 7886, passed 8-17-2015) Penalty, see § 111.999

§ 111.005 CIRCUSES, CARNIVALS, BILLIARDS AND POOL HALLS GENERALLY.

(A) No person shall engage in the city in any business, occupation or pursuit mentioned in this section without having first obtained a license therefor as provided in Ch. 110 of this code of ordinances and paying the license fee prescribed.
(1960 Code, § 7-4-1)

(B) Proprietors and managers of circuses and menageries and like shows shall pay a license fee of $100 per day. All companies of equestrians, acrobats, gymnasts and persons exhibiting any collection of wild animals are included in the purview of this section.
(1960 Code, § 7-4-2)

(C) Every person operating a carnival shall pay a daily license fee of $100 per day.
(1960 Code, § 7-4-3)

(D) (1) Every person keeping any billiard table, pool table, bagatelle or pigeon-hole table, or any other tables or implements for a similar purpose open to the public, shall pay a license fee as follows: a fee of $50 per year for each billiard or other table he or she may keep.

(2) Pool halls open to the public shall be closed for all purposes and cease doing business at the hour of 12:00 midnight and shall remain so closed until 5:00 a.m.

(3) Minors under the age of 16 years shall not frequent, loiter, go into or remain in any pool hall unless upon some lawful errand and sent by the direction and with the consent and knowledge of the parent, or unless accompanied by the parent or there with the written consent of the parent. A proprietor of a pool hall shall not permit a minor under the age of 16 years to frequent, loiter or remain within the pool hall, unless accompanied by the parent or unless on the premises with the written consent of the parent. It shall be the duty of the proprietor to examine and ascertain the validity of the written consent when exhibited by the minor.

(4) No establishment requiring a license under this section shall be located in the special service area, as defined by the Special Services Area Ord. 3325.

(5) No license shall be issued under this section within 1,000 feet of a school.
(1960 Code, § 7-4-4)

(E) All operators of carnivals, circuses, sideshows, concessions and other like amusements of any kind and nature, within the city, shall, in addition to any license fee required, post a bond with the City Clerk in the amount of $500, the sufficiency of which bond shall be determined by the City Clerk. The condition of such bond shall be that if the operator of the carnival, circus, sideshow, concession stand or other like amusement, shall restore the premises occupied by such amusement, and remove all debris and waste material to the satisfaction of the Health Officer of the city, upon the removal of such amusement from the premises occupied by it, then the obligation of the bond shall be null and void, otherwise in full force and effect. The bond shall be either in cash or by a surety bond issued by a reputable insurance company.
(1960 Code, § 7-4-5)
(Ord. 5385, passed 3-8-1995) Penalty, see § 111.999
Cross-reference:
Carnival, Circus and Rodeo Permits, see §§ 111.040 through 111.055

COIN-OPERATED AMUSEMENT DEVICES

§ 111.020 DEFINITION.

The term ***COIN-OPERATED AMUSEMENT DEVICE***, as used herein, means any amusement machine or device operated by means of the insertion of currency, coin, token or similar object for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin-operated mechanical musical devices.
(1960 Code, § 7-6-1) (Ord. 5385, passed 3-8-1995)

§ 111.021 LICENSE REQUIRED.

It shall be unlawful for any person, firm or corporation to install, operate or maintain any such coin-operated amusement device without having first obtained a license therefor. Applications shall be made to the City Clerk. Said license shall be applied for and issued to the owner of such coin-operated device, who shall be solely responsible for the payment of all applicable license fees.
(1960 Code, § 7-6-2) (Ord. 5385, passed 3-8-1995) Penalty, see § 111.999

§ 111.022 LICENSE FEE.

(A) The fee for such licenses shall be $50 per year for each amusement device installed, operated or maintained within the corporate city limits.

(B) All licenses hereunder are due on May 1 and must be obtained on or before June 30 of each year to avoid the penalty.

(C) Failure to timely obtain such a license shall result in the imposition of a $50 penalty for each amusement device that is not timely licensed. Such penalty shall be in addition to the prescribed license fee.
(1960 Code, § 7-6-3) (Ord. 5385, passed 3-8-1995)

§ 111.023 ISSUANCE OF LICENSE.

No license shall be issued, except to a person of good character approved by the City Council. Upon approval of the applicant and the payment of the license fee, the City Clerk shall issue the license.
(1960 Code, § 7-6-4) (Ord. 5385, passed 3-8-1995)

§ 111.024 MINORS.

Minors under the age of 13 years shall not frequent, loiter, go into or remain in any establishment licensed hereunder unless upon some lawful errand and sent by the direction and with the consent of and knowledge of a parent, or unless accompanied by a parent or there with a written consent of a parent. A proprietor of an establishment licensed hereunder shall not permit a minor under the age of 13 years to frequent, loiter or remain within such establishment, unless accompanied by a parent or unless on the premises with the written consent of the parent. It shall be the duty of the proprietor to examine and ascertain the validity of the written consent when exhibited by the minor.
(1960 Code, § 7-6-5) (Ord. 5385, passed 3-8-1995)

§ 111.025 DEVICES TO BE KEPT IN PLAIN VIEW; GAMBLING DEVICES PROHIBITED.

(A) All such devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

(B) Nothing in this subchapter shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

(C) A ***GAMBLING DEVICE*** is any clock, tape machine, slot machine, video slot machine, video poker machine, video black jack machine or other machines or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other things of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A ***GAMBLING DEVICE*** does not include:

(1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns

to the player thereof no money, property or right to receive money or property. Video poker machines and video black jack machines are not excluded as a gambling device under this division (C);

(2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard;

(3) A crane game. For the purposes of this division (C)(3), a ***CRANE GAME*** is an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to toys, novelties and prizes other than currency, each having a wholesale value which is not more than seven times the cost charged to play the amusement device once or $5, whichever is less;

(4) A redemption machine. For the purposes of this division (C)(4), a ***REDEMPTION MACHINE*** is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing or propelling a ball or other object into, upon or against a hole or other target; provided that, all of the following conditions are met:

(a) The outcome of the game is predominantly determined by the skill of the player;

(b) The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score;

(c) Only merchandise prizes are awarded;

(d) The average wholesale value of prizes awarded in lieu of tickets or tokens for single play of device does not exceed the lesser of $5 or seven times the cost charged for a single play of the device; and

(e) The redemption value of tickets, tokens and other representations of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount of charged for a single play of the device.

(5) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans' establishment when conducted in accordance with the Video Gaming Act, 230 ILCS 40/1 et seq.
(1960 Code, § 7-6-6) (Ord. 5385, passed 3-8-1995; Ord. 5758, passed 7-21-1997; Ord. 7648, passed 11-19-2012)

§ 111.026 INSPECTION.

The Chief of Police shall inspect or cause the inspection of any place or building in which any such device or devices are operated or set up for operation and shall inspect, investigate and test such devices at least once a year.
(1960 Code, § 7-6-7) (Ord. 5385, passed 3-8-1995)

§ 111.027 REVOCATION OF LICENSE.

In addition to any penalty imposed, the Mayor or Council may revoke such license for any violation of this subchapter or of any ordinance pertaining to the conduct of such business.
(1960 Code, § 7-6-8) (Ord. 5385, passed 3-8-1995)

§ 111.028 LOCATION.

No license shall be issued under this section within 1,000 feet of a school.
(1960 Code, § 7-6-9) (Ord. 5385, passed 3-8-1995)

CARNIVAL, CIRCUS AND RODEO PERMITS

§ 111.040 DEFINITIONS.

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

CARNIVAL. Any aggregation of shows or riding devices, games of skill or chance, or any combination of shows and riding devices, or any combination of several enterprises, such as revolving wheels, merry-go-rounds, giant swings, panoramas, musical and theatrical entertainments or riding devices, whether carried on or engaged in or conducted in any field, park or in a building or enclosure, and whether carried on, engaged in or conducted as one enterprise or by several concessionaires, and whether one admission fee is charged for admission to all such shows or entertainments, or separate fee for admission is charged for each amusement.

CHIEF OF POLICE. The Chief Law Enforcement Officer of the Department of Police for the city, or his or her designee, responsible for enforcement, inspection of permits and the investigation of complaints of violations with the provisions of this subchapter to ensure compliance with this subchapter.

CIRCUS. A show consisting of acrobats, trained animals, clowns or similar forms of entertainment that is held in an arena, which may be open air or enclosed in a tent or building.

GAMES OF CHANCE. Any game, scheme or procedure whereby cash or one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win, whether such scheme or procedure is called a lottery, raffle, gift sale, game or some other name.

GAMES OF SKILL. Any game or entertainment in which, for a given fee, an individual is required to perform some act and, if successful in the performance of the act, is awarded a prize in the form of a toy, trinket, novelty or other merchandise of any kind.

RODEO. A public competition or exhibition in which skills such as riding broncos or roping calves are displayed, a cattle roundup or an enclosure for keeping cattle that have been rounded up.
(1960 Code, § 40-1-21) (Ord. 7590, passed 4-2-2012)

§ 111.041 GAMES OF CHANCE.

It shall be unlawful for any person as owner, operator, lessee, manager, officer or agent or in any other capacity, to give, conduct, produce, present or offer any entertainment defined as games of chance within the city unless allowed by the state.
(1960 Code, § 40-1-22) (Ord. 7590, passed 4-2-2012) Penalty, see § 111.999

§ 111.042 LENGTH, FREQUENCY OF OPERATION.

No carnival, circus or rodeo, once approved, shall remain in operation in any one location for a period exceeding five days, nor shall any carnival, circus or rodeo, regardless of operator, locate on one particular site for more than two times during any calendar year.
(1960 Code, § 40-1-23) (Ord. 7590, passed 4-2-2012) Penalty, see § 111.999

§ 111.043 REQUIRED.

(A) It shall be unlawful for any person as owner, operator, manager, officer or agent, or in any other capacity, to give, conduct, produce, present or offer any entertainments, exhibitions or performances, commonly known as a carnival, circus or rodeo, within the city, except under the permit duly issued in accordance with this subchapter.

(B) This section does not apply to federal, state, local, city, city school district(s) or city parochial or private school sponsored or supported carnival, circus or rodeo events.
(1960 Code, § 40-1-24) (Ord. 7590, passed 4-2-2012) Penalty, see § 111.999

§ 111.044 APPLICATION.

(A) A permit to give, conduct, produce or present a carnival, circus or rodeo shall be applied for by the owner or lessee, or the agent of either, of the premises upon which the carnival, circus or rodeo is to take place.

(B) Each application shall be in writing on a printed form supplied by the City Clerk and shall contain the following information:

(1) The site or location of the proposed carnival, circus or rodeo and the zoning classification thereof;

(2) A precise description of the kinds of entertainment, exhibitions or performances to be offered and a diagram indicating wherein they are to be located on the proposed site;

(3) The name of the owner, lessee, proprietor, operator or manager of the carnival, circus or rodeo, and in addition thereto, the name of the owner, lessee, proprietor, operator or manager of each entertainment, performance or exhibition which collectively make up the carnival, circus or rodeo, and the legal relationship of each to the applicant or the proprietor of the carnival, circus or rodeo;

(4) The number and location of off-street parking spaces, as well as toilet facilities to be used by patrons of the carnival, circus or rodeo, to be indicated on the diagram referred to above;

(5) An indication of the dates the carnival, circus or rodeo is to be in operation, and the hours during which the carnival, circus or rodeo is to be open to the public. No carnival, circus or rodeo shall open before 10:00 a.m. or operate beyond 8:00 p.m. in the city Sunday through Thursday or 10:00 a.m. through 10:00 p.m. Friday and Saturday;

(6) Current USDA Class "C" licenses for any animals appearing at the carnival, circus or rodeo;

(7) A certificate from the County Health Department for any food concessions for the length of the event;

(8) All information required by the state's Carnival and Amusement Rides Safety Act (430 ILCS 85/2-1 et seq.); and

(9) Any other information that the City Council shall from time to time determine necessary in making a determination as to whether the application shall be granted.
(1960 Code, § 40-1-25) (Ord. 7590, passed 4-2-2012)

§ 111.045 GAMES OF SKILL.

Games of skill shall be permitted under this subchapter; provided, however, that, each such game to be offered must be described with specificity on the application submitted.
(1960 Code, § 40-1-26) (Ord. 7590, passed 4-2-2012)

§ 111.046 APPLICATION FEE.

Each application for a carnival or circus permit shall be accompanied by a $500 non-refundable fee.
(1960 Code, § 40-1-27) (Ord. 7590, passed 4-2-2012)

§ 111.047 INSURANCE REQUIREMENTS.

Prior to the approval of any application submitted under this subchapter, the applicant shall submit to the city a certificate of insurance with the owner, lessee, proprietor, operator or manager of the carnival, circus or rodeo, as well as those persons acting in a similar capacity with respect to each entertainment, performance or exhibition which collectively make up the carnival, circus or rodeo, as named insureds, or such of them as required by the City Council, and also naming the city as an additional insured in an amount of not less than $1,000,000 covering public liability and property damage, and with $3,000,000 aggregate, such policy insuring liability that may arise from the operation or maintenance of the carnival, circus or rodeo or any part thereof.
(1960 Code, § 40-1-28) (Ord. 7590, passed 4-2-2012)

§ 111.048 INDEMNITY OF CITY.

The owner, lessee, operator or manager of a carnival, circus or rodeo shall, in addition to the application provided under this subchapter, deliver to the city an agreement in writing holding the city harmless from all liability resulting from the operation of the carnival, circus or rodeo, and, further, shall agree to indemnify the city from all liability resulting from any injury to patrons, bystanders, passersby or any individual as a result of the operation or maintenance of the carnival, circus or rodeo.
(1960 Code, § 40-1-29) (Ord. 7590, passed 4-2-2012)

§ 111.049 RESTORATION OF PREMISES BY PERMIT HOLDER; PERFORMANCE BOND.

The applicant for a carnival, circus or rodeo permit shall restore the premises to the same condition as the premises existed prior to the operation of the carnival, circus or rodeo, including, but not limited to, removal of all facilities and equipment related to the carnival, circus or rodeo, or any part thereof, trash, garbage and miscellaneous debris. To ensure performance under this subchapter, the applicant shall submit, prior to approval of any application under this section, a performance bond in the amount of not less than $5,000 guaranteeing the restoration of the premises as provided in this subchapter.
(1960 Code, § 40-1-30) (Ord. 7590, passed 4-2-2012)

§ 111.050 CITY COUNCIL REVIEW AND APPROVAL.

(A) Each application submitted under this subchapter, when completed, shall be submitted to the City Clerk with the request that the application be placed on the agenda of the City Council for its review.

(B) The City Council shall have the discretion to grant or deny any application submitted under this subchapter, or any part thereof, on the basis that the carnival, circus or rodeo or any particular

entertainment offered as part of the carnival, circus or rodeo is obscene, unsafe, illegal, a fraud on the general public, or because its location would create traffic hazards or noise or otherwise create a nuisance to adjoining property owners, or in some way is detrimental to the health, welfare and safety of the citizens of the city as reported to the City Council by the Chief of Police or his or her designee. (1960 Code, § 40-1-31) (Ord. 7590, passed 4-2-2012)

§ 111.051 INSPECTION ACCESSIBILITY.

The Chief of Police, his or her designee, police officers and all other city officials shall have free access to the grounds and all booths, shows and concessions on such grounds at all times to ensure that the carnival, circus or rodeo is in compliance with the provisions of this subchapter and all other applicable city ordinances.
(1960 Code, § 40-1-32) (Ord. 7590, passed 4-2-2012)

§ 111.052 CARNIVAL, CIRCUS AND RODEO PERMIT REVOCATION.

The Mayor or Chief of Police may revoke a carnival amusement, circus or rodeo permit at any time and demand immediate cessation of the carnival, circus or rodeo based upon violations of this subchapter and the city code, on-premises criminal acts by the carnival, circus or rodeo employees or when the carnival, circus or rodeo presents an endangerment to public safety.
(1960 Code, § 40-1-33) (Ord. 7590, passed 4-2-2012)

§ 111.053 CARNIVAL, CIRCUS OR RODEO WORKERS RESIDING ON PREMISES.

No employee, agent or other representative of the carnival, circus or rodeo may live, sleep or otherwise reside on the premises of the carnival, circus or rodeo. This restriction does not apply to overnight security personnel employed by the carnival, circus or rodeo to secure the site and equipment. (1960 Code, § 40-1-34) (Ord. 7590, passed 4-2-2012) Penalty, see § 111.999

§ 111.054 VENDOR BACKGROUND CHECKS.

Any vendor given a permit to conduct a carnival, circus or rodeo shall submit a list of their employees along with birth dates and social security numbers and a release form 14 days prior to the start of the event from said employees to allow the city's Police Department time to conduct a background, history and sex offender registration of said employee. The Department shall collect a $15 fee to cover the cost of conducting such checks.
(1960 Code, § 40-1-36) (Ord. 7590, passed 4-2-2012)

§ 111.055 STREET VENDORS DURING PARADE.

It shall be unlawful for a mobile vendor to sell goods on a street where a parade is being held during the parade unless said vendor has authorization from the sponsor of the parade.
(1960 Code, § 40-1-37) (Ord. 6646, passed 5-3-2004; Ord. 7590, passed 4-2-2012) Penalty, see § 111.999

TEEN CLUBS

§ 111.070 DEFINITIONS.

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

APPLICANT. An individual, partnership or corporation, including all partners in a partnership and all stockholders in a corporation.

CITY. City of Belleville.

CLUB PREMISES. Any place where a teen club is operated or maintained, including all highways, bathrooms, parking areas and other adjacent portions of the premises which are accessible to the public during operating hours.

MANAGER. Any employee who is in charge and responsible for the conduct of the business activity at any given time.

PERSON. One or more natural persons, corporations, partnerships, associations or other entities capable of having an action of law brought against such entity.

TEEN CLUB.

(1) Commercial premises which are open to the public, the primary function of which is to offer patrons an opportunity to engage in social activities such as dancing, or the enjoyment of live or prerecorded music, or the enjoyment of entertainment provided by dancers or other performers. As an incidental function, a ***TEEN CLUB*** may sell and serve food and beverages (excluding alcoholic beverages) to its patrons.

(2) The term ***TEEN CLUB*** does not include the following: premises which serve alcoholic beverages as defined by state and local laws; theaters where the patrons sit in parallel rows of fixed seats; full-service restaurants where the only entertainment consists of background music which is incidental to the primary function of serving food; outdoor performances; a banquet, party or celebration conducted for invited guests which is not open to the public; dances, events or teen club sponsored and operated

by a governmental entity, an educational institution or non-profit religious, charitable, benevolent or fraternal organization.

TYPE A TEEN CLUB. A teen club which restricts its admission to persons age 14 to 17 years to a person 18 years of age if such person is currently enrolled in high school and presents a valid identification card issued by the high school indicating that such person is currently enrolled in that school.

TYPE B TEEN CLUB. A teen club which restricts its admission to persons 18 years of age and over.
(1960 Code, § 7-23-1)

§ 111.071 LICENSE REQUIRED.

It is unlawful for any person to own, operate, manage or maintain a teen club in the city without first obtaining a teen club license from the city.
(1960 Code, § 7-23-1) Penalty, see § 111.999

§ 111.072 APPLICATION PROCEDURES.

(A) Initial and renewal applications for a teen club license shall be made to the Mayor in writing; signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation, verified by oath or affidavit; shall be accompanied with a non-refundable application fee of $150 for the initial application plus the current rate by the State Police for processing ISP and FBI fingerprint cards for initial and all renewal applications (current rate - $38 each) for each individual, partner or corporation stockholder, and manager; and shall contain the following information and statements:

(1) The name, date of birth, address (current and past five years), telephone number, place of birth, physical description, drivers license number, Social Security number and fingerprints of the individual applicant(s), partners in a partnership or stockholder(s) in a corporation. In the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation, the date of incorporation, the objects for which it was organized, the names and addresses (current and past five years) of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his or her nominees, the name and address (current and past five years) of such person;

(2) The length of time that said applicant has been in this business or a similar related business and in the case of a corporation, the date on which it was incorporated;

(3) A statement whether applicant has made similar application for a similar related business and in the case of a corporation, the date on which it was incorporated;

(4) A resume of applicant's management history (i.e., business experience and employment history);

(5) The name, address and telephone number of three business references and three personal references;

(6) A description of the business operation and marketing plan which shall include the proposed theme of the establishment;

(7) Detailed plans for preventing persons under or over the age required for a Type A or B license from entering the premises, including security training of employees, identification checking system, and any other methods that will be utilized;

(8) The name, address and telephone number of person(s) who will be employed and serve as a manager for the business and a statement that the same information will be reported to the Mayor prior to any new such employee(s) hired during the license period;

(9) The location and description of the premises or place of business which is to be operated under such license (include a drawing of premises with measurements of floor space and layout);

(10) A statement that the applicant does beneficially own the premises for which a license is to be issued or has a lease for the entire period of the license. If the location is to be leased, a copy of the lease shall be provided and/or the name, address and telephone number of the current property owner. Each applicant must indicate the existing business, if any, at the proposed location;

(11) A statement delineating the criminal history, if any, of the applicant and manager(s) including all arrests and guilty dispositions for all criminal offenses;

(12) A statement:

(a) If a co-partnership, all members of the co-partnership and manager(s) shall be qualified to obtain a license; and

(b) If a corporation, any officer, manager or director thereof, or any stockholder is eligible to receive a license pursuant to this section of the municipal code.

(13) Any additional information the applicant deems pertinent, or is subsequently requested by the city, to review in determining whether the applicant should be granted a license;

(14) A statement that the applicant will not violate any of the laws of the state or any ordinance of the city in the conduct of his or her place of business;

(15) A statement that the applicant will testify under oath to all competent, relevant and material questions propounded to him or her in any hearing conducted by the Mayor, either before or after the

issuance of a license to him or her and that his or her failure to so testify shall be sufficient reason for the refusal to issue any such license to him or her or for the suspension or revocation of any license which has been issued to him or her.

(B) In addition to the application procedures referred to in division (A) above, an applicant for a teen club license shall provide the following:

(1) A written statement setting forth all measures proposed to ensure that adequate traffic control, crowd protection and security, both inside and outside the premises, will be maintained; and that the ages of patrons admitted to the teen club will be monitored;

(2) A statement indicating whether the teen club will be operated as a Type A teen club or a Type B teen club and a statement of the proposed schedule of operating hours and days. The club premises may not be used for both a Type A and Type B teen club;

(3) A statement of whether the applicant, or the applicant's officers, directors, partners or any other person involved in the operation or management of the teen club has pled, been found guilty or has pending charges for any crimes including, but not limited to, firearms, gambling, racketeering, alcohol, controlled substances, sexual offenses, prostitution, assault, battery or contributing to the delinquency of a minor; and

(4) The annual fee for such license shall be $250.
(1960 Code, § 7-23-1)

§ 111.073 ISSUANCE OR DENIAL OF LICENSE.

After receiving a complete application for a teen club license, the city shall follow the following procedures.

(A) The Mayor shall forward copies of the application to appropriate city officials for their comments regarding compliance with regulations under their jurisdiction. The Mayor shall consider all materials and comments submitted and shall issue or deny the license.

(B) A teen club license may be denied by the Mayor for any or more of the following reasons:

(1) The applicant is in violation of any of the requirements to obtain a license, listed in § 111.072(A) of this chapter;

(2) The applicant and/or premises to be licensed have any outstanding past due debts, fines or fees to the city or any on-going code violations;

(3) If the applicant and/or business premises do not comply with all applicable city ordinances and state laws;

(4) If the application is incomplete or if it contains any material misrepresentation;

(5) If the application does not show adequate measures for:

(a) The protection and security, both inside and outside the premises; or

(b) The monitoring of the ages of patrons and citizens admitted to the teen club.

(6) If the applicant is not of good character and reputation; and/or

(7) If any part of the premises has a license to sell alcoholic liquor.

(C) (1) If the Mayor denies a license, written notice stating the reasons for the denial shall be sent to the applicant. The applicant shall have a period of ten working days after the date of license denial to appeal the denial.

(2) Such appeal must be submitted to the Mayor, in writing and must set forth the basis for the appeal.

(3) The Mayor shall hold a meeting and decide the appeal within 30 days of the hearing. (1960 Code, § 7-23-1)

§ 111.074 LICENSE TERM; PRORATING FEE.

(A) Each teen club license shall terminate on April 30 following its issuance.

(B) The license fee shall be prorated from the date of issue to April 30.

(C) No refund shall be made to any license discontinuing business during the license year. (1960 Code, § 7-23-1)

§ 111.075 OPERATING RULES AND REGULATIONS.

(A) It shall be unlawful for any person to violate the following provisions.

(B) Such provisions shall apply to all teen clubs in the city.

(1) Persons of the following ages shall not be permitted to enter or remain on the premises of a Type A teen club:

(a) Under the age of 14 years unless accompanied by a parent or legal guardian; and/or

(b) Eighteen years of age or older except for bona fide employees or entertainers hired by the licensee to work in the club, or a parent of a person under 14 years of age present in the club, or a person 18 years of age currently enrolled in a high school who presents a valid identification from such high school showing such person to be enrolled in such high school and at least one additional piece of identification showing the picture of such individual containing the date of birth of such person and issued by an officer, agent or department of the state or other state.

(2) No person under the age of 18 years shall be permitted to enter or remain on the premises of a Type B teen club unless accompanied by a parent or legal guardian, except for entertainers hired by the licensee to work in a club.

(3) Type A teen clubs shall be operated only between the following hours:

(a) 6:00 p.m. Monday through 10:00 p.m. Monday;

(b) 6:00 p.m. Tuesday through 10:00 p.m. Tuesday;

(c) 6:00 p.m. Wednesday through 10:00 p.m. Wednesday;

(d) 6:00 p.m. Thursday through 10:00 p.m. Thursday;

(e) 6:00 p.m. Friday through 11:00 p.m. Friday;

(f) 6:00 p.m. Saturday through 11:00 p.m. Saturday; and

(g) 6:00 p.m. Sunday through 10:00 p.m. Sunday.

(4) Type B teen clubs shall be operated only between the following hours:

(a) 6:00 p.m. Monday through 1:00 a.m. Tuesday;

(b) 6:00 p.m. Tuesday through 1:00 a.m. Wednesday;

(c) 6:00 p.m. Wednesday through 1:00 a.m. Thursday;

(d) 6:00 p.m. Thursday through 1:00 a.m. Friday;

(e) 6:00 p.m. Friday through 1:00 a.m. Saturday;

(f) 6:00 p.m. Saturday through 1:00 a.m. Sunday; and

(g) 6:00 p.m. Sunday through 1:00 a.m. Monday.

(5) It shall be the obligation of the licensee to employ qualified supervisory personnel at a ratio of one such person for every 25 patrons, who will be present on club premises during all operating hours to maintain peace and order and to ensure compliance with all applicable laws of the state and the city.

(6) The licensee and its agents shall not permit or allow alcoholic beverages or controlled substances to be consumed or be present on the teen club premises.

(7) It shall be the obligation of the licensee and/or manager to remove, or have removed, from the club premises any person who is, or appears to be, under the influence of, or affected by the use of, alcohol or drugs, or whose conduct poses a physical danger to the safety of others present.

(8) It shall be the obligation of the licensee to provide proper and adequate illumination of all portions of the club premises which are available for public use. Such illumination shall not be less than ten foot-candles at floor level at all times when the premises are open to the public or when any member of the public is permitted to enter and remain on the premises.

(9) It shall be the obligation of the licensee to prevent loitering, and/or the creation of public nuisances or disturbances of the peace by any patrons of the teen club on club premises or in the immediate vicinity. Loitering shall not include walking between the club building and a patron's vehicle, nor shall it include the act of waiting in line to gain admission to the club.

(10) It shall be the obligation of the licensee to clean up all litter resulting from club operations. The cleanup shall occur within eight hours after the end of each day's operation.

(11) All teen clubs shall have an occupancy limit established by providing a minimum of ten square feet of space per person. All teen clubs shall provide seating for 50% of the maximum occupancy. No license shall be issued until the applicant has complied with this provision.

(12) All teen club license holders shall enter an agreement with the city's Police Department to act as their agent for the purposes of enforcing criminal trespass laws.
(1960 Code, § 7-23-1) Penalty, see § 111.999

§ 111.076 OBSCENITY IN LICENSED ESTABLISHMENTS.

(A) No licensee or his or her agent or employee shall allow or permit any person to perform acts of, or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

(2) The actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals;

(3) The actual or simulated displaying of the pubic hair, anus, vulva or genitals;

(4) The actual or simulated displaying of the breast so as to expose the nipple of the female breast; and/or

(5) The displaying of films or pictures depicting acts, a live performance of which is prohibited by divisions (A)(1), (A)(2) or (A)(4) above.

(B) No licensee or her or his agent or employee shall allow or permit any person to remain in or upon the licensed premises who exposes in public view any portion of his or her genitals or anus or, in the case of females, the breast so as to expose the nipple.
(1960 Code, § 7-23-1) Penalty, see § 111.999

§ 111.077 ACCESS BY POLICE OFFICERS.

All police officers of the city shall have free access to all teen clubs for the purpose of inspection and to enforce compliance with the provisions of this subchapter at all times that the premises are open to the patrons.
(1960 Code, § 7-23-1)

§ 111.078 CHECKING AGE OF PATRONS.

(A) It is the responsibility of the licensee to require picture identification or a reasonable equivalent showing the age of each person admitted to a teen club. It is unlawful for any person to knowingly allow a person to enter or remain on the premises of a teen club in violation of the age restrictions of this subchapter.

(B) It is unlawful for any person to misrepresent his or her age for the purpose of obtaining admission to, or remaining at, a teen club in violation of the provisions of this subchapter.
(1960 Code, § 7-23-1) Penalty, see § 111.999

§ 111.079 LICENSE SUSPENSION OR REVOCATION.

(A) A teen club license may be suspended or revoked by the Mayor, after due process notice and hearing, when the licensee, or any manager, officer, director, agent or employee of the licensee has caused or permitted any of the following:

(1) Failure to keep the building structure or equipment of the licensed premises in compliance with the applicable health, building, fire or safety laws, regulations or ordinances in a way which relates to or affects public health or safety on the teen club premises;

(2) Failure to comply with the provisions of this subchapter;

(3) Failure of the licensee or any manager, agent or employee to cooperate fully with police officers who respond to the premises;

(4) Making a material false statement or misrepresentation, or failure to disclose any material information to the city, in connection with any application for the teen club license or any license renewal;

(5) Whenever, the licensee or any manager, officer, director, agent or employee of the licensee knowingly permits conduct on the licensed premises that violates any federal, state or city criminal or penal statute, law or ordinance; and

(6) Whenever the operation of the teen club becomes the cause of a significant increase in activities on the premises or in the immediate vicinity requiring police response.

(B) The hearing shall be public and all interested persons shall be afforded an opportunity to be heard.

(C) If the Mayor determines a violation has occurred, he or she may:

(1) Fine the licensee in an amount not to exceed $1,000 per violation;

(2) Impose a probationary period and impose certain conditions which must be observed;

(3) Suspend the license for a period of time;

(4) Any other relief he or she deems just; and/or

(5) Revoke the license.

(D) Failure to pay any fine ordered by the Mayor shall be grounds for revocation of the license. (1960 Code, § 7-23-1)

RAFFLES

§ 111.090 LICENSE REQUIRED.

No organization shall operate a raffle in the city without first obtaining a license and complying with this subchapter. An organization must be one of the following: religious; charitable; labor; fraternal; educational; or veterans. The organization must have been in existence for five years.
(1960 Code, § 7-17-1) (Ord. 5385, passed 3-8-1995) Penalty, see § 111.999

§ 111.091 LIMITATIONS.

(A) Retail value of all prizes or merchandise awarded in a single raffle shall not exceed $25,000.

(B) Retail value of each prize in a single raffle shall not exceed $15,000.

(C) Maximum price which may be charged for each raffle chance issued or sold shall not exceed $25.

(D) Maximum number of days during which chances may be issued or sold shall not exceed 90 days.
(1960 Code, § 7-17-1) (Ord. 5385, passed 3-8-1995)

§ 111.092 CONDUCT OF RAFFLES.

(A) Entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization.

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

(C) No person may receive any payment or profit for participating in the management of the raffle.

(D) An organization may rent a premises on which to determine the winning chance or chances in a raffle only from another organization which is also licensed to have raffles.
(1960 Code, § 7-17-1) (Ord. 5385, passed 3-8-1995) Penalty, see § 111.999

§ 111.093 RAFFLE MANAGER.

All operation of and the conduct of raffles within the city shall be under the supervision of a single raffles manager designated by the organization. The manager shall obtain a fidelity bond in the sum of $1,000 in favor of the organization. A copy of this bond must be filed with the office of the City Clerk.
(1960 Code, § 7-17-1) (Ord. 5385, passed 3-8-1995)

§ 111.094 RECORDS.

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

(B) Each organization shall have separate records of each raffle conducted. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles on behalf of such organization shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct raffles shall report monthly to its membership, and to the city, its gross receipts, expenses and net proceeds from raffles and the distribution of the net proceeds itemized. This report shall be submitted to the City Clerk's office on the first of each month.

(D) Any person who has been convicted of a felony; any person who is or has been a professional gambler or gambling promoter; any person who is not of good moral character; are ineligible for a license.

(E) A filing fee of $5 per raffle must be paid when applying for the raffle license.
(1960 Code, § 7-17-1) (Ord. 5385, passed 3-8-1995; Ord. 7297, passed 8-17-2009)

§ 111.095 RAFFLE REGISTRATION FORM.

City of Belleville Raffle License Application

(Please submit application with the $5 fee to the City Clerk)

Organization Name: _____

Address: _____

Phone: _____ E-Mail: _____

Type of Organization (check one):

_____ Religious _____ Charitable _____ Labor

_____ Veterans _____ Fraternal _____ Educational

_____ Non-Profit Business

How long has this Organization been in existence? _____

Place/Date of Incorporation: _____/_____

(Attach Certificate of Good Standing and Articles of Incorporation.)

Date(s) of Raffle Ticket Sales: _____ to _____ (Maximum of 90 days)

Location(s) of Ticket Sales: _____

Location for Determining Winners: _____

Manner for Determining Winners: _____

Date(s) for Determining Winners: _____

Total Retail Value of All Prizes Awarded: $_____
(Maximum of $25,000)

City of Belleville Raffle License Application

Maximum Retail Value of Each Prize Awarded: $_____
(Maximum of $15,000)

Maximum Price Charged for Each Chance Sold: $_____
(Maximum of $25)

FOR CITY CLERK'S OFFICE USE ONLY

_____ Approved _____ Denied Date: _____ License # _____

Organization Raffle Manager Name: _____

Address: _____

Phone: _____ E-Mail: _____

Raffle Manager Bond (check one):

☐ A fidelity bond in favor of the Organization, in the amount of $1,000 must be submitted with this Application.

or

☐ This bond is waived because the members of the Organization have requested the waiver of the fidelity bond by unanimous vote.

The undersigned hereby certify and attest as follows:

- The information contained in this Application is true and correct;
- The entire net proceeds of the Raffle will be exclusively devoted to the lawful purposes of the Organization;
- No person except a bona fide member of the sponsoring organization will participate in the management or operation of the Raffle;
- No person will receive any payment or profit for participating in the management of the Raffle;
- The Organization will only rent a premises on which to determine the winning chance or chances in a raffle from another organization which is also licensed to have raffles;
- The Organization shall keep records of its gross receipts, expenses and net proceeds for each single occasion at which winning chances are determined, and all deductions from gross receipts for each single occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction;
- The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment;
- The Organization shall have separate records of each raffle conducted, and the person who accounts for gross receipts, expenses and net proceeds from the operation of raffles on behalf of the Organization shall not be the same person who accounts for other revenues of the Organization;
- The Organization licensed to conduct raffles shall report monthly to its membership, and to the City, its gross receipts, expenses and net proceeds from raffles, and the distribution of the net proceeds itemized, and such report shall be submitted to the City Clerk's office on the first of each month;

City of Belleville Raffle License Application

- The officers, operators, manager and workers of the Organization and the Raffle have not been convicted of a felony, are not professional gamblers or gambling promoters, are of good moral character;
- The aforementioned Raffle Manager shall be responsible for the conduct of the Raffle in accordance with Chapter 111of the Revised Code of Ordinances and the Illinois Raffles and Poker Runs Act (230 ILCS 15/1 et seq.).

ORGANIZATION PRESIDING OFFICER

Name: _____

Signature: _____

ORGANIZATION SECRETARY

Name: _____

Signature: _____

STATE OF ILLINOIS)

) SS

COUNTY OF ST. CLAIR)

I, _____, a Notary Public for the State and County aforesaid, do hereby certify that _____ and _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed and delivered the same instrument as the free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, _____.

_____

Notary Public

My Commission Expires: _____

(1960 Code, § 7-17-1) (Ord. 5385, passed 3-8-1995; Ord. 7887, passed 8-17-2015)

§ 111.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) A person violating any provision of § 111.004 of this chapter is subject to prosecution and shall be fined not less than $250, nor more than $500, for each offense, and a separate and distinct offense shall be considered as having been committed for each and every day on which any person shall be found guilty of any such violation.
(1960 Code, § 7-27-2)

(C) The penalty for any violation of the provisions of §§ 111.040 through 111.055 of this chapter, excluding § 111.052 of this chapter, shall result in a fine of $500. The penalty for any subsequent violation of any provisions of §§ 111.040 through 111.055 of this chapter, excluding § 111.052 of this

chapter, shall result in a fine of $1,000. Any person who knowingly fails to comply with a "cessation demand" under § 111.052 of this chapter issued by the Mayor or Chief of Police shall result in a fine of $1,000.
(1960 Code, § 40-1-35)

(D) (1) *Injunction.* In addition to any other relief provided herein, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of §§ 111.070 through 111.079 of this chapter. The application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

(2) *Penalty.* Any person, firm or corporation violating any provision of §§ 111.070 through 111.079 of this chapter shall be fined not less than $100, nor more than $500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(1960 Code, § 7-23-1)
(Ord. 7590, passed 4-2-2012; Ord. 7663, passed 1-7-2013)

CHAPTER 112: EMERGENCY SERVICES; HOMELESS SHELTERS

Section

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FIRE INSPECTIONS

§ 112.01 FEE ESTABLISHED.

The city is hereby authorized to charge an annual fee for fire inspections which are conducted by the city.
(1960 Code, § 7-20-1)

§ 112.02 FEE SCHEDULE.

The following fee schedule shall be implemented for said fire inspection:

0,000 - 2,500 square feet	$25
2,501 - 5,000 square feet	$50
5,001 - 10,000 square feet	$100
10,001 - and over	$150

(1960 Code, § 7-20-2)

§ 112.03 FEES BILLED BY CITY CLERK.

(A) Bills for the fire inspection fees herein established shall be made out by the City Clerk or his or her designee and shall be due and payable on or before the thirtieth day from the day of the bill. If the fee for the fire inspection is not paid within 30 days after the date of any bill rendered therefor, a delayed payment charge in the amount of 10% of the bill rendered shall be imposed and collected. If a bill is not paid by a tenant within 45 days after the date of the bill, then the City Clerk shall bill the land owner directly and he or she shall be responsible for paying said bill including any delayed payment charges within 30 days shall result in a notice of lien on the cost and expense incurred by the city, being

recorded in the office of the Recorder of Deeds of the county. Representatives from the Fire Department are expressly prohibited from collecting any fees. All fees shall be payable at the office of the City Treasurer and shall be collected by the City Treasurer.

(B) If a building encompasses more than one separate business under the same roof, each business shall be billed separately and the city shall conduct the necessary fire inspections for that building. A business with multiple locations shall be billed separately for each location.

(C) A business with one or more auxiliary buildings that serve in a subsidiary capacity to the main facility and are located within close proximity to the principal business building shall be billed one fee for the combined square footage of the buildings inspected at that same general location.

(D) Each time a new business opens in the same location, the building shall be inspected by the city and a new fee shall be due and owing to the city for said inspection.

(E) If the property inspected is tax exempt real estate, no fire inspection fee will be charged.

(F) The city reserves the right to suspend all business in the location of the building, upon due notice to the tenant and/or landowner if inspection fees are not paid within 90 days of said fire inspection.
(1960 Code, § 7-20-3) (Ord. 5386, passed 3-6-1995)

AMBULANCES

§ 112.15 DEFINITIONS.

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

ACT. The Emergency Medical Services (EMS) Systems Act, 210 ILCS 50.

ADVANCED LIFE SUPPORT (ALS) SERVICES (PARAMEDIC).

(1) An advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and modifications to that curriculum specified in this subchapter.
(210 ILCS 50/3.10)

(2) Each ALS vehicle shall be staffed by a minimum of one EMT-Paramedic, Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.
(77 I.A.C. 515.830(f)(3))

AMBULANCE.

(1) Any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or other wise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual.
(210 ILCS 50/3.85)

(2) All vehicle service providers shall function within an EMS system.
(210 ILCS 50/3.85(b)(1))

(3) All vehicle service providers meeting requirements for licensure shall be licensed by IDPH.

(4) A vehicle service provider is prohibited from advertising, identifying its vehicles or disseminating information in a false or misleading manner concerning the provider's type and level of vehicles, location, primary service area, response time, level of personnel, licensure status or system participation.
(210 ILCS 50/3.85(b)(10))

BASIC LIFE SUPPORT (BLS) SERVICES.

(1) A basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a Basic Life Support National Curriculum of the United States Department of Transportation and modifications to that curriculum specified in the subchapter.
(210 ILCS 50/3.10)

(2) Each BLS vehicle shall be staffed by a minimum of two EMT-Basics.
(77 I.A.C. 515.830(f)(1))

DEPARTMENT. The Illinois Department of Public Health.
(210 ILCS 50/3.5)

EMERGENCY. A medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required.
(210 ILCS 50/3.5)

EMERGENCY MEDICAL TECHNICIAN.

(1) ***BASIC (EMT-B).*** A person who has successfully completed a course of instruction in basic life support, as prescribed by the Department (IDPH), is currently licensed by the Department in accordance with standards prescribed by the Act and this subchapter and practices within an EMS system.
(210 ILCS 50/3.50)

(2) ***EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE (EMT-I).*** A person who has successfully completed a course of instruction in intermediate life support as prescribed by the Act and this subchapter and practices within an intermediate or advanced life support EMS system.
(210 ILCS 50/3.50)

(3) ***EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC (EMT-P).*** A person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Act and this subchapter and practices within an advanced life support EMS system.
(210 ILCS 50/3.50)

(4) A person currently licensed as an EMT-B, EMT-I or EMT-P may only practice as an EMT or utilize his or her EMT license in pre-hospital or inter-hospital emergency care settings or non-emergency medical transport situations, under the written or verbal direction of the EMS Medical Director.
(210 ILCS 50/3.55)

EMS MEDICAL DIRECTOR (EMSMD) (AT MEMORIAL HOSPITAL, BELLEVILLE, IL). The physician, appointed by the resource hospital, who has the responsibility and authority for total management of the EMS system.

EMS SYSTEM COORDINATOR (AT MEMORIAL HOSPITAL, BELLEVILLE, IL). The designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the system program.

INTERMEDIATE LIFE SUPPORT (ILS) SERVICES.

(1) An intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care and other authorized techniques and procedures as outlined in the Intermediate Life Support National Curriculum of the United States Department of Transportation and modifications to that curriculum specified in this subchapter.
(210 ILCS 50/3.10)

(2) Each ILS vehicle shall be staffed by a minimum of one EMT-I, Pre-Hospital RN or physician and one other EMT, Pre-Hospital RN or physician.
(77 I.A.C. 515.830(f)(3))

PRE-HOSPITAL REGISTERED NURSE or ***PRE-HOSPITAL RN (PHRN).***

(1) A registered professional nurse, licensed under the state's Nursing Act of 1987, who has successfully completed supplemental education in accordance with this subchapter and who is approved by an EMS Medical Director to practice within an EMS system as emergency medical.

(2) Services personnel for pre-hospital or inter-hospital emergency care and non-emergency medical transports.
(210 ILCS 50/3.80)

RESOURCE HOSPITAL (MEMORIAL HOSPITAL, BELLEVILLE, IL). The hospital with the authority and the responsibility for an EMS system as outlined in the Department-approved EMS system program plan. The ***RESOURCE HOSPITAL***, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles. (1960 Code, § 7-3-1) (Ord. 5895, passed 7-20-1998)

§ 112.16 LICENSE REQUIRED.

No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in, or hold himself or herself out to be engaged in the operation of an ambulance unless he or she holds a valid license under this subchapter. In the case of a major catastrophe in which the number of licensed ambulances in the locality of the catastrophe are insufficient to render required services, vehicles operated by other persons, with licensed EMTs/PHRNs/MDs on board, may be used to render transport service. No vehicle shall bear ambulance identification with insignias and flashing lights or warning signal devices unless it is operated by a licensed ambulance service as provided herein. (1960 Code, § 7-3-2) (Ord. 5895, passed 7-20-1998) Penalty, see § 112.99

§ 112.17 APPLICATION FOR AMBULANCE LICENSE.

(A) Application for a license to operate an ambulance service and renewals therefor shall be made upon forms provided by the City Clerk.

(B) The application shall contain the following:

(1) The name and address of the applicant; the name and address of the owner of the ambulances if different from that of the applicant;

(2) The trade or other fictitious name, if any, under which the applicant does business or proposes to do business;

(3) The location and description of the required permanent ambulance base in the city, at which the two required ALS ambulances and personnel are stationed for immediate response 24 hours a day, every day of the year;

(4) A description of each ambulance which the applicant operates or intends to operate within the license year, including the make, model, year of manufacture, serial number, the length of time the ambulance has been in use, color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulances;

(5) A brief description of training and experience of the applicant in the transportation and care of patients including experience in the city area; and

(6) Such other information as the City Council may deem necessary for a fair determination as to the applicant's compliance with all the provisions of this subchapter.
(1960 Code, § 7-3-3) (Ord. 5895, passed 7-20-1998)

§ 112.18 LICENSE FEE.

(A) All applications for licenses provided herein, or renewals thereof, shall be accompanied by an application or renewal fee of $25. The license year shall commence on the day and month of the issuance of the license and shall end one year from such date.

(B) The application or renewal fee shall be returned to the applicant in the event the application is denied.
(1960 Code, § 7-3-4) (Ord. 5895, passed 7-20-1998)

§ 112.19 ISSUANCE OF LICENSE.

The City Council shall consider in addition to the items provided in the application form:

(A) The experience and responsibility of the applicant to the city area;

(B) The effect the proposed service may have on the general welfare of the community;

(C) Whether applicant is in compliance with the standards for operating an ambulance service, including equipment standards as required by 77 I.A.C. 515.830; and

(D) Such other matters as may appear to the licensing authority to be genuine to the purpose of this subchapter.
(1960 Code, § 7-3-5) (Ord. 5895, passed 7-20-1998)

§ 112.20 STANDARDS FOR AMBULANCES.

(A) Every vehicle used as an ambulance shall be designed and constructed to meet the vehicle design criteria detailed in 77 I.A.C. 515.830(a)(1)(2)(3)(4).

(B) Each ambulance used as a basic life support, intermediate life support or advanced life support (paramedic) shall meet and comply with all requirements, including equipment, staffing, personnel and hours of operation as determined by the EMS System Resource Hospital, the state's Department of Public Health and 77 I.A.C. and the EMS Systems Act (210 ILCS 50).
(1960 Code, § 7-3-6) (Ord. 5895, passed 7-20-1998) Penalty, see § 112.99

§ 112.21 EMT/PHRN STANDARDS.

(A) Every EMT/Pre-Hospital RN/MD must possess a valid driver's license as is issued and required by the state for operation of this type vehicle.

(B) Every EMT/Pre-Hospital RN/MD must hold a valid Illinois EMT/Pre-Hospital RN/MD license and approved by the Resource Hospital EMS Medical Director to function within the EMS System.

(C) All EMT/Pre-Hospital RN/MD personnel shall meet the standards required in the EMS Act, EMS rules and regulations and system policies.

(D) Every ambulance company shall supply the city with a list of their approved state licensed EMT/Pre-Hospital RN employees identifying their level of licensure, licensure number and signature of the Resource Hospital EMS Medical Director.
(1960 Code, § 7-3-7) (Ord. 5895, passed 7-20-1998) Penalty, see § 112.99

§ 112.22 SERVICE; OPERATION.

(A) Each ambulance company approved for 911 calls, shall have in the city, two advanced life support (paramedic) ambulances available for operation 24 hours a day, every day of the year.

(B) Each ambulance company shall have in the city a permanent ambulance base at which the required ambulances and personnel are stationed for immediate response 24 hours a day, every day of the year.

(C) Each licensee/ambulance company must maintain a 24-hour dispatch center staffed by certified EMD telecommunicators. Location of the dispatch center, description of 911 dispatching procedures and a list of certified EMD telecommunicators must be submitted to the Mayor.

(D) Each ambulance service shall maintain records of maintenance, emergency calls and personnel.

(E) Any additional ambulance companies operating from within the city limits must also comply with all licensing requirements and may be utilized by the city-approved ALS providers for mutual aid. (1960 Code, § 7-3-8) (Ord. 5895, passed 7-20-1998)

§ 112.23 LICENSEE INSURANCE.

Every ambulance licensee shall file with the City Clerk, prior to the start of operation under said license, a certificate of insurance of a reputable and acceptable insurance carrier, showing current insurance coverage for each licensed employee and ambulance used by the licensee. The minimum amount of such insurance for personal injury or death shall be $1,000,000; $100,000 for loss or damage of property, including personal property and incidental malpractice coverage in the amount of $1,000,000. The insurance required shall run from January 1 to December 31 of each year and it shall be the duty of the ambulance licensee to notify the City Clerk if his or her insurance is canceled.
(1960 Code, § 7-3-9) (Ord. 5895, passed 7-20-1998)

§ 112.24 REVOCATION AND SUSPENSION OF LICENSE.

In addition to any penalty that may be provided in this subchapter, violation of any of the provisions hereof, or a failure to comply with any of the standards or qualifications provided herein, after reasonable notice to licensee and an opportunity to so comply, may be grounds for suspension or revocation by the licensing authority, and the privileges thereunder, when once revoked, shall not again be granted to the same person, firm or corporation, or any such firm or entity made up in part of the person or persons formerly of interest in the revoked license or privileges. Any licensee, whose license is revoked or whose license is suspended for a period of more than two weeks may, in writing, request of the licensing authority a hearing on such revocation or suspension, which hearing shall be held within ten days after being notified of the revocation or suspension. The hearing will be held by the licensing authority or his or her qualified designee, at which hearing anything touching upon any aspect of the license, the vehicle's equipment, operation, personnel, qualifications, character or any other consideration involving the licensee or the ambulance service of such licensee may be considered. Upon the conclusion of the hearing, the licensing authority or his or her qualified designee shall reduce to writing, within five days, his or her findings with regard to such hearing, a copy of which is to be furnished to the licensee.
(1960 Code, § 7-3-10) (Ord. 5895, passed 7-20-1998)

§ 112.25 COOPERATION.

(A) The ambulance service(s) licensed by the city and the personnel thereof shall cooperate with one another and with the public safety and emergency services operating within the city, both generally and specifically, at the scene of an emergency. In the event the Police Chief or Fire Chief, or their designated assistant, is on the scene, they shall be in charge of the scene. Providing the scene is safe, emergency medical services personnel will assume control of the patient(s) immediately upon arrival to the scene.

(B) If an ambulance is requested for an emergency call in the city, an ALS (paramedic) ambulance will be dispatched to the scene. Anyone licensed by the city, if dispatched to an emergency call, must respond to that call or immediately inform the telecommunicator if they are unable to respond. If unable to respond, the telecommunicator will immediately attempt transfer of the call to another ALS (paramedic) service.
(1960 Code, § 7-3-11) (Ord. 5895, passed 7-20-1998)

§ 112.26 RULES AND REGULATIONS; AUTHORITY.

The licensing authority is authorized to make such reasonable rules and regulations not contrary to or in conflict with the provisions of this subchapter as he or she may deem necessary and hereof, all in the public interest.
(1960 Code, § 7-3-12) (Ord. 5895, passed 7-20-1998)

HOMELESS SHELTERS

§ 112.40 DECLARATION OF POLICY.

It is the purpose of this subchapter and the policy of the city to support, foster and establish standards for the licensing and regulation of facilities to provide shelter to persons who are temporarily without permanent housing. Such facilities are designed to provide shelter on an emergency and temporary basis and not intended to be permanent residences or a substitute for permanent residences.
(1960 Code, § 7-26-1) (Ord. 7214, passed 1-5-2009)

§ 112.41 ADMINISTRATION.

The Mayor, or his or her designee, shall administer this subchapter and may, with the approval of the City Council, promulgate rules and regulations to carry out its enforcement.
(1960 Code, § 7-26-2) (Ord. 7214, passed 1-5-2009)

§ 112.42 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

APPLICANT. A person that submits to the Department of Health, Housing and Building an application for a license or the renewal of a license to conduct, operate or maintain a shelter under this subchapter.

CHIEF OF POLICE. The chief law enforcement officer of the Department of Police for the city, or his or her designee responsible for the inspection of licenses, investigation of complaints of violations with license ordinances to ensure compliance with this subchapter.

CONGREGATE SHELTER. Provides private accommodations to each family living at the shelter, and shares communal space such as living room, dining room and kitchen with the other resident families. ***CONGREGATE SHELTERS*** have 24-hour, on-site, coverage 365 days a year. Case managers are on site daily to assist families with their search for permanent housing; overcoming the obstacles that led them there; and establishing links with external service providers to assist families in reaching their self-sufficiency goals. The program includes nutrition education, budgeting; parenting classes; job searches; crisis intervention; legal advocacy; counseling; case management; and tutoring for children, to ensure that families will be successful when they obtain permanent housing.

DIRECTOR. The Director of the Department of Department of Health, Housing and Building for the city, or his or her designee, charged with the responsibility of enforcing and administering the provisions of this subchapter.

EMERGENCY SHELTER. A facility which provides congregate style temporary lodging either with or without meals and ancillary services on the premises to primarily the homeless for more than four weeks in any calendar year, but does not provide such lodging to any individual who is required because of age, mental disability or other reason to reside either in a public or private institution or who is imprisoned or otherwise detained pursuant to either federal or state law, and excludes an adult foster care facility, designated transitional housing, a nursing home, a temporary emergency shelter or a warming center.

HOMELESS FAMILY. A family that lacks a fixed, regular and adequate nighttime residence or a family that has a primary nighttime residence that is any of the following:

(1) A supervised public or private operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill);

(2) An institution that provides a temporary residence for individuals intended to be institutionalized; and/or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation.

HOMELESS PERSON. For purposes of this subchapter, ***HOMELESS PERSON*** means either of the following:

(1) An individual who lacks a fixed, regular and adequate nighttime residence; or

(2) An individual who has a primary nighttime residence that is any of the following:

(a) A supervised public or private operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill);

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; and/or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation.

PERSON. Any person, firm, partnership, association, corporation, company or any organization of any kind.

REFERRING AGENCY. Any public or private entity that received federal or state funds for the purpose of arranging, referring or facilitating the placement of homeless families with school age children in shelter facilities.

SHELTER. Either an emergency shelter or a shelter for victims of domestic violence.

SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE. A residential facility which provides temporary accommodation and support for victims of domestic violence either with or without their minor children.

SHELTERS FOR THE TEMPORARILY HOMELESS. Refer to definition of ***SHELTER*** in this subchapter.

TEMPORARY EMERGENCY SHELTER. A building which is opened on an urgent basis to provide shelter for the homeless from the elements for not more than four weeks in any calendar year, including those operated in concert by churches and other religious organizations that permit the homeless to utilize their facilities as a place of lodging.

TRANSITIONAL SHELTER/HOUSING. Residential accommodations for two or more persons, including support/counseling services for homeless individuals and/or families. The intent of this type of facility is to provide a stable environment for the homeless and to facilitate self-sufficiency. ***TRANSITIONAL HOUSING (TH)*** is a program under the Supportive Housing Demonstration Program (SDHP). Homeless persons or families may live in a ***TH*** project for up to two years according to United States Department of Housing and Urban Development (HUD) regulations. Additional descriptions may be obtained from HUD regulations 24 C.F.R. § 577.5 as "transitional housing" or in 24 C.F.R. § 583.5 as "supportive housing".

WARMING/COOLING CENTER. A facility which is not designed for lodging and is solely operated for the purpose of sheltering the transient homeless and others from the elements for brief intervals during any 24-hour period in accordance with the declaration of the Mayor under § 11 of the state's Emergency Management Agency Act (20 ILCS 3305/11).

WELFARE HOTEL. A hotel used to house homeless people or families receiving Aid to Families with Dependent Children (AFDC), Temporary Assistance for Needy Families (TANF) or other similar federal or state public aid or welfare benefit until they can transition into permanent traditional housing. (1960 Code, § 7-26-3) (Ord. 7214, passed 1-5-2009; Ord. 7786, passed 6-16-2014)

§ 112.43 LICENSE REQUIRED.

(A) No person shall conduct, operate or maintain or permit to be conducted, operated or maintained or participate in the conduct, operation or maintenance of a shelter for the temporarily homeless within the city unless the city has issued a license as provided for in this subchapter and which is in full force and effect.

(B) Said license shall be issued only if the applicant is approved pursuant to procedures established in this subchapter, and has received a special use designation from the Zoning Board of Appeals in accordance with procedures established in the city code.
(1960 Code, § 7-26-4) (Ord. 7214, passed 1-5-2009) Penalty, see § 112.99

§ 112.44 APPLICATION FOR LICENSE.

(A) Application for such license shall be made to the Director in such form and manner as may be prescribed by said Director.

(B) The application shall be under oath and shall contain:

(1) The location of the premises for which a license is sought;

(2) The proposed maximum number of persons to be housed in the shelter;

(3) The name and address of the applicant if an individual and, if a firm, partnership, corporation or association, the principal address of the entity and name and address of its officers;

(4) The name of the person(s) under whose management or supervision the shelter will be conducted;

(5) The date of special use approval;

(6) Guidelines to be utilized for operation of shelter (including, but not limited to, such policies as admission criteria, procedures for linkage with social service agencies, procedures for termination of stay); and

(7) Such other information as the Director may require implementing this subchapter.
(1960 Code, § 7-26-5) (Ord. 7214, passed 1-5-2009)

§ 112.45 INSPECTION.

Upon receipt of an application for a license hereunder, the Director shall cause an inspection to be made of the proposed shelter by the city's Fire, Housing and Health Departments. The applicant shall afford the representative of the city's departments reasonable opportunity to inspect the applicant's location for which the license is requested and to interview the applicant's agents and employees and any other person within his or her or its custody or control in the particular premises for which a license is being requested. During the term of licensure, the Director may conduct inspections of the shelter at any time without notice to licensee.
(1960 Code, § 7-26-6) (Ord. 7214, passed 1-5-2009)

§ 112.46 STANDARDS FOR ISSUANCE OF LICENSE.

Upon completion of such inspection and a review of the application, the Director shall issue an appropriate license to the applicant for the shelter providing the Director finds and determines that the applicant meets the minimum standards of the Fire, Housing and Health Codes and that such conforms to the requirements of this subchapter.
(1960 Code, § 7-26-7) (Ord. 7214, passed 1-5-2009)

§ 112.47 LICENSE TERM AND CONDITION.

(A) *Annual license.* The Director shall provide for the issuance and renewal of licenses for shelters. The licenses shall be issued on forms prescribed by the Director. Each license, whether an original or a renewal license, shall expire at the end of one year from the date of its issuance (which date of expiration shall be stated upon its face) unless sooner revoked or surrendered. Licenses shall not be transferable either as to place or person. The license shall be displayed in a conspicuous place near the main entrance inside the shelter.

(B) *Maximum number of occupants.* Unless otherwise restricted by the special use permit granted for a specified shelter, the maximum number of occupants permitted to remain in any such shelter shall be computed by dividing the square footage of habitable floor area by 80 (resulting fractions to be disregarded) to a maximum of 20 occupants.

(C) *Admission agreement.* No owner, operator or manager of a shelter shall allow a person to occupy a shelter unless said person has completed a criminal history/warrants check with the city's Police Department, signed an agreement stating that he or she understands that the stay is for a temporary period and does not intend the shelter to be a permanent residence.

(D) *Staff requirements.* Each shelter shall be staffed with at least two persons on duty and awake during operating hours. One of these persons shall be designated as night supervisor and shall be responsible for administration of the shelter during this time period.

(E) *Records and reports.* Every licensee shall keep and maintain such records and make such reports available to the Director of Health, Housing and Sanitation (herein referred to as the "Director") as may reasonably be required to implement this subchapter, including, but not limited to, a list of names of all persons who stay overnight at the shelter and the dates of the stay. Data from such reports and from applications on file within the city shall be made available by the Director in accordance with disclosure requirements of the Public Records Act. Every licensee shall make available for view or inspection by the Chief of Police or his or her designee or officers on duty during the normal shelter business hours a list of names of all persons who are temporary or long term residents and those who stay overnight. Officers shall also be permitted to view such records or intake registries during non-regular business hours when an exigence/emergency is determined to exist by the responding officers and a good faith effort to notify on duty staff is attempted or made.
(1960 Code, § 7-26-8) (Ord. 7214, passed 1-5-2009) Penalty, see § 112.99

§ 112.48 ADDITIONAL OPERATING REQUIREMENTS.

(A) *Separation of sleeping areas.* Separate sleeping areas shall be provided for men, women and parents with children, if applicable.

(B) *No smoking materials permitted.* The owner, operator or manager of a shelter shall not allow the use of smoking materials therein, but only in an outside designated smoking area 15 or more feet from any outside door, window or intake vent. Outside smoking areas shall be monitored by the staff of the shelter to ensure shelter residents do not cause noise complaints from area residents or a breach of the peace.

(C) *Smoke detection and carbon monoxide devices.* Smoke detection and carbon monoxide devices, as described in the adopted Fire Code, shall be installed and maintained in the manner designated in said requirements, in each shelter as follows:

(1) Within each sleeping area;

(2) In each corridor with the distance between each smoke detection device not to exceed 40 feet;

(3) At the uppermost ceiling of each stairwell and open shaft; and

(4) In each room or area used for storage.

(D) *Evacuation diagram.* In each temporary shelter for the homeless, a diagram shall be posted on each floor of a shelter, illustrating evacuation routes from the floor and the shelter in the event of an emergency. Such diagram shall measure no less than 20 inches square, and shall be posted in a place and manner where it will be readily visible to occupants.
(1960 Code, § 7-26-9) (Ord. 7214, passed 1-5-2009) Penalty, see § 112.99

§ 112.49 ADDITIONAL RESTRICTIONS AND PROHIBITIONS.

(A) It shall be unlawful for any person to provide as part of the regular accommodations or services of any shelter for the homeless, any medical care or treatment, nursing care or other health related care. Nothing contained herein shall prohibit any person from obtaining emergency medical care or treatment for any occupant of such shelter in the event of an emergency.

(B) No person shall own, operate or manage a shelter except on a not-for-profit basis and without charge to occupants thereof. However, occupants may be required to do work to maintain shelter facilities in exchange for shelter accommodations.

(C) No owner, operator or manager shall knowingly allow a shelter occupant to bring weapons, alcohol or un-prescribed drugs into the shelter.

(D) No child sex offender, an individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a person under 17 years of age for which the individual is required to register as a sex offender under the state's Sex Offender Registered Act, as amended (730 ILCS 150/1 et seq.), shall be permitted to stay temporarily, while in transit or overnight at the shelter.
(1960 Code, § 7-26-10) (Ord. 7214, passed 1-5-2009) Penalty, see § 112.99

§ 112.50 COMPLIANCE WITH LOCAL CODES.

The premises used as shelters, as defined herein, shall comply with the building, housing, zoning, fire and health provisions of this code of ordinances for the type of structure being utilized and with any other requirements of this subchapter.
(1960 Code, § 7-26-11) (Ord. 7214, passed 1-5-2009) Penalty, see § 112.99

§ 112.51 VIOLATIONS.

The Director, Chief of Police or their designee shall have authority to issue written notices of violations to licensee specifying the particular violations and the time allowed for correction.
(1960 Code, § 7-26-12) (Ord. 7214, passed 1-5-2009)

§ 112.52 LICENSE REVOCATION.

(A) Whenever the Director determines that a violation has occurred which endangers or threatens the life, health, safety or welfare of the shelter's occupants, the licensee or its employees or agents, or the community, the Mayor may revoke the shelter's license by providing 24 hours' written notice to the shelter, or by taking summary action pursuant to this subchapter. Whenever necessary, said notice shall contain an order for evacuation of the occupants, immediate correction of the violation(s) or such other measures which the Director determines to be required.

(B) The Mayor may also revoke the license of a shelter for any violation which is uncorrected within the time specified by the Director or Chief of Police in a notice of violation, or for repeated violations.

(C) The Mayor may also revoke the license of a shelter for failure to follow its guidelines as submitted and approved with its license application.
(1960 Code, § 7-26-13) (Ord. 7214, passed 1-5-2009)

§ 112.53 REFUSAL, RENEWAL AND REVOCATION HEARING; APPEALS.

(A) Whenever the Mayor shall refuse to issue a license or to renew a license or shall revoke a license for a shelter, the person aggrieved shall have the right to a hearing before the Mayor.

(B) The Mayor shall grant such person a reasonable opportunity to present in writing, or verbal testimony in an open hearing, his or her arguments against such decision. The Mayor shall consider such arguments and the pertinent facts and shall provide a brief response to the appeal within 45 days. The decision of the Mayor with respect to such appeal shall be final.
(1960 Code, § 7-26-14) (Ord. 7214, passed 1-5-2009)

§ 112.54 SUMMARY ACTION.

Whenever an inspection of a shelter discloses that such shelter is in violation of local codes and poses an immediate and serious menace to public health and safety, the Mayor is hereby authorized to revoke licensure and to close such shelter forthwith.
(1960 Code, § 7-26-16) (Ord. 7214, passed 1-5-2009)

§ 112.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating any of the provisions of §§ 112.40 through 112.54 of this chapter is subject to prosecution and shall be fined not less than $250, nor more than $500, for each offense, and a separate and distinct offense shall be considered as having been committed for each and every day on which any person shall be guilty of any such violation.
(1960 Code, § 7-26-15) (Ord. 7214, passed 1-5-2009)

CHAPTER 113: SPECIAL SALES; PERSONAL SALES

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GENERAL PROVISIONS

§ 113.001 SECONDHAND DEALERS.

(A) No person shall engage in business as a secondhand dealer within the city without a license. The license fee is $25 per year. No more than two licenses shall be issued for a secondhand store in the special service area defined by the special service area, Ord. 3325. Those businesses presently located in a special service area shall be entitled to have their licenses renewed, but may not transfer their license.

(B) Every secondhand dealer doing business in the city shall keep a record of every article pledged with him or her or sold to him or her and this record shall be open to inspection of any police officer at any time during the hours of business. Such secondhand dealer shall require the person to present a driver's license or other proper identification and record the name and the address of the person delivering the article to him or her. It shall be the duty of every secondhand dealer to report to the police any article pledged with him or her or which is sought to be pledged with him or her if he or she shall

have the reason to believe that the article was stolen or lost and found by the person attempting to pledge it in the case of a lost article.
(1960 Code, § 7-2-4) (Ord. 7216, passed 1-5-2009) Penalty, see § 113.999

§ 113.002 WHOLESALERS.

No person shall engage in business as a wholesaler within the city without a license. The license fee is $50 per year.
(1960 Code, § 7-2-6) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

§ 113.003 ANTIQUE DEALERS.

No person shall engage in the business as an antique dealer within the city without a license. The license fee is $25 per year.
(1960 Code, § 7-2-7) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

§ 113.004 RETAIL JEWELRY STORES.

Every retail jewelry store doing business at retail in the city shall keep a record of every item of jewelry, gold, watch or any other item purchased from any individual as used merchandise, and a record shall be open to the inspection of any police officer at any time during the hours of business. It shall be the duty of such retail jewelry operator to report to the police any article purchased by them or which is sought to be purchased by him or her if he or she has reason to believe that such article was stolen, lost and found by the person attempting to sell it.
(1960 Code, § 7-2-8) (Ord. 5490, passed 11-6-1995) Penalty, see § 113.999

§ 113.005 RESALE AND CONSIGNMENT BUSINESSES.

(A) (1) No person shall engage in the retail consignment business within the city without a license. A resale/consignment business is an establishment that derives more than 50% of its gross sales from used clothing. No more than two licenses shall be issued for resale/consignment businesses in the special service areas defined by the special service areas, Ord. 3325.

(2) Those businesses presently located in the special service area shall be entitled to have their licenses renewed, but may not transfer their licenses.

(B) (1) Every resale/consignment business doing business in the city shall keep a record of every article pledged with him or her or sold to him or her and this record shall be open to inspection of any police officer at any time during the hours of business.

(2) Such resale/consignment business shall require the person to present a driver's license or other proper identification and record the name and the address of the person delivering the article to him or her.

(3) It shall be the duty of every resale/consignment business to report to the police any article pledged with him or her or which is sought to be pledged with him or her if he or she shall have the reason to believe that the article was stolen or lost and found by the person attempting to pledge it in the case of a lost article.
(1960 Code, § 7-2-10) (Ord. 7216, passed 1-5-2009) Penalty, see § 113.999

§ 113.006 LAUNDROMATS; HOURS.

It shall be unlawful for a laundromat to be open for business between the hours of 10:00 p.m. and 5:00 a.m.
(1960 Code, § 7-2-12) (Ord. 7258, passed 4-20-2009) Penalty, see § 113.999

§ 113.007 NEWSPAPER BOXES.

(A) *Registration.* All persons or businesses who have unattended newspaper or advertising box within the city must register with the City Clerk, providing them with their name, address, telephone number and location of their newspaper or advertising box.
(1960 Code, § 7-22-1)

(B) *Specifications for newspaper or advertising boxes.* All newspaper or advertising boxes shall be constructed of metal and shall not exceed the following outside dimensions:

(1) Height: 49 inches;

(2) Width: 24 inches; and

(3) Depth: 18 inches.
(1960 Code, § 7-22-2)

(C) *Maintenance.* All newspaper or advertising boxes shall be kept in good repair.
(1960 Code, § 7-22-3)

(D) *Identification.* Newspaper boxes must identify the publication enclosed. Such identification may not exceed 50 square inches in total area.
(1960 Code, § 7-22-4)

(E) *Attachment.*

(1) It shall be unlawful to attach newspaper or advertising boxes by any means to any public property.

(2) This shall include, but is not limited to, light poles, benches, trash containers, sign poles and trees.
(1960 Code, § 7-22-5)

(F) *Location.* Newspaper or advertising boxes shall not block crosswalks, obstruct sidewalks or limit access to public or private property.
(1960 Code, § 7-22-6)
(Ord. 6033, passed 7-17-2000) Penalty, see § 113.999

GOING OUT OF BUSINESS AND REMOVAL SALES

§ 113.020 DEFINITIONS.

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

GOING OUT OF BUSINESS SALE. Any sale, whether described by such name or by any other name (such as, but not limited to, "closing out sale", "liquidation sale", "lost our lease sale", "forced to vacate sale"), held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and be discontinued at the premises where the sale is conducted.

GOODS. All goods, wares, merchandise and other personal property, except choses in action and money.

REMOVAL SALE. Any sale held in such a manner as to induce a belief that upon disposal of the stock of goods on hand, the business will cease and be discontinued at the premises where the sale is conducted and, thereafter, will be moved to and occupy another location.
(1960 Code, § 7-5-1) (Ord. 5385, passed 3-8-1995)

§ 113.021 EXCEPTIONS.

This subchapter does not apply to any sales ordered by any court or referee in bankruptcy; or to any person acting under the direction and supervision of state or federal courts in the course of their official duties; or to sales by a person regularly engaged in insurance or salvage sales of goods; or to the sale

of goods which have been damaged by fire, smoke, water or otherwise and acquired for the account of others as a result of fire or other casualty.
(1960 Code, § 7-5-2) (Ord. 5385, passed 3-8-1995)

§ 113.022 LICENSE REQUIRED.

No person shall directly or indirectly advertise, represent or hold out to the public that any sale of goods is an insurance, salvage, removal, going out of business, insolvent's, assignee's or creditor's sale of goods, or that it is a sale of goods which have been damaged by fire, smoke, water or otherwise, without a license from the City Clerk to conduct such sale under one of such descriptive names.
(1960 Code, § 7-5-3) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

§ 113.023 APPLICATION FOR LICENSE.

Any applicant for a license under this subchapter shall file an application in writing and under oath with the City Clerk setting out the following information:

(A) The name and address of the applicant for the license, who must be the owner of the goods to be sold and, in addition, if the applicant is a partnership, corporation, firm or association, the name and position of the individual filing the application;

(B) The name and style in which such sale is to be conducted, and the address where such sale is to be conducted;

(C) The dates and period of time during which the sales is to be conducted;

(D) The name and address of the person who will be in charge of and responsible for the conduct of such sale;

(E) A full explanation with regard to the condition or necessity which is the occasion for such sale, including a statement of the descriptive name of the sale and the reasons why such name is truthfully descriptive of the sale. If the application is for a license to conduct a going out of business sale, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale. If the application is for a license to conduct a removal sale, it shall also contain a statement that the business will be discontinued at the premises where the sale is to be conducted upon termination of the sale, in addition to the location of the premises to which the business is to be moved. If the application is for a license to conduct a sale of goods damaged by fire, smoke, water or otherwise, it shall also contain a statement as to the time, location and cause of such fire;

(F) A full, detailed inventory of the goods that are to be sold. The inventory shall itemize the goods to be sold and contain sufficient information concerning each item, including make and brand name, if

any, to clearly identify it; list separately any goods which were purchased during a 60-day period immediately prior to the date of making application for the license; and show the cost price of each item in the inventory together with the name and address of the seller of the item to the applicant, the date of the purchase, the date of the delivery of each item to the applicant and the total value of the inventory at cost; and

(G) A statement that no goods will be added to the inventory after the application is made or during the sale and that the inventory contains no goods received on consignment.
(1960 Code, § 7-5-4) (Ord. 5385, passed 3-8-1995)

§ 113.024 LICENSE ISSUANCE.

The City Clerk, upon receipt of an application for a license under this subchapter and a license fee of $25 shall issue a license to the applicant authorizing him or her to advertise, and to sell the particular goods so inventoried at the time and place stated in the application and in accordance with the provisions of this subchapter. The license shall be issued in duplicate and shall bear a number and the date of its expiration. The license may not be transferred or assigned. If a licensee is engaged in business in other locations, advertising or offering of goods on behalf of such locations shall not represent or imply any participation in or cooperation with the sale on the premises specified in the license, nor shall any advertising or any other offering of goods on behalf of the premises where the licensed sale is being conducted represent or imply any participation in or cooperation with such sale at other locations.
(1960 Code, § 7-5-5) (Ord. 5385, passed 3-8-1995)

§ 113.025 RESTRICTIONS ON LICENSES.

(A) No license under this subchapter shall be issued to any person:

(1) To conduct a sale in the trade name or style of a person in whose goods the applicant has acquired a right or title thereto within six months prior to the time of making application for such license;

(2) To continue a sale in the name of a licensee in whose goods such person acquired a right or title while such a sale is in progress; or

(3) To conduct a sale, other than an insurance sale, salvage sale or a sale of damaged goods, on the same premises within one year from the conclusion of a prior sale of the nature covered by this subchapter.

(B) This section does not apply to any person who acquired a right, title or interest in goods as an heir, devisee or legatee or pursuant to an order of process of a court of competent jurisdiction.
(1960 Code, § 7-5-6) (Ord. 5385, passed 3-8-1995)

§ 113.026 RECORD OF APPLICATION.

The City Clerk, upon issuing a license under this subchapter, shall endorse upon the application the date of its filing and shall preserve it, and the inventory attached to it, as a public record of his or her office. He or she shall make a notation of it in a book to be kept for that purpose, properly indexed, showing the name of the applicant, the date of the application, the descriptive name of the proposed sale, the place where such sale is to be conducted, its duration, the date of the license issued thereon, and the total value of the goods thus to be sold. A copy of the inventory shall be available for public inspection in the office of the City Clerk.
(1960 Code, § 7-5-7) (Ord. 5385, passed 3-8-1995)

§ 113.027 SALES AT BANKRUPTCY AND THE LIKE.

No person shall advertise or represent for sale, or sell any goods at a bankruptcy, executor's, administrator's, receiver's or trustee's sale except pursuant to and in compliance with federal or state statutory authority or judicial process, or as an assignee's or insolvent's sale unless there is a bona fide assignment for the benefit of creditors.
(1960 Code, § 7-5-8) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

§ 113.028 TERM OF LICENSE AND RENEWAL.

A license issued under this subchapter shall be valid for a period of not more than 60 days from the start of the sale, but may be renewed once only for a period not to exceed 30 days upon affidavit of the licensee that the goods listed in the inventory have not been disposed of and that no additional goods have been or will be added to the inventory previously filed. The application for renewal shall be made not more than 14 days prior to the time of the expiration of the license and shall contain a new inventory of the goods remaining on hand at the time the application for renewal is made, which new inventory shall be prepared and furnished in the same manner and form as the original inventory. No renewal shall be granted if any goods have been added to the stock listed in the inventory since the date of the issuance of the license. An additional license fee of $25 shall be paid for the renewal of a license.
(1960 Code, § 7-5-9) (Ord. 5385, passed 3-8-1995)

§ 113.029 POSTING INVENTORY AND LICENSE.

(A) A copy of the application for a license under this subchapter, including the inventory filed therewith, shall be posted in a conspicuous place in the sales room or place where the inventoried goods are to be sold so that the public may be informed of the facts relating to the goods before purchasing same. Such copy need not show the purchase price of the goods. The duplicate copy of the license issued shall be attached to the front door of the premises where the sale is conducted in such a manner that it is clearly visible from the street.

(B) Any advertisement or announcement published in connection with the sale shall conspicuously show on its face the number of the license and the date of its expiration.
(1960 Code, § 7-5-10) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

§ 113.030 GOODS; SUBSTITUTION, ADDITION AND COMMINGLING.

(A) A person conducting a sale licensed under this subchapter shall not substitute for or add to the goods described in the inventory filed. In the case of a sale of goods damaged by fire, smoke, water or otherwise, or in the case of an insurance sale or a salvage sale, the goods to be sold at such sale shall be clearly and distinctly segregated, marked or identified, and advertised, if at all, so that both on display and in advertising such goods may be readily distinguished from other stocks, and their identity readily ascertained. Such goods shall not be commingled with other stocks of the licensee in such a manner to cause the goods to lose their separate identity either on display or in advertising. A violation of this section voids the license issued under this subchapter.

(B) No person in contemplation of conducting any going out of business, removal, assignee's or creditor's sale, or during the continuance of such a sale, shall order or purchase any goods for the purpose of selling them at such sale. Any unusual purchase, or additions to the stock of goods within 60 days after the filing of such application for a license to conduct such a sale shall be presumptive evidence that such purchases or additions were made in contemplation of such sale and for the purpose of selling them at such sale.
(1960 Code, § 7-5-11) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

SECONDHAND DROP-OFF CONTAINERS

§ 113.045 DEFINITIONS.

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

CONTAINER or ***CONTAINERS.*** A secondhand articles drop-off container.

SECONDHAND ARTICLES DROP-OFF CONTAINER. Any receptacle, box or holder used to collect secondhand articles.
(1960 Code, § 7-7-1) (Ord. 7088, passed 2-20-2008)

§ 113.046 PROHIBITIONS.

(A) Exterior secondhand article drop-off containers are prohibited in all zoning districts of the city.

(B) Effective immediately, all existing containers must be removed or be subject to removal by the city by 5-1-2008.

(C) Any property seeking an allowance for the continuation of the containers must make an application to the Zoning Board of Appeals, subject to City Council approval.
(1960 Code, § 7-7-2) (Ord. 7088, passed 2-20-2008) Penalty, see § 113.999

§ 113.047 REGULATIONS.

The following regulations shall apply to any container that receives approval from the Zoning Board of Appeals and City Council.

(A) No articles shall be permitted to accumulate outside the container.

(B) The container must not block any public road or sidewalk.

(C) The container must not block any accessway, drive aisle and/or required parking spaces.

(D) The container must not impede motorists "line of sight" view and must be located near main building away from street.

(E) No flammable or hazardous material or perishable items should be placed or kept in said containers.

(F) The container shall be no larger than 180 cubic feet.

(G) The container shall be anchored to the ground in such a manner that it cannot be easily tipped or blown over.

(H) The container and the area surrounding it shall be kept clean and free from trash and debris, and must be emptied on a regular schedule to prevent overflow.

(I) The container shall be kept freshly painted, at least every two years, and no rust shall be allowed to show.

(J) The container shall be equipped with a lid and/or door that will automatically close after the articles are deposited in the container.

(K) The owner of the container shall be identified on the container along with applicable contact information, a pick up schedule and items to be collected.

(L) The name of the not-for-profit organization benefitting from the materials received must be noted prominently on the container.

(M) The total number of containers shall be limited to eight.
(1960 Code, § 7-7-3) (Ord. 7088, passed 2-20-2008; Ord. 7103, passed 4-8-2008) Penalty, see § 113.999

GARAGE SALES

§ 113.060 PERMIT REQUIRED; EXCEPTION.

No person shall sell, offer for sale or conduct the sale of any junk, secondhand, antique or other used or discarded items of personal property from any residence in the city or from any area classified as residential in the Zoning Code of the city without first obtaining a permit therefor. Included within the terms of this subchapter shall be sales commonly known as "house sales", "attic sales" and "basement sales". The provision of this subchapter shall not apply to bankruptcy, estate or other sales under judicial process and sales conducted from church, school or civic buildings by non-profit religious, civic or charitable organizations.
(1960 Code, § 7-8-1) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

§ 113.061 PERMIT ISSUANCE.

The City Clerk is authorized to issue a permit required by this subchapter for a $5 fee to any resident person upon compliance by such person with the provisions of this code. Said permit shall list, the applicant by name and address and the City Clerk shall keep a record of all permits issued.
(1960 Code, § 7-8-2) (Ord. 5385, passed 3-8-1995; Ord. 6843, passed 3-20-2006)

§ 113.062 PERMIT LIMITATIONS.

No person shall be permitted to conduct a house or garage sale from his or her premises or participate in a garage or house sale conducted by another resident more than three during any calendar year. No more than three permits shall be issued to any person as a permit holder or permit participant during any calendar year for the purpose of conducting or participating in such house or garage sale.
(1960 Code, § 7-8-3) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

§ 113.063 PERMIT RESTRICTIONS.

(A) *Permit valid only for sale designated on permit; permit to be posted; non-transferable.* A permit issued pursuant to this subchapter shall be valid only for the particular sale and premises designated on the permit. The permit shall be posted in the front yard area so as to be easily seen by the police and shall be non-transferable.

(B) *Person conducting sale to be owner or occupant of premises.* It shall be unlawful for any person to conduct a sale pursuant to this subchapter who is not the owner or occupant of the premises where such sale is held.

(C) *Operation of retail selling business prohibited.* It shall be unlawful for anyone to conduct a retail selling business pursuant to a permit issued under this subchapter or to engage in any sales other than those of junk, secondhand, antique or other used or discarded items of property.

(D) *Restrictions on location of sales activities.* No sales regulated by this subchapter shall be located on any public sidewalk or parkway area.

(E) *Length of sale; house.* Sales regulated by this subchapter shall be limited to a period of three consecutive days and shall be conducted only during the periods from 7:30 a.m. to 5:00 p.m.

(F) *Advertising sales restricted.* All signs advertising any sale held pursuant to this subchapter shall be located on the public right-of-way. No signs or advertising matter shall be posted upon city signs, state signs or utility poles. Signs are allowed to remain standing from dawn until dusk on the day of the sale.

(G) *Use of loudspeakers and amplifiers prohibited.* No sale held pursuant to this subchapter shall be conducted with the use of outdoor loudspeakers or other amplification equipment.
(1960 Code, § 7-8-4) (Ord. 5385, passed 3-8-1995; Ord. 5771, passed 8-4-1997) Penalty, see § 113.999

§ 113.064 REVOCATION OF PERMIT OR RIGHT TO PERMIT.

Any person who violates any of the provisions of this subchapter shall be subject to the immediate revocation of the permit under which the person is a permit holder or permit participant, and shall be further subject to the loss of the privilege of obtaining a permit or of having the right to participate in such permit in the future.
(1960 Code, § 7-8-5) (Ord. 5385, passed 3-8-1995)

AUCTIONEERS

§ 113.075 LICENSE REQUIRED.

No person shall carry on the business of auctioneer in the city without a license. In case such license is for the selling at an auction room or store, the license fee is $50 per year. Any person permanently engaged in the business of auctioneer and having such auction rooms may employ an auctioneer to sell for him or her at his or her rooms without taking out an additional license. This subchapter does not

apply to public or auction sales made by any public officer by virtue of any judicial order or process, or by virtue of any power or authority contained in any chattel or other mortgage or any trust deed.
(1960 Code, § 7-2-1) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

§ 113.076 SIDEWALK AND STREET ACTIVITIES.

No person, whether licensed as an auctioneer or not, shall sell, or attempt to sell, or shall cry for sale, at public auction, any goods, chattels or personal property to any person upon any sidewalk or street.
(1960 Code, § 7-2-1) (Ord. 5385, passed 3-8-1995) Penalty, see § 113.999

§ 113.077 POSTING BOND.

All auctioneers, which shall in addition to any license fee required, post a bond with the City Clerk in the amount of $500, the sufficiency of which bond shall be determined by the City Clerk. Condition of such bond shall be that if the auctioneer shall restore the premises on which the auction was held and remove all debris and waste materials to the satisfaction of the Health Officer of the city, upon the removal of such within 24 hours after close of the said auction. Then, the obligation of the bond shall be null and void, otherwise in full force and effect. The bond shall be either in cash or by a surety bond issued by a reputable insurance company.
(1960 Code, § 7-2-1) (Ord. 5385, passed 3-8-1995)

PAWNBROKERS

§ 113.090 DEFINITION; LICENSE.

(A) A ***PAWNBROKER*** is any individual, firm, corporation, business, partnership or other entity, whether or not currently in operation, which loans money on deposit or pledge of physically delivered personal property, other than property the ownership of which is subject to legal dispute, securities, printed evidence of indebtedness or printed evidence of ownership of the personal property or who deals in the purchase of such property on condition of selling the property back again at a stipulated price. The business of a pawnbroker does not include the lending of money on deposit or pledge of the title to property.

(B) No person, persons, business, corporation, partnership or other entity shall engage in the business of pawnbroker within the city without a license. Application for a pawnbroker's license shall be made as provided by the licensing provisions of this chapter and any such application shall also state the number of employees intended to be engaged therein. The Chief of Police of the city or his or her designee or any other officer or agent designated by the Chief of Police shall investigate each licensee applicant and shall report in writing whether or not such applicant is a person of good character. No

license shall be issued to any person, partnership, corporation or other entity, if any owner, manager, partner, officer, director or any shareholder, owning in the aggregate more than 5% of the shares of stock in the corporation where the stock is not publically traded and that shareholder has been convicted of any felony offense or convicted of the offense(s) of possession of stolen goods, burglary, robbery, theft or who has been convicted of any criminal offense involving dishonesty or moral turpitude. Every applicant for a pawnbroker's license, as well as every owner, partner, manager, officer, director, employee and, in this case, of a corporate applicant, every shareholder owning in the aggregate more than 5% of the shares of stock in the corporation where the stock is not publically traded, shall undergo a criminal background investigation, which investigation may include fingerprinting, prior to the issuance of a pawnbroker's license. The license fee is $500 per year.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 7752, passed 3-3-2014) Penalty, see § 113.999

§ 113.091 RECORD REQUIREMENTS.

(A) Every pawnbroker shall keep a standard record book that has been approved by the County Sheriff. At the time of each and every loan or taking of a pledge, an accurate account and description, in the English language, of all the goods, articles and other things pawned or pledged, the amount of money, value or thing loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person making such pawn or pledge shall be printed, typed or written in ink in the record book. Such entry shall include the serial number or identification number of items received which bear such number. Except for items purchased from dealers possessing a federal employee identification number who have provided a receipt to the pawnbroker, every pawnbroker shall also record in his or her book, an accurate account and description, in the English language, of all goods, articles and other things purchased or received for the purpose of resale or loan collateral by the pawnbroker from any source, not in the course of a pledge or loan, the time of such purchase or receipt and the name and address of the person or business which sold or delivered such goods, articles or other things to the pawnbroker. No entry in such book shall be erased, mutilated or changed. Every pawnbroker shall require identification to be shown him by each person pledging or pawning any goods, articles or other things to the pawnbroker. If the identification shown is a driver's license or a state identification card issued by the Secretary of State and contains a photograph of the person being identified, only one form of identification must be shown. If the identification shown is not a driver's license or a state identification card issued by the Secretary of State and does not contain a photograph, two forms of identification must be shown and one of the two forms of identification must include his or her residence address. These forms of identification shall include, but not be limited to, any of the following: driver's license, Social Security card, utility bill, employee or student identification card, credit card or a civic, union or professional association membership card.

(B) Records maintained by pawnbrokers shall be confidential, and no disclosure of pawnbroker records shall be made except disclosures authorized by this subchapter or ordered by a court of competent jurisdiction. No record transferred to the city shall be improperly disclosed; provided that, use of those records as evidence of a felony or misdemeanor shall be a proper purpose. The required records, as well as every article or other thing of value so pawned or pledged, shall at all times be open to the inspection of the City Police Department. Furthermore, the required records and pawn tickets shall

be maintained for a period of three years after the date on which the record or ticket was prepared. It shall be the duty of every pawnbroker to report to the police any article pledged with him or her or which is sought to be pledged with him or her if he or she shall have the reason to believe that the article was stolen or lost and found by the person attempting to pledge it in the case of a lost article.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 7216, passed 1-5-2009; Ord. 7752, passed 3-3-2014) Penalty, see § 113.999

§ 113.092 PROHIBITED LOCATIONS; RESTRICTED NUMBER OF LICENSES.

(A) No establishment requiring a license under this subchapter shall be located in the special service area, as defined by the special service areas, Ord. 3325. Furthermore, the city hereby restricts the number of pawnbrokers in the city to two. Present pawn brokers with existing businesses in the city in excess of two as prescribed in this subchapter are hereby grandfathered.

(B) However, the license shall only be valid for the premises for which the license was issued and may not be transferred to another location within the special service area.

(C) No person or premises which has a pawnbrokers license shall be entitled to receive a secondhand dealers license or a resale/consignment license.

(D) Any business defined in § 113.091 of this chapter shall utilize surveillance digital color video cameras during the business hours. Surveillance cameras shall be positioned so as to record and video tape the image of all persons entering the business and all persons approaching within five feet of the cash register or business counter where articles are pledged or sold.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 5462, passed 9-5-1995; Ord. 7216, passed 1-5-2009; Ord. 7752, passed 3-3-2014) Penalty, see § 113.999

§ 113.093 DAILY REPORT.

It shall be the duty of every pawnbroker to make out and deliver to the Police Chief, on each day before the hours of 12:00 p.m., a legible and exact copy from the standard record book, as required in this subchapter, that lists all personal property and any other valuable thing received on deposit or purchased during the preceding day, including the exact time when received or purchased, and a description of the person or person by whom left in pledge, or from whom the same were purchased.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 7752, passed 3-3-2014) Penalty, see § 113.999

§ 113.094 RATE OF PERCENTAGE ALLOWED; CONTRACT DISCLOSURES; CHARGE.

(A) It shall be unlawful for any pawnbroker to charge or collect a greater benefit or percentage upon money advanced, and for the use and forbearance thereof, than the rate of 3% per month. Nothing in

this subchapter shall be construed so as to conflict with the law pertaining to usury and the person receiving money so advanced may hold such moneys to pay any fees in addition to interest as herein provided.

(B) Each pawnbroker, when making a loan under this subchapter, must disclose in printed form on the pawn contract the following information to the persons receiving the loan:

(1) The amount of money advanced, which must be designated as the amount financed;

(2) The maturity date of the pawn, which must be at least 30 days after the date of the pawn;

(3) The total pawn interest and service charge payable on the maturity date, which must be designated as the finance charge;

(4) The total of payments that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments; and

(5) The annual percentage rate, computed according to the regulations adopted by the Board of Governors of the Federal Reserve System under the Federal Truth in Lending Act.

(C) Each pawnbroker may contract for and receive a monthly finance charge including interest and fees not to exceed one-fifth of the loan amount, as set forth herein, for appraising, investigating title, storing and insuring the collateral, closing the loan, making daily reports to local law enforcement officers including enhanced computerized reporting, complying with regulatory requirements, and for other expenses and losses of every nature whatsoever and for all other services. Such fees, when made and collected, shall not be deemed interest for any purpose of law. Every pawnbroker shall at all times have and keep this subchapter printed in the English language and framed and posted in a prominent and conspicuous position in his or her place of business, so that the same shall be plainly legible and visible to all persons depositing or pledging property with such pawnbroker.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 7752, passed 3-3-2014) Penalty, see § 113.999

§ 113.095 SIGNED MEMORANDUM, CONTRACT OR NOTE.

Every pawnbroker shall, at the time of making any advancement or loan, deliver to the person pawning or pledging any property, a memorandum, contract or note signed by him or her containing an accurate account and description, in the English language, of all the goods, articles or other things pawned or pledged, the amount of money, the time of pledging the same, the rate of interest to be paid on the loan, the name and residence of the person making the pawn or pledge and the amount of any fees as specified in § 113.093 of this chapter.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 7752, passed 3-3-2014) Penalty, see § 113.999

§ 113.096 REPLACEMENT OF ARTICLES OF PROPERTY; INSURANCE.

In the event that any articles or property pledged are lost or rendered inoperable, the pawnbroker shall replace the articles or property with identical articles or property; except that, if the pawnbroker cannot reasonably obtain identical articles or property, the pawnbroker shall replace the articles or property with like articles or property. No pawnbroker shall conduct business in the state, unless the pawnbroker maintains insurance coverage covering all hazards equal to at least two times the aggregate value of the outstanding loans for items held in pawn. Such insurance shall be obtained from an insurance company authorized to do business in the state.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 7752, passed 3-3-2014)

§ 113.097 TRANSACTIONS WITH PROHIBITED PARTIES.

It shall be unlawful for any pawnbroker, or its agent or employee, to purchase any item or to take or receive any pawn or pledge in advancement of any loan from a person who is under the age of 18 years. It shall be further unlawful for any pawnbroker to purchase or take any article in pawn or pledge from any person appearing to be intoxicated or under the influence of any drug or controlled substance or from any person known to have been convicted of theft, burglary, deceptive practices, robbery or armed robbery. It shall further be the duty of every pawnbroker, or agent or employee thereof, to return any purchased, pawned or pledged or sold property to the rightful owner of such property without any service charge and without repayment of the payment of the money advanced by the pawnbroker.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 7752, passed 3-3-2014) Penalty, see § 113.999

§ 113.098 HOLD ORDER.

(A) For the purposes of this subchapter, ***HOLD ORDER*** means a written legal instrument issued to a pawnbroker by a city police officer, ordering the pawnbroker to retain physical possession of pledged goods in the possession of the pawnbroker or property purchased by and in the possession of the pawnbroker and not to return, sell or otherwise dispose of such property as such property is believed to be misappropriated goods.

(B) Upon written notice from a city police officer indicating that property in the possession of a pawnbroker and subject to a hold order is needed for the purpose of furthering a criminal investigation and prosecution, the pawnbroker shall release the property subject to the hold order to the custody of the city police officer for such purpose and the officer shall provide a written acknowledgment that the property has been released to the officer. The release of the property to the custody of the city police officer shall not be considered a waiver or release of the pawnbroker's property rights or interest in the property.

(C) Upon completion of the criminal investigation, the property shall be returned to the pawnbroker who consented to its release; except that, if the city police officer has not completed the criminal

investigation within 120 days after its release, the officer shall immediately return the property to the pawnbroker or obtain and furnish to the pawnbroker a warrant for the continued custody of the property. The pawnbroker shall not release or dispose of the property, except pursuant to a court order or the expiration of the holding period of the hold order, including all extensions.

(D) (1) In cases where criminal charges have been filed and the property may be needed as evidence, the prosecuting attorney shall notify the pawnbroker in writing. The notice shall contain the case number, the style of the case and a description of the property.

(2) The pawnbroker shall hold such property until receiving notice of the disposition of the case from the prosecuting attorney. The prosecuting attorney shall notify the pawnbroker and claimant in writing within 15 days after the disposition of the case.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 7752, passed 3-3-2014)

§ 113.099 COMPLIANCE WITH APPLICABLE LAW.

In addition to the requirements in this subchapter, every pawnbroker shall comply with all applicable federal and state laws, including, but not limited to, those laws related to the pawn, pledge, purchase for resale and sale/resale of any stun gun or taser, pistol, revolver or other firearm.
(1960 Code, § 7-2-2) (Ord. 5385, passed 3-8-1995; Ord. 7752, passed 3-3-2014) Penalty, see § 113.999

§ 113.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating § 113.006 of this chapter shall be subject to a fine of not less than $100 and no more than $1,000.
(1960 Code, § 7-2-12)

(C) Newspaper or advertising boxes violating any of the requirements of § 113.007 of this chapter shall be removed by the city. Confiscated boxes may be retrieved by the owner only after paying a fee of $50 per box to reimburse the city for the cost of removing and storing the boxes.
(1960 Code, § 7-22-7)

(D) Any person violating any provision of §§ 113.020 through 113.030 of this chapter shall be fined not less than $50, nor more than $500, or shall be imprisoned in the county jail for not less than ten days and not more than six months, or both.
(1960 Code, § 7-5-12)

(E) Any person violating § 113.063(F) of this chapter shall be subject to the fine of $10 per day for said violation.
(1960 Code, § 7-8-4)
(Ord. 5385, passed 3-8-1995; Ord. 5771, passed 8-4-1997; Ord. 6033, passed 7-17-2000; Ord. 7258, passed 4-20-2009)

CHAPTER 114: JUNK DEALERS; SCAVENGERS

Section

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Junk Dealers

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Streets and Sidewalks; Trees, see Ch. 158
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SCAVENGERS

§ 114.01 LICENSE.

No person shall engage in the business of scavenger for the removal of garbage, rubbish, offal, swill, carcasses and the like without a license so to do, approved by the Mayor.
(1960 Code, § 7-12-1) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.02 FEE.

The license fee for such license is $400 per year.
(1960 Code, § 7-12-2) (Ord. 5385, passed 3-8-1995)

§ 114.03 BOND.

The person so licensed shall, at the time of the issuing of the license, file a bond in the penal sum of $500, conditioned that he or she will conduct the business subject to the rules and regulations of the Board of Health and the city's code of ordinances, and indemnify the city against all loss, damage or expense it may suffer or be put to by reason of any violation of the city code or the rules and regulations of the Board of Health or otherwise.
(1960 Code, § 7-12-3) (Ord. 5385, passed 3-8-1995)

§ 114.04 DUMPING GROUNDS.

A scavenger, in removing any garbage, offal or swill, or carcass, shall take the same at least one-half mile beyond the city limits and so deposit or dispose of the same that it will not be or become a nuisance to persons residing in the vicinity. The Superintendent of Streets may designate some suitable dumping grounds within the corporate limits where scavengers and other persons may deposit rubbish, dirt or ashes. (Note: state and county landfill laws should be consulted.)
(1960 Code, § 7-12-4) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.05 RECEPTACLES.

All scavengers shall, in the gathering up and conveying away of garbage and other refuse matter, use tight receptacles which are strong and tight so that no part of the contents or load shall fall, leak or spill therefrom and so tightly covered as to prevent the same from being offensive.
(1960 Code, § 7-12-5) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.06 NIGHT SCAVENGERS.

No person in the city shall remove or cause to be removed, the contents of any privy vault, cesspool or sink, without a permit from the Board of Health. The permit shall give the name of the scavenger, describe the premises where the work is to be done, designate the hour when such work will be commenced and state where the contents thereof will be deposited.
(1960 Code, § 7-12-6) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.07 BOARD OF HEALTH REPORTS.

Every scavenger shall make return to the Board of Health within two days after work has been performed, certifying to the number of yards, or loads, removed from the vault or vaults, designated in such permit, and the place where the same was deposited. Such contents shall not be deposited or buried within the city, except upon the written permission of the Board of Health in such a manner and place as it shall direct. The night scavenger shall use proper and sufficient disinfectants and deodorants and in all respects conform with, carry out and obey the rules and regulations of the Board of Health.
(1960 Code, § 7-12-7) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.08 HOURS OF TRASH COLLECTION.

It shall be unlawful for any private trash hauler to collect trash between the hours of 10:00 p.m. and 6:00 a.m.
(1960 Code, § 7-12-8) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.09 VIOLATION.

It shall be a violation of this subchapter for any individual, couple or family to use the license of another individual, couple or family.
(1960 Code, § 7-12-9) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

JUNK DEALERS

§ 114.20 DEFINITIONS.

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

JUNK. Old iron, chain, brass, copper, tin, lead or other base metals, old rope, old bags, wastepaper, paper clippings, wool scraps, rubber, rags, glass, empty bottles of different kinds and sizes

when the number of each kind or size is less than one gross and all articles and things discarded or no longer used as a manufactured article.

JUNK DEALER. A person who engaged in the business of buying, selling, bartering or exchanging junk, or who collects, receives, stores or holds in possession for sale, barter or exchange, any junk whether dealing at wholesale or at retail or as a junk peddler.

JUNK PEDDLER. A person who deals in junk, but does not occupy any premises especially for such business.

RETAIL JUNK DEALER. A junk dealer whose usual and customary purchases consist of quantities of less than the amounts customarily purchased by wholesale junk dealers or in purchases from junk peddlers.

WHOLESALE JUNK DEALER. A junk dealer who deals in large quantities of junk. "Dealing in large quantities" means that the customary and usual separate transactions, both of purchases and sales, consist of the purchase or sale of carload lots, or lots of ten tone or more of metals, or lots of ten bales or more of rags, and correspondingly large lots of any other junk dealt in. Purchasers of old or waste metals in large quantities shall be regarded as ***WHOLESALE JUNK DEALERS*** unless they actually operate within the city a plant for the smelting or refining of such metals.
(1960 Code, § 7-9-1) (Ord. 5385, passed 3-8-1995)

§ 114.21 LICENSE.

(A) No person shall engage in business as a junk dealer or junk peddler without a license. A separate license shall be procured for a wholesale business and a retail business, and for each separate junk store or junkyard. The license fee for each such license is $50 per year.

(B) Application for such license shall be made in writing to the City Clerk and shall state the place of business and the location where junk is to be stored.
(1960 Code, § 7-9-2) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.22 BOND.

Every person desiring to carry on the business of junk dealer, either wholesaler or retailer, or junk peddler, shall execute a bond to the city in the penal sum of $500 conditioned upon the faithful obedience and adherence to the laws of the United States and the state and the ordinances of the city and to save harmless any person who may or might be injured by reason of the granting of a license to operate as a junk dealer. The bond shall be signed by two qualified sureties, not related in any way to the applicant and the sureties shall qualify as to his or her fitness. The City Council shall be the judge of the qualifications of the fitness of the applicant and the qualifications of the sureties and the adequacy of the bond.
(1960 Code, § 7-9-3) (Ord. 5385, passed 3-8-1995)

§ 114.23 INSPECTIONS.

(A) Every store or yard where junk is dealt in shall be subject to inspection by the Police and Fire Departments.

(B) Inspection shall be made at reasonable hours.

(C) The Chief of the Fire Department and the Health Officer shall make weekly inspections of the stores and yards where junk is dealt in.
(1960 Code, § 7-9-4) (Ord. 5385, passed 3-8-1995)

§ 114.24 LOCATION.

No person shall locate, establish, conduct or maintain any junk store or junkyard in the city on any lot in any square block in which two-thirds of the property in the square block is used exclusively for residence purposes; or within 200 feet of any buildings used exclusively for residence purposes without the written consent of the owners of at least a majority of the property with a radius of 200 feet of the location of the junk store or yard. Measurement shall be from the lot line.
(1960 Code, § 7-9-5) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.25 DEALING WITH MINORS.

No junk dealer or peddler shall within the city purchase any goods, articles or thing, except old rags and wastepaper, from any minor without a written consent of the parent or guardian of such minor.
(1960 Code, § 7-9-6) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.26 STOLEN GOODS.

Every junk dealer or peddler who shall receive or be in possession of any goods, articles or things of value which may have been lost or stolen, or alleged to have been lost or stolen, shall upon demand to view or examine the same, forthwith produce such goods, articles or things to the Mayor or any member of the Police Department.
(1960 Code, § 7-9-7) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.27 STORAGE.

A junk dealer or peddler shall not store, keep or pile, or cause to be stored, kept or piled any junk, old rags, old paper or bagging, old iron, brass, copper, tin, lead or empty bottles in the city within 100 feet from any building used for habitation, business, factory or the like.
(1960 Code, § 7-9-8) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.28 REGISTER.

It shall be the duty of every junk dealer or peddler to keep a book in which shall be written at the time of the purchase of any article or thing in the way of business, an accurate description of the article or thing purchased, the price paid therefor, the precise time of making such purchase and the name and residence of the person from whom such purchase was made. The book shall at all reasonable times be open to the inspection of the Mayor or any member of the Police Department.
(1960 Code, § 7-9-9) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.29 SCREENING AUTO YARDS.

No person shall store, keep or pile any vehicles or parts of vehicles intended for salvage or junking on any premises in the city outside of any building or enclosure so as to be visible from any street, alley or adjacent premises.
(1960 Code, § 7-9-10) (Ord. 5385, passed 3-8-1995) Penalty, see § 114.99

§ 114.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating any provision in § 114.08 of this chapter shall be fined not less than $10, nor more than $500, for each offense.
(1960 Code, § 7-12-8) (Ord. 5385, passed 3-8-1995)

CHAPTER 115: PEDDLERS AND SOLICITORS

Section

115.01 Definitions
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115.03 Application procedure
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115.99 Penalty

Statutory reference:

Authority of city to license, tax, regulate, or prohibit peddlers, itinerant merchants or transient vendors, see ILCS Ch. 65, Act 5, § 11-42-5

§ 115.01 DEFINITIONS.

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

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes but is not restricted to wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of that business, uses any building, structure, vehicle or any place within the city.

PEDDLER. Any person, not an itinerant merchant, who:

(1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Without traveling from place to place, sells or offers goods for sale from any public place within the city.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a ***SOLICITOR*** is not a peddler.

§ 115.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler or solicitor shall obtain a license before engaging in this activity within the city.

(B) The fee for the license required by this chapter shall be as set from time to time by the City Council.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 115.99

§ 115.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the Clerk. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the city;

(b) The local address of the individual;

(c) The permanent address of the individual; and

(d) The capacity in which the individual will act.

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock; and

(c) If goods, where and by whom the goods are manufactured or grown, and where the goods are at the time of application.

(6) The nature of the advertising proposed to be done for the business;

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant; and

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application, if required by the city, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as the representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C) above, a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.
Penalty, see § 115.99

§ 115.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless the investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare. In particular, tangible evidence that the applicant has committed the following will constitute valid reasons for disapproval of an application:

(1) Has been convicted of a crime of moral turpitude;

(2) Has made willful misstatements in the application;

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors and the like;

(4) Has committed prior fraudulent acts; or

(5) Has a record of continual breaches of solicited contracts.

§ 115.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Clerk after notice and hearing, pursuant to the standards in § 115.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. This notice shall be mailed to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.

§ 115.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

(A) Any fraud or misrepresentation contained in the license application;

(B) Any fraud, misrepresentation or false statement made in connection with the business being conducted under the license;

(C) Any violation of this chapter;

(D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or

(E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals or general welfare of the public.

§ 115.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 115.04 or 115.06 shall have the right to appeal to the City Council. The appeal shall be taken by filing with the City Council, within 14 days after notice of the decision has been mailed to the person's last known address, a written statement setting forth the grounds for appeal. The City Council shall set the time and place for a hearing, and notice for the hearing shall be given to the person in the same manner as provided in § 115.05.

(B) The order of the City Council after the hearing shall be final.

§ 115.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the city shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Clerk shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during the time that he or she is engaged in the business licensed.
Penalty, see § 115.99

§ 115.09 CITY POLICY ON SOLICITING.

It is hereby declared to be the policy of the city that the occupants of the residences in the city shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

§ 115.10 NOTICE REGULATING SOLICITING.

(A) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO SOLICITORS INVITED"

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

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 115.11 DUTY OF SOLICITORS.

(A) It shall be the duty of every solicitor upon going onto any premises in the city upon which a residence is located to first examine the notice provided for in § 115.10 if any is attached, and be governed by the statement contained on the notice. If the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
Penalty, see § 115.99

§ 115.12 UNINVITED SOLICITING PROHIBITED.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 115.10 above.
Penalty, see § 115.99

§ 115.13 TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of the residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, prior to 9:00 a.m. or after 9:00 p.m. of any weekday or Saturday, or at any time on a Sunday or on a state or national holiday.
Penalty, see § 115.99

§ 115.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than $750. Each day's violation shall constitute a separate offense.

CHAPTER 116: VEHICLE-RELATED BUSINESSES

Section

Public Garages

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Vehicles Vending Food

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PUBLIC GARAGES

§ 116.01 DEFINITION.

The words ***PUBLIC GARAGE***, as used in this subchapter, shall be held to mean and are hereby defined as meaning any premises used for housing or care of more than four motor vehicles, or where any such vehicle is equipped for operation or repaired or kept for remuneration, hire or sale, not including exposition or showroom for motor cars.
(1960 Code, § 7-11-1) (Ord. 5385, passed 3-8-1995)

§ 116.02 LICENSE.

No person shall manage, conduct, operate or carry on the business of a public garage without first having obtained a license therefor.
(1960 Code, § 7-11-2) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.03 LICENSE APPLICATION.

(A) The application for such license for the business or managing, conducting, operating or carrying on a public garage shall specify the location of the building or place in which it is proposed to keep such public garage, the construction of such building, the number of stories in such building and the number of square feet of each of the stories in such building.

(B) Every such application shall be approved by the Fire Department and the Mayor before a license shall be issued.
(1960 Code, § 7-11-3) (Ord. 5385, passed 3-8-1995)

§ 116.04 LICENSE FEE.

The annual license fee for each public garage shall be $25.
(1960 Code, § 7-11-4) (Ord. 5385, passed 3-8-1995)

§ 116.05 LICENSE AUTHORITY.

Every person licensed to conduct a public garage shall have the privilege of managing, conducting, operating or carrying on a private garage within the same building, structure, premises or enclosure, and shall also have the privilege of conducting therein the business of an auto repair shop, the business of auto sales, salesroom for autos and auto accessories and the business of a filling station without necessity of obtaining additional license. No person conducting the business of an auto repair shop shall have more than four cars parked outside his or her building for each service bay that is located within the building and used for auto repair.
(1960 Code, § 7-11-5) (Ord. 5385, passed 3-8-1995; Ord. 6275, passed 5-7-2001) Penalty, see § 116.99

§ 116.06 MAINTENANCE AND INSPECTION.

All public garages shall be conducted and maintained in accordance with provisions of ordinances with regard to fire protection, and shall be inspected by the Fire Warden or his or her duly authorized representative at least once every six months.
(1960 Code, § 7-11-6) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.07 SMOKING.

It shall be unlawful for any person to permit smoking in any public garage.
(1960 Code, § 7-11-7) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

TAXICABS

§ 116.20 DEFINITIONS.

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

CALLBOX STAND. A place alongside a street, or elsewhere where the city has authorized a holder of a certificate of public convenience and necessity to install a telephone or callbox for the taking of calls and the dispatching of taxicabs.

CERTIFICATE. A certificate of public convenience and necessity issued by the City Clerk, authorizing the holder thereof to conduct a taxicab business in the city.

DRIVER'S LICENSE. The permission granted by the City Council to a person to drive a taxicab upon the streets of the city.

HOLDER. A person to whom a certificate of public convenience and necessity has been issued.

OPEN STAND. A public place alongside the curb of a street or elsewhere which has been designated by the city as reserved exclusively for the use of taxicabs.

TAXICAB. A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven persons and not operated on a fixed route.

WAITING TIME. The time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger.
(1960 Code, § 7-13-1) (Ord. 5385, passed 3-8-1995)

§ 116.21 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; APPLICATION.

(A) No person shall operate or permit a taxicab owned or controlled by him or her to be operated as a vehicle for hire upon the streets of the city without a certificate of public convenience and necessity from the City Clerk.
(1960 Code, § 7-13-2)

(B) An application for a certificate shall be filed with the City Clerk upon forms provided by the city. The application shall be verified under oath and shall furnish the following information:

(1) The name and address of the applicant;

(2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments;

(3) The experience of the applicant in the transportation of passengers;

(4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of certificate;

(5) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;

(6) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant; and

(7) Such further information as the City Council may require.
(1960 Code, § 7-13-3)
(Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.22 PUBLIC HEARING.

Upon the filing of an application for a certificate, the City Clerk shall fix the time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have previously been issued, and shall also be published in a newspaper published in the city at least ten days before the hearing. Any interested person may file with the City Clerk a memorandum in support of or opposition to the issuance of a certificate.
(1960 Code, § 7-13-4) (Ord. 5385, passed 3-8-1995)

§ 116.23 CERTIFICATE ISSUANCE.

If the City Council finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this subchapter and the rules promulgated by the Council, the City Clerk shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied. In making its findings, the Council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience and responsibility of the applicant.
(1960 Code, § 7-13-5) (Ord. 5385, passed 3-8-1995)

§ 116.24 BOND OR LIABILITY INSURANCE.

(A) No certificate shall be issued or continued in operation unless there is in effect an indemnity bond for each vehicle authorized in the amount of $50,000 for bodily injury to any one or more persons sustained in the same accident and $10,000 for property damage resulting from any one accident. The bond shall inure to the benefit of any person who is injured or who sustains damage to property proximately caused by the negligence of a holder, his or her employees or agents. The bond shall be filed in the office of the City Clerk and shall have a surety thereon, a surety company authorized to do business in the state.

(B) The City Council may allow the holder to file in lieu of the bond, a liability insurance policy issued by an insurance company authorized to do business in the state. The police shall conform to the provisions of this section relating to bonds.
(1960 Code, § 7-13-6) (Ord. 5385, passed 3-8-1995)

§ 116.25 LICENSE FEES.

No certificate shall be issued or continued in operation unless the holder has paid a license fee of $100 per year for the right to engage in the taxicab business. The license fees are for the fiscal year and are in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicles under his or her operation and control.
(1960 Code, § 7-13-7) (Ord. 5385, passed 3-8-1995)

§ 116.26 CERTIFICATE TRANSFER.

No certificate may be sold, assigned, mortgaged or otherwise transferred without the consent of the City Council.
(1960 Code, § 7-13-8) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.27 REVOCATION OR SUSPENSION OF CERTIFICATE.

A certificate may be revoked or suspended by the City Council if the holder thereof has violated any provision of this subchapter, discontinued operations for more than 30 days or violated any provision of this code or the laws of the United States or of the state, the violation of which reflect unfavorably on the fitness of the holder to offer public transportation. Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.
(1960 Code, § 7-13-9) (Ord. 5385, passed 3-8-1995)

§ 116.28 TAXI DRIVER REGULATIONS; DRIVER'S LICENSE.

(A) (1) *Required.* No person shall drive a taxicab for hire upon the streets of the city and no person who owns or controls a taxicab shall permit it to be so driven at any time for hire, unless the driver has a taxicab driver's license.

(2) *Application.*

(a) An application for a taxicab driver's license shall be filed with the City Clerk on a form provided by the city. The application shall be verified under oath and shall be accompanied by:

1. Evidence of ownership of a valid driver's license, as required by state statute, for the operation of vehicles carrying passengers for hire;

2. Two photographs, one to be placed on the license, and one to be filed with the City Clerk. In addition, each applicant shall submit himself or herself to the city's Police Department for a Police Department photograph and shall, at such time, pay a fee of $1 for the making of such photograph. This photograph shall remain on file with the Police Department;

3. A certificate from a reputable physician, certifying that, in his or her opinion, the applicant is not afflicted with any disease or infirmity which might make him or her an unsafe or unsatisfactory driver;

4. A list, showing the residence of the applicant for the previous ten years;

5. A statement under oath that the applicant has never been convicted or charged with a crime, either felony or misdemeanor, as defined by the Illinois Compiled Statutes;

6. Three character references, together with their addresses; and

7. License fee for one year.

(b) The certificate of a reputable physician, as hereinbefore required, shall have been issued by such physician not more than 60 days prior to the application for license, as herein provided.

(3) *Qualifications.* Before any driver's application is finally passed upon by the City Council, the applicant shall pass a satisfactory examination as to his or her knowledge of the city and show that he or she has a current motor vehicle operator's permit issued by the state.

(4) *Police investigation.* The Police Department shall record, fingerprint and conduct an investigation of the applicant for a taxicab driver's license. Such police investigation should be conducted both at time of initial application and prior to all renewals of taxicab driver's license. A report of such investigation and copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the City Council.

(5) *Consideration by Council.* The City Council, upon consideration of the driver's application shall approve or reject it. If the application is rejected, the applicant may request a personal appearance before the City Council to offer evidence why his application should be reconsidered.

(6) *Issuance and term.* Upon approval of a driver's application, the City Clerk shall issue a license which shall bear the name, address, color, age, signature and photograph of the applicant. Such license shall be in effect for the remainder of the calendar year; provided, however, that, such license shall automatically expire if the holder thereof ceases to be employed by a taxicab company which has been issued a certificate of public convenience and necessity by the city.

(7) *Fee.* The fee for a taxicab driver's license is $2 for each calendar year.

(8) *Display of license.* A taxicab driver, while driving a cab, shall post his or her driver's license in the taxicab in full view of the passengers.

(9) *List of drivers, addresses.* On the first day of each month, it shall be the duty of a holder of a certificate of public convenience and necessity to supply the Chief of Police and the City Clerk with a list of all drivers, and their addresses, employed by said holder at that time.
(1960 Code, § 7-13-10)

(B) The City Clerk may suspend or revoke the driver's license of any taxicab driver who fails to comply with the provisions of this subchapter. A suspension shall be for a period of not more than ten days. A license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his or her behalf.
(1960 Code, § 7-13-11)
(Ord. 2630, passed - -; Ord. 2823, passed - -; Ord. 3087, passed 6-19-1972; Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.29 VEHICLES, EQUIPMENT AND MAINTENANCE; LICENSE.

(A) No taxicab shall be operated unless it bears a state license, duly issued; and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, windshield wipers in good condition. Before a vehicle is used as a taxicab, it shall be inspected by the Police Department.

(B) If the Police Department finds the vehicle meets the above standards, it shall issue a license so stating, and also stating the authorized seating capacity of the vehicle. It shall be the duty of the Police Department to inspect every taxicab so often as may be necessary to see to the enforcement of the provisions of this section.

(C) If a taxicab so inspected shall fail to meet the standards of this section, the Police Department shall order said taxicab out of service and said taxicab shall not be returned to service until after the Police Department has reinspected it to determine if the deficiency so noted has been corrected.
(1960 Code, § 7-13-12) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.30 TAXICAB DESIGNATIONS.

(A) All taxicabs operated by a holder of a certificate of public convenience and necessity shall be painted the same color and on the outside of each rear door, in painted letters, not less than two inches, nor more than five inches in height, the name of the holder and in addition, may bear any identifying design approved by the City Council.

(B) No taxicab shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon, in the opinion of the City Council, conflicts with or imitates any color scheme, identifying design, monogram or insignia used on a taxicab already licensed under this subchapter, in such a manner as to be misleading or tend to deceive or defraud the public.

(C) The color scheme, identifying design, monogram or insignia of a taxicab shall not be changed so as to be, in the opinion of the City Council, in conflict with or an imitation of a color scheme, identifying design, monogram or insignia used by any other holder or operator.
(1960 Code, § 7-13-13) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.31 FARE; RECEIPT; REFUSAL TO PAY.

(A) *Rates.*

(1) (a) The holder or a driver of a taxicab shall not charge more than $2.75 for the first one-tenth mile and $0.15 per one-tenth of each subsequent mile for transporting a passenger. On trips of less than one mile, the customer will pay only the metered rates and will not be charged the $2.75 charge.

(b) Each extra passenger will be charged an additional $1.

(c) Senior citizens will receive a $0.50 discount on each fare.

(d) It shall be the duty of the holder or the driver of a taxicab to, at all times, deliver a passenger from the point of pickup to the point of destination by following the most direct traffic route. There will be a five-minute grace period while waiting for a passenger at his or her point of destination. The holder or driver of a taxicab shall charge $0.25 per additional minute not to exceed $15 per hour while waiting for a passenger.

(2) The holder shall record any change and reason therefor with the City Clerk 30 days prior to the effective date of any such changes. The City Council shall review the rate change to see that the holder is operating in the best interests of the public.

(3) A rate card setting forth the authorized rates of fare shall be displayed in each taxicab in view of the passengers.
(1960 Code, § 7-13-14)

(B) *Receipt.* The driver of a taxicab shall, upon demand by a passenger, render to such passenger a receipt for the amount charged, by a specially prepared receipt on which shall be recorded the name of the owner, license number or motor number, charges and date of transaction.
(1960 Code, § 7-13-15)

(C) *Refusal to pay fare.* No person shall refuse to pay the legal fare of any taxicab after having hired the same. No person shall hire any taxicab with intent to defraud the person from whom it is hired of the value of such service.
(1960 Code, § 7-13-16)

(D) *Senior citizen's discount.* Each senior citizen using a taxicab shall be entitled to a discount of $0.50 from his or her fare.
(1960 Code, § 7-13-32)
(1960 Code, § 7-13-1) (Ord. 5385, passed 3-8-1995; Ord. 5975, passed 4-19-1999) Penalty, see § 116.99

§ 116.32 PASSENGERS; SOLICITATION, NUMBER AND THE LIKE.

(A) *Solicitation.*

(1) No driver of a taxicab shall solicit passengers, except when sitting in the driver's compartment of the taxicab or while standing immediately adjacent to the curbside thereof. The driver shall remain in the driver's compartment or immediately adjacent to his or her vehicle at all times when such vehicle is upon the public street; except that, a driver may be absent from his or her taxicab for not more than 15 consecutive minutes, when necessary, and may assist passengers into or out of the vehicle.

(2) No driver shall solicit patronage in a loud or annoying tone of voice, or by a sign, or annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(3) No driver shall cruise in search of passengers, except in such areas and at such times as shall be designated by the City Council. Such areas and times shall only be designated when the Council finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(4) No driver shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier.
(1960 Code, § 7-13-17)

(B) *Additional passengers.* No driver shall permit any person other than the first person to engage the taxicab to ride in the taxicab unless the person first employing the taxicab consents to the acceptance of the additional passenger or passengers.
(1960 Code, § 7-13-18)

(C) *Number of passengers.* No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of the taxicab as stated in the license for the vehicle issued by the Police Department. A child in arms shall not be counted as a passenger.
(1960 Code, § 7-13-19)

(D) *Refusal to carry passengers.* A driver shall convey any orderly person or persons, upon request, unless previously engaged, or unable or forbidden by the provisions of this subchapter to do so.
(1960 Code, § 7-13-20)

(E) *Soliciting for others.* A driver of a taxicab shall not solicit business for any hotel, or attempt to divert patronage from one hotel to another. A driver shall not sell intoxicating liquor or solicit business for any house of ill repute or use his or her vehicle for any purpose other than the transporting of passengers.
(1960 Code, § 7-13-21) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.33 OPEN STANDS; CALLBOXES.

(A) (1) The Police Department, with the consent of the City Council, may establish open stands in such places upon the streets as it deems necessary for the use of taxicabs operated in the city. The Department shall prescribe the number of cabs that may occupy such open stands. The Department shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such stand would tend to create a traffic hazard.

(2) Open stands shall be used by the different drivers on a first-come first-served basis. A driver shall pull onto the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs; they shall not solicit passengers, or engage in loud or boisterous talk while at an open stand. A passenger may engage any cab of his or her choice that is parked at an open stand.
(1960 Code, § 7-13-22)

(B) (1) The Police Department may establish callbox stands upon the streets in such places as, in its discretion, it deems proper. A holder desiring to establish a callbox stand shall make written application to the Police Department. The applicant must attach to the application, the written approval of the abutting property owners of the space, consenting to the creation of such stand. Upon the filing of the application, the Police Department shall make an investigation of the traffic conditions at such place and shall thereafter file its written recommendation to the City Council. The Council shall then either grant or refuse the application. When a callbox stand has been established, it shall be used solely by the holder to whom the same was granted and his or her agents and employees. No holder may obtain a permit for more than one callbox stand within the downtown business area.

(2) A holder operating a callbox stand may have a starter on duty at such stand for the purpose of assisting in the loading or unloading of passengers from cabs for receiving calls and dispatching cabs, and for soliciting passengers at such stand. The words ***AT SUCH STAND*** shall mean that part of the sidewalk immediately adjacent to and of equal length with such callbox stand. A starter or other employee shall not go beyond the area herein designated for the purpose of soliciting passengers or assisting them in boarding cabs.
(1960 Code, § 7-13-23)

(C) Drivers of vehicles other than taxicabs shall not occupy any space established as an open stand or callbox stand.
(1960 Code, § 7-13-24)
(Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.34 SERVICE; CENTRAL PLACE OF BUSINESS.

Persons engaged in the taxicab business in the city shall render an overall service to the public. Holders shall maintain a central place of business and keep the same open 24 hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so and, if such service cannot be rendered within

a reasonable time, they shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefor.
(1960 Code, § 7-13-25) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.35 MANIFESTS.

Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place or origin and destination of each trip and amount of fare. The completed manifests shall be returned to the holder by the driver at the conclusion of his or her tour of duty. The forms for the manifest shall be furnished to the driver by the holder and shall be of a character approved by the City Council. Every holder shall retain and preserve driver's manifests for the calendar year next preceding the current calendar year. The manifests shall be available to the Council and the Police Department.
(1960 Code, § 7-13-26) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.36 RECORDS.

Every holder shall keep accurate records of receipts, expenses, capital expenditures and such other operating information as may be required by the City Council. The records and other data required by this subchapter shall be readily accessible for examination by the Council.
(1960 Code, § 7-13-27) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.37 ACCIDENT REPORTS.

An accident arising from or occurring in connection with the operation of a taxicab which results in death or injury to any person, or damage to any vehicle or property in an amount exceeding the amount of $100, shall be reported within 24 hours from the time of occurrence to the Police Department on a form of report furnished by the Police Department.
(1960 Code, § 7-13-28) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.38 SERVICE CONTRACT REPORTS.

A holder shall file with the City Clerk, copies of contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab service to any hotel, theater, hall, public resort, railway station or other place of public gathering, whether such arrangement is made with the holder or any firm with which the holder may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a certificate of any offending holder or the cancellation of any cabstand and privileges.
(1960 Code, § 7-13-29) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.39 ADVERTISING.

Subject to the rules and regulations of the City Council, a holder may permit advertising matter to be affixed in or on his or her taxicabs.
(1960 Code, § 7-13-30) (Ord. 5385, passed 3-8-1995)

§ 116.40 ENFORCEMENT.

The Police Department shall report violations of this subchapter to the City Council, which will order or take appropriate action.
(1960 Code, § 7-13-31) (Ord. 5385, passed 3-8-1995)

VEHICLES VENDING FOOD

§ 116.55 LICENSE REQUIRED.

No person shall use any vehicle, including a vehicle propelled by human power, for the storage or carrying of any meats, poultry, fish, butter, cheese, lard, vegetables, flour meal, bread or bakery products or any other provisions intended for human consumption, including beverages and milk in the city for the purpose of delivering any such foodstuffs to any place in the city for use and consumption or for resale in the city for such purpose, without a license for such vehicle.
(1960 Code, § 7-15-1) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.56 LICENSE APPLICATION.

Application for such license shall be made to the City Clerk and shall state thereon the name and address of the owner thereof, the name or names of the persons from whom such deliveries are made and the nature of the goods carried. The City Clerk shall issue such license and shall give to the Council a list of all licenses issued. The license fee is $50 per year for all the licenses defined in § 116.55 of this chapter.
(1960 Code, § 7-15-2) (Ord. 5385, passed 3-8-1995)

§ 116.57 REGULATIONS.

(A) All such vehicles shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day they are so used.

(B) It shall be unlawful to permit stale food, decaying matter or other waste material to accumulate in or on such vehicle while it is so used.

(C) If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion of the vehicle which is screened and protected against dust and insects.
(1960 Code, § 7-15-3) (Ord. 5385, passed 3-8-1995) Penalty, see § 116.99

§ 116.58 FEES.

The license fees paid over to the City Treasurer shall constitute a separate fund to be used to defray the reasonable expense associated with said inspections and regulations in the interest of public health and safety and for the enforcement of the provisions of this subchapter.
(1960 Code, § 7-15-4) (Ord. 5385, passed 3-8-1995; Ord. 6993, passed 5-21-2007)

§ 116.59 INSPECTIONS.

It shall be the duty of the Health Officer to make or cause to be made, inspections to ensure compliance with the provisions of this subchapter, and the Health Officer shall give to each license a certificate that the vehicle has been inspected and keep a record thereof. The licensee shall be notified when and where he or she shall report for inspection.
(1960 Code, § 7-15-5) (Ord. 5385, passed 3-8-1995; Ord. 6993, passed 5-21-2007)

§ 116.60 EXCEPTIONS.

No license fee is required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food dealing establishment in the city, but all other provisions of this subchapter shall be complied with in connection with such vehicles.
(1960 Code, § 7-15-6) (Ord. 5385, passed 3-8-1995)

§ 116.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person violating any of the provisions of §§ 116.01 through 116.07 of this chapter shall be fined not less than $5, nor more than $200, for each offense, and every day that any violation shall occur shall constitute a separate and distinct offense.
(1960 Code, § 7-11-8)

(2) Any person parking cars in excess of the numbers authorized by § 116.05 of this section shall be fined $100 per day per car for said violation.
(1960 Code, § 7-11-5)

(C) Any person violating any provision of §§ 116.20 through 116.40 of this chapter shall be fined not more than $200.
(1960 Code, § 7-13-33)

(D) Any person violating any provision of §§ 116.55 through 116.60 of this chapter shall be fined not less than $50, nor more than $200, for each offense; and a separate offense shall be deemed committed on each day on which a violation occurs or continues.
(1960 Code, § 7-15-7)
(Ord. 5385, passed 3-8-1995; Ord. 6275, passed 5-7-2001)

CHAPTER 118: FOOD AND BEVERAGE BUSINESSES

Section

General Provisions

118.01 Restaurants; outdoor dining
118.02 Food vendors

Convenience Stores

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GENERAL PROVISIONS

§ 118.01 RESTAURANTS; OUTDOOR DINING.

(A) No person shall operate a restaurant or lunch stand within the city without a license. The license fee is $25 per year.
(1960 Code, § 7-2-3)

(B) (1) *Purpose statement.* To provide for and regulate the location and use of public areas designated for outdoor restaurants and dining establishments within the corporate limits of the city.
(1960 Code, § 7-18-1)

(2) *Definitions.* For the purpose of this division (B), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OPERATOR. The owner of the restaurant, or the owner's agent, who is licensed by the city to operate and maintain a food serving establishment.

OUTDOOR RESTAURANT/DINING ESTABLISHMENT. Any portion of a food establishment or eating place located on a public sidewalk or public open-space that provides waiter or waitress service and is unenclosed and open to the general public; the facility being properly licensed as a food establishment in the county.
(1960 Code, § 7-18-2)

(3) *Location of outdoor restaurants/dining establishments.* Outdoor restaurants/dining establishments shall be permitted in all commercial zoning districts as a "special use permit" subject to approval by the City Council.
(1960 Code, § 7-18-3)

(4) *License required.* No person, firm or corporation shall operate an outdoor restaurant/dining establishment within the city without having first obtained a license. The license fee being $25 per year. However, a person who is operating a restaurant within the city having obtained a license under division (A) above can amend said license without any additional license fee.
(1960 Code, § 7-18-4)

(5) *Regulations/requirements.* The operator/owner of an outdoor restaurant/dining establishment must comply with all applicable health and safety requirements as well as the specific zoning requirements as set forth in Ch. 162 of this code of ordinances.
(1960 Code, § 7-18-5)
(Ord. 5385, passed 3-8-1995; Ord. 5547, passed 4-1-1996) Penalty, see § 118.99

§ 118.02 FOOD VENDORS.

(A) No person shall sell meats, bread, bakery goods, fruit, fish, poultry, candy, ice cream, cheese, lard or other provisions or any or either of them at a store, stand or place in the city without a license. The license fee of $25 per year.

(B) This section shall not apply to farmers or gardeners selling the produce of their farms and gardens.
(1960 Code, § 7-2-5) (Ord. 5385, passed 3-8-1995) Penalty, see § 118.99

CONVENIENCE STORES

§ 118.15 PURPOSE.

(A) This subchapter is enacted to reduce the potential for where employees or customers of convenience stores are exposed to risk of death or serious injury from the actions of individuals with criminal intent.

(B) In recent years, there have been many deaths in convenience stores caused by individuals with criminal intent who have found these businesses very convenient for their purposes; and the City Council believes that this danger to public safety can be deterred and restrained by adopting security measures that are adhered to by convenience stores.
(1960 Code, § 7-19-1) (Ord. 5385, passed 3-8-1995)

§ 118.16 DEFINITION.

CONVENIENCE STORE is hereby defined as any place of business that is primarily engaged in the retail sales of groceries, or both groceries and gasoline products. This subchapter is not intended to apply to grocery stores or grocery store chains.
(1960 Code, § 7-19-2) (Ord. 5385, passed 3-8-1995)

§ 118.17 CLEAR VISIBILITY.

Any business, as defined in § 118.16 of this chapter, shall provide clear visibility of the cashier's area from the street.
(1960 Code, § 7-19-3) (Ord. 5385, passed 3-8-1995) Penalty, see § 118.99

§ 118.18 PARKING LOTS.

Any business, as defined in § 118.16 of this chapter, shall properly light business and parking lot.
(1960 Code, § 7-19-4) (Ord. 5385, passed 3-8-1995) Penalty, see § 118.99

§ 118.19 SECURITY TRAINING.

Any business, as defined in § 118.16 of this chapter, shall conduct regular employee security training.
(1960 Code, § 7-19-5) (Ord. 5385, passed 3-8-1995) Penalty, see § 118.99

§ 118.20 SURVEILLANCE CAMERAS.

Any business, defined in § 118.16 of this chapter, shall utilize surveillance cameras during the business hours of 10:00 p.m. until 5:00 a.m. Surveillance cameras shall be positioned so as to record and video tape the image of all persons entering the business and all persons approaching within five feet of the cash register.
(1960 Code, § 7-19-6) (Ord. 5385, passed 3-8-1995) Penalty, see § 118.99

§ 118.21 CAMERAS IN WORKING ORDER.

Cameras shall be maintained in proper working order and positioned correctly at all times and shall be subject to inspection by the Police Chief or designee.
(1960 Code, § 7-19-7) (Ord. 5385, passed 3-8-1995) Penalty, see § 118.99

§ 118.22 NEW OPERATIONS.

(A) All businesses commencing new operations within the corporate city limits shall install color video cameras which are of digital image format only and must be operating 24 hours per day.

(B) Businesses having VHS format video at the time this subchapter was enacted are grandfathered. However, these cameras, when replaced, shall be brought in compliance with digital standards.
(1960 Code, § 7-19-8) (Ord. 5385, passed 3-8-1995; Ord. 6240, passed 12-4-2000) Penalty, see § 118.99

§ 118.23 STORAGE.

(A) The tape shall be stored and not reused for 14 days in case it is needed for evidentiary purposes.

(B) The tape can then be reused, but not more than 18 times to prevent distortion.
(1960 Code, § 7-19-9) (Ord. 5385, passed 3-8-1995) Penalty, see § 118.99

§ 118.24 ALTERNATIVE SECURITY MEASURES.

The city reserves the right to impose alternate security measures which may include: minimum staffing requirements during late hours; hours of operation limitations; bullet-proof enclosure of cashiers area; automated door locking system; cash drop boxes or safes limiting available cash on hand; and other safety measures which, if imposed, will enhance the safety of employees and customers.
(1960 Code, § 7-19-10) (Ord. 5385, passed 3-8-1995)

§ 118.25 IMPOSITION BY CHIEF.

Alternate security measures provided for in § 118.24 of this chapter may be imposed upon the recommendation of the Chief of Police or his or her delegates based upon the following factors:

(A) Traffic density at times of operation;

(B) Past occurrences of violent crimes perpetrated in the immediate area or the convenience store location;

(C) Store design and layout;

(D) Location of convenience store;

(E) Visibility;

(F) Lighting; and

(G) Current security measures in place.
(1960 Code, § 7-19-11) (Ord. 5385, passed 3-8-1995)

§ 118.26 APPEAL.

If there is a discrepancy between the owners of the convenience stores and the recommendations of the Police Chief or his or her delegatee, the owners, within 30 days, have a right to file an appeal before the Police and Fire Committee. The Police and Fire Committee shall hear that appeal and make a formal recommendation to the City Council.
(1960 Code, § 7-19-12) (Ord. 5385, passed 3-8-1995)

§ 118.27 ADDITIONAL MEASURES.

Nothing in this subchapter prohibits any business from using additional cameras, alarms or other security measures, nor does it prevent any business from using those measures more than the required hours.
(1960 Code, § 7-19-13) (Ord. 5385, passed 3-8-1995)

§ 118.28 VIDEO GAMING PROHIBITED.

Any business as defined in § 118.16 shall not conduct video gaming under the Illinois Video Gaming Act (230 ILCS 40/1 et seq.).
(Ord. 7886, passed 8-17-2015)

§ 118.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, firm or corporation violating any provision, section or division of §§ 118.15 through 118.27 of this chapter shall be guilty of an infraction and, upon conviction thereof, be subject to a fine of not more than $500. Each day a violation occurs shall constitute a separate offense. (1960 Code, § 7-19-14) (Ord. 5385, passed 3-8-1995)

CHAPTER 119: HEALING ARTS AND MASSAGE SERVICES

Section

General Provisions

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GENERAL PROVISIONS

§ 119.01 HEALING ART MALPRACTICE.

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

HEALING ART. Shall not include care and treatment by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denominations.

HEALING ART MALPRACTICE. Any action, whether in tort, contract or otherwise, in which the plaintiff seeks damages for injuries or death by reason of medical, hospital or other healing art malpractice, including, but not limited to, medical, hospital, nursing home, nursing, dental or podiatric malpractice.

VERDICT. A judgment entered by any court that has jurisdiction a healing art malpractice case.
(1960 Code, § 17-1-1)

(B) *Personal assets protected in healing art malpractice case.*

(1) In the event that a physician has at least $1,000,000 in professional liability insurance coverage to cover a claim against him or her, and there is a verdict in excess of the physician's professional liability policy limits, the physician may petition the trial court or the designee of the Chief Judge of the Circuit Court for asset protection in an amount equal to two times the maximum amount payable per occurrence under the physician's professional liability insurance. Upon receiving such petition the court shall enter an order granting the physician asset protection in the amount equal to two times the maximum amount payable per occurrence under the physician's professional liability insurance. Within 30 days of the entry of said order, the physician shall file a list of assets with the court that are to be protected.

(2) Division (B)(1) above only applies to causes of action that arose out of acts that occurred within the corporate limits of the city.
(1960 Code, § 17-1-2)
(Ord. 6676, passed 8-16-2004) Penalty, see § 119.99

MASSAGE ESTABLISHMENTS

§ 119.15 DEFINITIONS.

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

EMPLOYEE. Any and all persons other than the massage therapist, who render any service to the permittee, who receive compensation directly from the permittee and who have no physical contact with customers and clients.

MASSAGE THERAPIST. Any person who, for any consideration whatsoever, engages in the practice of therapeutic massages, as herein defined.

OUT-CALL THERAPEUTIC MASSAGE SERVICE. Any business, the function of which is to engage in or carry on therapeutic massages at a location designated by the customer or client rather than at a therapeutic massage establishment.

PERMITTEE. The operator of a therapeutic massage establishment.

PERSONS. Any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

SEXUAL OR GENITAL AREA. Includes the genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female. However, ***GENITAL AREA*** shall exclude displacement of breast tissue for muscular therapy.

THERAPEUTIC MASSAGE. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

THERAPEUTIC MASSAGE ESTABLISHMENTS. Any establishment having a fixed place of business where any person, firm, association or corporation engaged in, or carries on, or permits to be engaged in or carried on any of the activities mentioned herein.
(1960 Code, § 7-21-1) (Ord. 5469, passed 10-16-1995)

§ 119.16 PERMITS AND EDUCATION REQUIRED.

(A) It shall be unlawful for any person to engage in, conduct or carry on or to permit to be engaged in, conducted or carried on, in or upon any premises in the city the operation of a therapeutic massage establishment, as herein defined, without first having obtained a permit from the Chief of Police.

(B) Furthermore, no person shall be allowed to engage in, conduct or carry on, or upon any premises in the city, the operation of a therapeutic massage establishment, or engage in the occupation of therapeutic massage therapist as hereinafter defined, without first maintaining a minimum of 500 hours of education from a recognized school training in therapeutic massage and licensed in the state issues licenses. Any person holding a permit from the city on 7-1-2003, shall not have to meet the 500 hours requirement.

(C) Furthermore, all persons shall be required to secure $100,000 liability insurance in order to operate as a therapeutic massage therapist.
(1960 Code, § 7-21-2) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.17 APPLICATION; FILING AND FEE.

(A) (1) Every applicant for a permit to maintain, operate or conduct a massage establishment shall file an application in duplicate under oath with the Chief of Police upon a form provided by said Chief of Police and pay a non-refundable filing fee of $100 to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the Chief of Police.

(2) The Chief of Police shall, within five days, refer copies of such application to the Department of Inspection Services, the Fire Department, the Board of Health and the City Planning Department. The Departments shall, within 30 days, inspect the premises proposed to be operated as a therapeutic massage establishment and make written recommendations to the Chief of Police concerning compliance with the codes that they administer. Within ten days of receipt of the recommendations of the aforesaid departments, the Chief of Police shall notify the applicant that his or her application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Chief of Police shall advise the applicant in writing whether the application is granted or denied.

(3) Whenever an application is denied or held for further investigation, the Chief of Police shall advise the applicant in writing of the reasons for such action.

(4) The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the said application or his or her refusal to submit to or cooperate with any inspection required by this subchapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Chief of Police.
(1960 Code, § 7-21-3)

(B) (1) The application for a permit to operate a therapeutic massage establishment shall set forth the exact nature of the therapeutic massage to be administered, and the proposed place of business and facilities therefor.

(2) In addition to the foregoing, any applicant for a permit, including any partner or limited partner of a partnership applicant, and any officer or director of a corporate applicant and any stockholder holding more than 10% of the stock of a corporate applicant shall furnish the following information:

(a) Name and address;

(b) Written proof that the individual is at least 18 years of age;

(c) All residential addresses for the past three years;

(d) The applicant's height, weight, color of eyes and hair;

(e) The business, occupation or employment of the applicant for three years immediately preceding the date of application;

(f) The therapeutic massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation;

(g) All criminal or city ordinance violation convictions, forfeitures of bond and pleading of nolo contenders on all charges, except minor traffic violations;

(h) The fingerprints and photograph of the applicant;

(i) A complete list of the names and residence addresses of all masseurs and employees in the business and the name and residence addresses of the manager or other person principally in charge of the operation of the business;

(j) The following personal information concerning an individual; each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the applicant is a corporation; the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business for all of the above entities:

1. Name, complete residence address and residence telephone numbers;

2. The two previous addresses immediately prior to the present address of the applicant;

3. Written proof of age;

4. Height, weight, color of hair and eyes and sex;

5. Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size;

6. The massage or similar business history and experience, including, but not limited to, whether or not such person is previously operating in this or another city or state under license or permit has had such license or permit denied, revoked, or suspended and the reason(s) therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;

7. All criminal or municipal ordinance violation convictions, bond forfeitures or nolo contendere pleas, other than for misdemeanor traffic violations, fully disclosing the jurisdiction in which charged and the offense for which convicted or placed on court supervision or similar disposition and the circumstances thereof;

8. A complete set of fingerprints taken and to be retained on file by the Chief of Police or his or her authorized representatives; and

9. Diploma, certificate or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage establishment and for each masseur who will administer massage in each massage establishment for which a permit is requested.

(k) If the applicant is a corporation, or if the applicant is a partnership and a partner of the partnership is a corporation, provide the name of the corporation as set forth in its certificate of incorporation and provide copies of the corporation's articles of incorporation, certificate of incorporation, and certificate of authority to do business in the state if the corporation is a foreign corporation, and certificate of good standing from the state's Secretary of State;

(l) If the applicant is a sole proprietorship, joint venture, partnership or any other kind of business than a corporation, provide a copy of its registration with the County Recorder, or other such office receiving the same, for the county in which it is located;

(m) Such other information, identification and physical examination of the person as shall be deemed necessary by the Chief of Police to discover the truth of the matters hereinbefore required to be set forth in the application;

(n) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;

(o) The names, addresses and telephone numbers of all owners of the property on which the massage establishment is located;

(p) The names, addresses and telephone numbers of all lessors of the property on which the massage establishments is located;

(q) The applicant must also produce proof of ownership of the premises that are to be licensed or a lease on said premises for one year or more;

(r) The applicant must produce a certified copy of his or her birth certificate; and

(s) A copy of his or her Social Security card.

(1960 Code, § 7-21-4)
(Ord. 5469, passed 10-16-1995)

§ 119.18 PERMIT FOR A THERAPEUTIC MASSAGE ESTABLISHMENT.

(A) (1) Upon receipt of the recommendations of the departments referred to in § 119.16 of this chapter and the certificate of the city's Board of Health that the establishment is in compliance with all of the requirements of § 119.24 of this chapter, the Chief shall issue a permit to maintain, operate or conduct a therapeutic massage establishment, unless he or she finds:

(a) The operation; as proposed by the applicant, if permitted, would not have complied with all applicable laws, including, but not limited to, the building, health, planning, housing, zoning and fire codes of the city; and

(b) The applicant and any other person who will be directly or indirectly engaged in the management and operation of a therapeutic massage establishment has been convicted of:

1. A felony;

2. An offense involving sexual misconduct with children; and

3. Prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, pimping or other offense opposed to decency and morality.

(2) The Chief of Police, at his or her discretion, may issue a permit to any person convicted of any of the crimes in divisions (A)(1)(b)1., (A)(1)(b)2. and (A)(1)(b)3. above if he or she finds that such conviction occurred at least four years prior to the date of application, the applicant has had no subsequent convictions and the applicant has shown evidence of rehabilitation sufficient to warrant the public trust.

(3) Every therapeutic massage establishment permit issued pursuant to this subchapter will terminate at the expiration of one year from the date of its issuance, unless sooner suspended or revoked. (1960 Code, § 7-21-5)

(B) (1) Any permit issued for a therapeutic massage establishment may be revoked or suspended by the Chief of Police after a hearing for good cause or in any case where any of the provisions of this subchapter are violated or any employee of the permittee, including a massage therapist, is engaged in any conduct at permittee's place of business, which violates any of the provisions of this subchapter or any state law which provides for imprisonment, and permittee has actual or constructive knowledge of such violations or the permittee should have actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this subchapter or in any case where the permittee or licensee refuses to permit any duly authorized police officer or health inspector of the city and the county to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Chief of Police, after hearing upon the recommendation of the city's Board of Health that such business is being managed, conducted or maintained without regard for the public health or healths of patrons or customers or without due regard to proper sanitation or hygiene.

(2) The Chief of Police, before revoking or suspending any permit, shall give the permittee at least ten days' written notice of the charges against him or her and the opportunity for a public hearing before the Chief of Police, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing. The Chief of Police may suspend a license for up to 14 days pending the public hearing. If a license is revoked, no new license shall be issued for the premises for a period of 12 months after the revocation.
(1960 Code, § 7-21-6)
(Ord. 5469, passed 10-16-1995; Ord. 6588, passed 10-20-2003)

§ 119.19 APPLICATION FORM FOR THERAPEUTIC MASSAGE PERMIT.

(A) Any person desiring a masseur's permit shall file a written application with the Chief of Police on a form to be furnished by the city's Police Department.

(B) The application shall be accompanied by a fee non-refundable filing fee of $100, plus a check payable to the State Police for a criminal history check prior to any action being taken on the part of the Chief of Police and shall include the following information:

(1) The business name, address and all telephone numbers where the massage is to be practiced;

(2) The following personal information concerning the applicant:

(a) Name, complete residence address and residence telephone numbers;

(b) Social Security number and driver's license number;

(c) The two previous addresses immediately prior to the present address of the applicant;

(d) Written proof of age;

(e) Height, weight, color of hair and eyes, sex;

(f) Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size;

(g) The massage or similar business history and experience, including, but not limited to, whether or not such person is previously operating in this or another city or state under license or permit has had such license or permit denied, revoked or suspended and the reason(s) therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;

(h) All criminal or municipal ordinance violation convictions, bond forfeitures or nolo contendere pleas, other than for misdemeanor traffic violations, fully disclosing the jurisdiction in which

charged and the offense for which convicted or placed on court supervision or similar disposition, and the circumstances thereof;

(i) A complete set of fingerprints taken and to be retained on file by the Chief of Police or his or her authorized representatives;

(j) Diploma, certificate or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the massage establishment and for each masseur who will administer massage in each massage establishment for which a permit is requested;

(k) Certified copy of a license issued by the Department of Professional Regulation pursuant to the state's Physical Therapy Act (225 ILCS 90/1 et seq.) as revised and amended; and

(l) A statement in writing from a physician licensed in the state that he or she has examined the applicant and believes the applicant to be free of all communicable diseases.

(3) The names and addresses of three adults who will serve as character references. These references must be persons other than relatives and business associates;

(4) Such other information, identification and physical examination of the person deemed necessary by the Chief of Police in order to discover the truth of the matters hereinbefore required to be set forth in the application;

(5) Authorization for the city, its agents and employees to obtain verification of the statements set forth in the application and the qualifications of the applicant for the permit;

(6) Written declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the city;

(7) Proof of education or license as required by § 119.16 of this chapter;

(8) A certified copy of their birth certificate; and

(9) A copy of their Social Security card.

(1960 Code, § 7-21-7) (Ord. 5469, passed 10-16-1995)

§ 119.20 ISSUANCE OF THERAPEUTIC MASSAGE PERMIT.

(A) The Chief of Police may issue a therapeutic massage permit within 21 days following application, unless he or she finds that the applicant for therapeutic massage permit has been convicted of:

(1) A felony;

(2) An offense involving sexual misconduct with children; and/or

(3) Keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering. The Chief of Police, in his or her discretion, may issue a permit to any person convicted of such crimes if he or she finds that such conviction occurred at least four years prior to the date of the application and the applicant has had no subsequent convictions.

(B) Each permit shall expire April 30 each year.
(1960 Code, § 7-21-8) (Ord. 5469, passed 10-16-1995)

§ 119.21 REVOCATION OF THERAPEUTIC MASSAGE PERMIT.

(A) A therapeutic massage permit issued by the Chief of Police shall be revoked or suspended where it appears that the massage therapist has been convicted of any offense which would be cause for denial of a permit upon an original application, had made a false statement on an application for a permit or has committed an act in violation of this subchapter.

(B) The Chief of Police in revoking or suspending a therapeutic massage permit shall give the permit holder a written notice specifying the grounds therefor. Such person may within ten days of such revocation or suspension file a written request with the Chief of Police for a public hearing before the Chief of Police; at which time, the massage therapist may present evidence bearing upon the question.
(1960 Code, § 7-21-9) (Ord. 5469, passed 10-16-1995)

§ 119.22 FACILITIES NECESSARY.

No therapeutic massage establishment shall be issued a permit, nor be operated, established or maintained in the city unless an inspection by the city's Board of Health reveals that the establishment complies with each of the following minimum requirements.

(A) Construction of rooms used for toilets, tubs, steam baths and showers shall be made water-proof with approved water-proof materials and shall be installed in accordance with the Building Code of the city.

(B) All therapeutic massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

(C) Adequate bathing, dressing and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and therapeutic massage room facilities shall be provided.

(D) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering therapeutic massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.

(E) Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering therapeutic massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinet shall be kept separate from the clean storage areas.

(F) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.

(G) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with a soap and a dispenser and with sanitary towels.

(H) The premises shall be equipped with a service sink for custodial services. The city's Board of Health shall certify that the proposed therapeutic massage establishment complies with all the requirements of this section and shall send such certification to the Chief of Police.
(1960 Code, § 7-21-10) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.23 OPERATING REQUIREMENTS.

(A) Every portion of the therapeutic massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(B) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(C) All employees, including massage therapists, shall be clean and wear clean, non-transparent outer garments, covering the sexual and genital areas, whose use is restricted to the therapeutic massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(D) All therapeutic massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(E) The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage therapist.

(F) It shall be unlawful for any person, knowingly, in a therapeutic massage establishment, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of any other person.

(G) No massage therapist, employee or operator shall perform, offer or agree to perform, any act which would require the touching of the patron's genital area.

(H) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(I) Oils, creams, lotions or other preparations used in administering therapeutic massages shall be kept in clean, closed containers or cabinets.

(J) Eating in the therapeutic massage work areas shall not be permitted. Animals, except for seeing eye dogs, shall not be permitted in the therapeutic massage work area.

(K) No massage therapist shall administer a therapeutic massage to a patron exhibiting any skin fungus, skin infection, skin inflammation or skin eruption; unless a physician duly licensed by the state certifies in writing that such person may be safely massaged prescribing the conditions thereof.

(L) Each massage therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a therapeutic massage to each patron.
(1960 Code, § 7-21-11) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.24 KEEPING OF RECORDS.

Every person who operates a massage establishment or practices or provides a massage shall, at all times, keep an appointment book in which the name of each and every patron shall be entered, together with the time, date and place of service, and the service provided. Such appointment book shall be available at all times for inspection by the Chief of Police or his or her authorized representative(s).
(1960 Code, § 7-21-12) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.25 TRANSFERS PROHIBITED.

No massage establishment permit and/or masseur permit shall be transferable, and such authority as a permit confers shall be conferred only on the permitted named thereon. However, upon the death or incapacity of the manager or a massage establishment the massage establishment permit may continue in effect and the business be allowed to continue to operate for 45 days after the death or incapacity to

allow for the Chief of Police to determine whether the new manager meets the qualifications of this subchapter for operation of the massage establishment.
(1960 Code, § 7-21-13) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.26 ADVERTISING.

No therapeutic massage establishment granted a permit under provisions of this subchapter shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available, other than those services described in § 119.15 of this chapter, or that employees, or massage therapists are dressed in any manner other than prescribed in § 119.15 of this chapter, nor shall any therapeutic massage establishment indicate in the text of such advertising that any services are available other than those services described in § 119.15 of this chapter.
(1960 Code, § 7-21-14) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.27 OUT-CALL REGISTRATION AND SERVICE.

(A) Any massage therapist who provides any of the services listed in § 119.15 of this chapter at any hotel or motel must first register his or her name and permit number with the owner, manager or person in charge of the hotel or motel.
(1960 Code, § 7-21-15)

(B) No "out-call massage service" may be operated other than by a licensed therapeutic massage establishment. All therapeutic massages performed by an "out-call massage service" must be performed in the manner prescribed in §§ 119.24 and 119.25 of this chapter.
(1960 Code, § 7-21-16)
(Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.28 INSPECTIONS.

(A) (1) The Police Department and the Department of Public Health shall from time to time, and at least twice a year, make an inspection of each therapeutic massage establishment granted a permit under the provisions of this subchapter for the purposes of determining that the provisions of this subchapter are complied with.

(2) Such inspections shall be made at reasonable times and in a reasonable manner.

(B) It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.
(1960 Code, § 7-21-17) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.29 EMPLOYMENT OF PERSON UNDER THE AGE OF 18 PROHIBITED.

It shall be unlawful for any owner, proprietor, manager or other person in charge of any therapeutic massage establishment to employ any person to perform therapeutic massages who is not at least 18 years of age.
(1960 Code, § 7-21-18) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.30 IDENTIFICATION CARD.

The Chief of Police shall provide each massage therapist granted a permit with an identification card which shall contain a photograph of the massage therapist and the full name and permit number assigned to the said massage therapist, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit pursuant to this subchapter.
(1960 Code, § 7-21-19) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.31 TRANSFER AND DISPLAY OF PERMITS.

(A) No permit for the operation of a therapeutic massage establishment issued pursuant to the provisions of this subchapter shall be transferable except with the written consent of the Chief of Police and approval of the city's Board of Health; provided, however, that, upon the death or incapacity of the permittee the therapeutic massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.
(1960 Code, § 7-21-20)

(B) Every permittee shall display a valid permit in a conspicuous place within the therapeutic massage establishment so that the name may be readily seen by persons entering the premises.
(1960 Code, § 7-21-21)
(Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.32 EMPLOYMENT OF MASSAGE THERAPISTS.

It shall be the responsibility of the permittee for the therapeutic massage establishment or the employer of any persons purporting to act as massage therapists to ensure that each person employed as a massage therapist shall first have obtained a valid permit pursuant to this subchapter.
(1960 Code, § 7-21-22) (Ord. 5469, passed 10-16-1995) Penalty, see § 119.99

§ 119.33 NON-APPLICABILITY.

This subchapter shall not apply to hospitals, nursing homes, sanitaria or persons holding an unrevoked certificate to practice the healing arts under the laws of the state or persons working under

the direction of any such persons or in any such establishments, nor shall this subchapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state.
(1960 Code, § 7-21-23) (Ord. 5469, passed 10-16-1995)

§ 119.34 RULES AND REGULATIONS.

The Chief of Police, the City Board of Health, or both officers, may, after public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this subchapter.
(1960 Code, § 7-21-24) (Ord. 5469, passed 10-16-1995)

§ 119.35 MAINTAINING PUBLIC NUISANCE.

Any building used as a therapeutic massage establishment in violation of this subchapter with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this subchapter are hereby declared to be a nuisance.
(1960 Code, § 7-21-26) (Ord. 5469, passed 10-16-1995)

§ 119.36 REVIEW OF POLICE CHIEF'S DECISION.

The decision of the Chief of Police with regard to the issuance, suspension or revocation of any license under this subchapter shall be reviewable by the Mayor of the city, upon the written request of the party filed with the Mayor within ten days of such refusal, revocation or suspension. The Mayor shall review evidence previously submitted to the Chief of Police, and any additional evidence presented with the written request for review. The decision of the Mayor upon such review shall be a final appealable order.
(1960 Code, § 7-21-27) (Ord. 5469, passed 10-16-1995)

§ 119.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Every person, except those persons who are specifically exempted by §§ 119.15 through 119.36 of this chapter, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting a mere helper for the owner, employee or operator, or acting as a

participant or worker in any way, who gives therapeutic massages or conducts a therapeutic massage establishment without first obtaining a permit and paying a license fee to do so from the city, or shall violate any of the provisions of §§ 119.15 through 119.36 of this chapter shall, upon conviction, be punished by a fine not to exceed $500.
(1960 Code, § 7-21-25) (Ord. 5469, passed 10-16-1995)

CHAPTER 120: INSTALLMENT LOAN BUSINESSES

Section

120.01 Purpose
120.02 Definition
120.03 License required; application, investigation
120.04 State licensing required; compliance with state law
120.05 Prohibited activities
120.06 Hours

120.99 Penalty

§ 120.01 PURPOSE.

The city finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should be limited to three in the city. This chapter shall be construed in conformity with the laws and regulations of the state.
(1960 Code, § 7-24-1) (Ord. 7035, passed 9-17-2007)

§ 120.02 DEFINITION.

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

CONSUMER INSTALLMENT LOAN BUSINESS. Any person, firm, association, corporation or partnership, engaged in the business or service of, and providing facilities for, consumers to receive cash or evidence of cash in exchange for a loan agreement to be repaid in installments over a period of weeks, months or years, which agreement is either collateralized or not, and for which any service charge is made or interest received, including, but not limited to, loans collateralized by personal check, payroll check or personal property title, or collateralized with the promise to relinquish possession to any personal property upon default, or engaged in any one or more of the foregoing businesses; EXCEPT, that this definition does not include: state or national banks, or savings banks, the United States Postal Service, Postal Telegraph Company or Western Union Telegraph Company, credit union or any person, firm, association, corporation or partnership engaged in the business of selling tangible personal property

at retail who, in the course of such business and only as an incident thereto, receives checks, drafts, money orders or other evidences of money, or receives or issues a contractual agreement to receive money or evidence of money on an installment basis in exchange for tangible goods sold or rented on the premises, with or without using such tangible goods as collateral or as a repossessible item upon default.
(1960 Code, § 7-24-3) (Ord. 7035, passed 9-17-2007)

§ 120.03 LICENSE REQUIRED; APPLICATION, INVESTIGATION.

(A) No person, firm, association, partnership or corporation shall conduct or operate a consumer installment loan business without having first obtained a license therefore as is provided in this chapter, or in violation of any of the provisions contained in this chapter. Any consumer installment loan license may be revoked by the Mayor for any violation of any provision of this chapter. The license fee shall be $500 per year.
(1960 Code, § 7-24-2)

(B) Applications for a consumer installment loan business shall be made to the City Clerk and shall state therein the name of the applicant, the place of business and the number of employees intended to be engaged. The applications shall also state the state license number and shall be accompanied by good and sufficient proof of compliance with all state licensing laws pertaining to any such consumer installment loan business, as defined in § 120.02 of this chapter.
(1960 Code, § 7-24-5)

(C) The city, as a home rule unit, hereby finds and declares that at no time shall the currently licensed number of consumer installment loan businesses in the city exceed three, and that no license shall issue unless renewed by the current holder of a license (after compliance with this chapter) or by a new applicant (after compliance with this chapter) where a current license holder relinquishes the license in writing, presented to the City Clerk or fails to renew said license in a timely manner. This limit of the number of licenses shall not apply to consumer installment loan business operating at the time this chapter takes effect.
(1960 Code, § 7-24-7)
(Ord. 7035, passed 9-17-2007; Ord. 7147, passed 7-8-2008) Penalty, see § 120.99

§ 120.04 STATE LICENSING REQUIRED; COMPLIANCE WITH STATE LAW.

Any person, firm, association, corporation or partnership applying for and/or receiving for holding a business license in the city to operate a consumer installment loan business, as defined in § 120.02 of this chapter, must also hold a license to operate from the state (whenever such license is required pursuant to the Consumer Installment Loan Act, 205 ILCS 670/1 et seq., or pursuant to any other licensing provision of the state) and must show that such state license is current and active. In addition, any person, firm, association, corporation or partnership operating a consumer installment loan business

within the city must, at all times, be in full compliance with all state laws, rules and/or regulations pertaining to the operation of such business. Failure to achieve and maintain full compliance with all laws, rules and regulations shall be deemed a violation of this chapter.
(1960 Code, § 7-24-4) (Ord. 7035, passed 9-17-2007) Penalty, see § 120.99

§ 120.05 PROHIBITED ACTIVITIES.

No person, firm, association, partnership or corporation licensed to conduct a consumer installment loan business shall accept items in pawn and/or for bailment in exchange for cash or other evidence of cash nor shall a consumer installment loan business, as defined herein, except evidence of title or ownership in real property in exchange for cash or evidence of title or ownership in real property in exchange for cash or evidence of cash.
(1960 Code, § 7-24-6) (Ord. 7035, passed 9-17-2007) Penalty, see § 120.99

§ 120.06 HOURS.

The hours of operation of a consumer installment loan business or a currency exchange business are hereby limited to the hours of 7:00 a.m. until 9:00 p.m.
(1960 Code, § 7-24-8) (Ord. 7035, passed 9-17-2007; Ord. 7279, passed 6-15-2009)

§ 120.99 PENALTY.

Any person, firm, association, partnership or corporation violating any provision of this chapter shall be fined not less than $50, nor more than $750, for each offense.
(1960 Code, § 7-24-9) (Ord. 7035, passed 9-17-2007)

CHAPTER 121: ALCOHOLIC BEVERAGES

Section

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GENERAL PROVISIONS

§ 121.01 DEFINITIONS.

Terms used in this chapter shall have the meanings set forth in 235 ILCS 5 for such terms.
(1960 Code, § 21-1-1)

§ 121.02 LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale at retail in the city, or for a retailer to deliver in the city any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.
(1960 Code, § 21-1-2) Penalty, see § 121.99

§ 121.03 APPLICATIONS.

(A) Application for a retail liquor dealer's license shall be made to the Mayor as Local Liquor Control Commissioner, in writing, signed by the applicant, if an individual, or by a duly authorized agent, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

(1) The name, age and address of the applicant in the case of an individual, and in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the 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 or club is owned by one person or his nominees, the name and address of such person;

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

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

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

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

(6) A statement whether applicant has made similar application for a similar other license on premises other than described in his or her application and the disposition of such application;

(7) 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, the laws of the state or the ordinances of the city;

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

(9) A statement that the applicant will not violate any of the laws of the state, or the United States, or any ordinance of the city in the conduct of his or her place of business.

(B) An application for a person who is a first time applicant for a liquor license shall pay an application fee of $250.
(1960 Code, § 21-1-3) (Ord. 6762, passed 8-1-2005)

§ 121.04 PROHIBITED LICENSEES AND LOCATIONS.

(A) No retail liquor dealer's license shall be issued to:

(1) A person who is not a resident of the city;

(2) A person who is not of good character and reputation in the community;;

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

(4) A person who has been convicted of a felony under any federal or state law, unless the Local Liquor Control Commissioner determines, after investigation, that such person has been sufficiently rehabilitated to warrant the public trust;

(5) A person who has been convicted of being the keeper of or is keeping a house of ill fame;

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

(7) A person whose license issued under this chapter has been revoked for cause;

(8) 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;

(9) A co-partnership unless all of the members of such co-partnership shall be qualified to obtain such license;

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

(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possess the same qualifications required by the licensee. The qualifications of residency shall only be required for persons requesting or holding a Class "A" license;

(12) 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 2-6-1934, or shall have forfeited his or her bond to appear in court to answer charges for any such violation;

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

(14) Any law enforcing public official, Mayor or member of the City Council; and no such official shall be interested in any way, either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor;

(15) Any person, association or corporation not eligible for a state retail liquor dealer's license; or

(16) Any person, association or corporation operating or seeking to operate an establishment that derives more than 50% of its gross monthly revenues from licensed video gaming under the Illinois Video Gaming Act (230 ILCS 40/1 et seq.). At any time during a liquor license period or prior to the renewal of a liquor license, the Mayor may order the licensee to produce his, her or their accounting records to determine if the licensee remains eligible for a liquor license under this section. Ineligibility under this section, or the failure of the licensee to produce said records to the Mayor upon request, shall result in the automatic revocation of a liquor license.
(1960 Code, § 21-1-4)

(B) (1) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station; provided that, this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on; nor to the renewal of a license for the sale of retail of alcoholic liquor on premises within 100 feet of any church or school where such church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(2) Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on

the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.
(1960 Code, § 21-1-5)
(Ord. 3175, passed 10-29-1973; Ord. 4101, passed 10-1-1984; Ord. 6772, passed 9-19-2005; Ord. 7784, passed 6-17-2014; Ord. 7886, passed 8-17-2015)

§ 121.05 NUMBER AND NATURE OF LICENSES.

(A) (1) The total number of licenses to be issued under this chapter shall be as hereinafter set forth.

(2) A restriction upon the number of licenses shall not limit the right to the renewal of any existing license, nor to the issuance of the license to the purchaser of or lessor of an established licensed business as a going concern, nor to the issuance of a license to an operator of an established liquor business at a different location; provided, such licenses do not increase the number of licenses in existence; nor to the issuance of a license to the purchaser of, lessor of, or lessee of, a business where the license has been revoked and not restored.

(3) No person, firm or corporation shall operate no more than two liquor establishments. This division (A) shall not apply to Class B and C licenses.

(4) The restrictions contained in this division (A) shall in no way affect taverns and other businesses holding retail liquor licenses, duly licensed by the county or other municipalities which are located in territory annexed to the city. Licenses may be issued to them by the duly constituted authorities upon annexation; provided that, thereafter all of the restrictions contained in this division (A) shall apply to the contingencies herein set forth.

(5) (a) No license shall be held in existence by the mere payment of fees by any person, firm or corporation, for a longer period than 90 days, without a tavern or liquor business for same being in full and complete operation, except as hereinafter provided.

(b) In those cases where the 90-day period, as stated in division (A)(5)(a) above has expired, the Mayor, as Local Liquor Control Commissioner, may extend the period of time for which a license may be held by the payment of fees without the tavern or liquor business being in full and complete operation, beyond such 90-day period. Such extension may be granted by the Mayor when the following conditions exist:

1. Where the building housing a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the 90-day period. Such extension shall be for a period of time as is determined to be reasonable to complete the required rebuilding and repair;

2. Where building, remodeling or construction of facilities to house a tavern or liquor business is delayed through no fault of the licensee, and upon presentation of affidavits, plans, contracts for the work to be performed, and any other evidence required by the Mayor, showing the reason for

the delay, the Mayor may extend the period of time for which a license may be held by the payment of fees without the tavern or liquor business being in full and complete operation. The extension, if granted, shall be for such period of time as is determined to be reasonable to complete the building, remodeling or constructing; and

3. In no case may any license so extended by the Mayor for the reasons stated in divisions (A)(5)(b)1. and (A)(5)(b)2. above be assigned, and such license shall expire immediately if the rebuilding, repair, building, remodeling or construction as contemplated by divisions (A)(5)(b)1. and (A)(5)(b)2. above is abandoned by the licensee during any period of extended time. A license so expired shall not be subject to renewal unless all of the requirements of this division (A) shall have been met. (1960 Code, § 21-1-6)

(B) (1) A license issued under this chapter shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as in this chapter authorized and provided and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Except, however, that, upon the death of a licensee who is the holder of a current paid license that is not pending revocation, the heir or heirs by either testate or intestate succession may require reissuance of said license in such heir's name unless such heir elects not to continue business under such license.

(2) Then, in that event, executors and administrators of any estate of the deceased licensee, and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent or bankrupt licensee, after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six 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 operation under such license, in accordance with the provisions of this division (B).
(1960 Code, § 21-1-7)
(Ord. 2581, passed - -; Ord. 2697, passed - -; Ord. 2853, passed - -; Ord. 3319, passed 10-20-1975; Ord. 4479, passed 1-18-1988)

§ 121.06 LICENSE CLASSIFICATIONS, FEES, NUMBERS.

(A) *Generally*. Such license shall be divided into the following classes:

(1) Class "A", which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold and not for resale in any form. The annual fee for such license shall be $550. The total number of Class "A" licenses shall not exceed 53. No Class "A" license shall be issued except to a licensee who actually sells at retail alcoholic liquor for consumption both on and off the premises where sold;

(2) (a) Class "B", which shall permit the retail sale of alcoholic liquor for consumption on the premises of restaurants, but not for consumption off the premises of restaurants and not for resale in any form. For the purpose of this Class "B" license, a ***RESTAURANT*** is defined to mean a public place kept, used, maintained, advertised and held out to the public, where meals are served and where meals actually are served and regularly served, without sleeping accommodations; such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable foods for its guests; it is further provided that a restaurant as herein defined shall mean an establishment which derives more than 50% of its gross sales from the sale of food. The annual fee for such license shall be $550. There shall be no limit on the number of Class "B" licenses; and

(b) At any time during the license period or prior to the renewal of a Class "B" license, the Mayor may order the licensee to produce his or her accounting records to determine if the licensee is qualified to hold a Class "B" liquor license. The failure of the licensee to produce said records for the Mayor upon request, shall result in the automatic revocation of a Class "B" liquor license.

(3) Class "C", which shall only permit the retail sale of alcoholic liquor in sealed packages, but not for consumption on the premises of where it is sold; provided that single-serving containers of alcoholic beverages in a volume of 40 fluid ounces or less shall only be cooled/chilled in an electrical refrigeration unit and shall not be displayed for sale at the cashier/check-out counter. The annual fee for such license shall be $550. The total number of Class "C" licenses shall not exceed 50. The holder of a Class "C" liquor license shall not conduct video gaming under the Illinois Video Gaming Act (230 ILCS 40/1 et seq.);

(4) Class "D", which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold to be issued to a regularly organized club, such sales to be made only to the members of the club. For the purposes of this chapter, a ***CLUB*** is defined to mean 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 and consumption of alcoholic liquors. The annual fee for such license shall be $400. There shall be no limit on the number of Class "D" licenses. No Class "D" license shall be issued until the Local Liquor Control Commissioner has satisfied himself or herself that the club applying for the license was actually and in fact, organized for some purpose or object other than the sale or consumption of alcoholic liquor;

(5) Class "E", which shall permit the sale or dealing at retail in alcoholic liquor by a religious organization or a not-for-profit organization that does business only intermittently. The annual fee for such license shall be $100. There shall be no limit on the number of Class "E" licenses; and

(6) Class "F", which shall permit the retail sale of alcoholic liquor for consumption only on premises opened only periodically for the express purpose of providing accommodations for weddings, parties, bingo and other such special events. The annual fee for such license shall be $400. There shall be no limit on the number of Class "F" licenses.

(B) *License classifications, fees and numbers.*

(1) All licenses expire on May 1 of each year. License fees are payable in full, in advance, to the Local Liquor Control Commissioner.

(2) It shall be unlawful to keep open for business or to admit the public to or permit the public to remain within or to permit the consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours in which the sale of such liquor is prohibited; provided, that where separate defined areas are used for dispensing of food stuffs and alcoholic beverages during the hours designated herein, such specified areas may continue to dispense food stuffs after its authorized closing hour as set forth herein, but shall in no way dispense alcoholic beverages after its authorized closing hour as set forth herein or allow consumption of alcoholic beverages after its authorized closing hour as set forth herein.
(1960 Code, § 21-1-8) (Ord. 5021, passed 1-4-1993; Ord. 5521, passed 3-4-1996; Ord. 7089, passed 3-17-2008; Ord. 6853, passed 4-3-2006; Ord. 7886, passed 8-17-2015; Ord. 7911, passed 11-16-2015) Penalty, see § 121.99

§ 121.07 CLOSING HOURS.

(A) It shall be unlawful to sell or offer for sale at retail or to give away in or upon any licensed premises any alcoholic liquor between the hours of 1:00 a.m. and 5:00 a.m. prevailing time, on any day of the week; except that, for an additional $250 license fee, it shall only be unlawful to sell or offer for sale at retail or to give away in or upon any licensed premises any alcoholic liquor between the hours of 2:00 a.m. and 5:00 a.m. prevailing time on any day of the week.

(B) The Mayor, as Liquor Commissioner, at his or her discretion may issue licenses which call for closing hours earlier than 1:00 a.m. and it shall be unlawful to sell or offer for sale at retail or give away in or upon any licensed premises any alcoholic liquor between the closing hours on the license set by the Mayor as Liquor Commission and 5:00 a.m.
(1960 Code, § 21-1-9) (Ord. 3319, passed 10-20-1975; Ord. 7089, passed 3-17-2008) Penalty, see § 121.99

§ 121.08 SPECIALTY LICENSES.

(A) (1) Upon application, the local Liquor Control Commission is authorized to issue a special event liquor license for a period of 12 or 24 hours to any person who keeps or desires to keep any place for selling or offering for sale, or in any manner dealing in any alcoholic liquors.

(2) The fee for such license shall be for the sale of alcoholic liquors, the sum of $10 for each 12 hours; for more than 12 hours and not more than 24 hours, within any one day, $15, subject to the provisions of this chapter.

(B) Upon application, the Local Liquor Control Commission is authorized to issue a caterer's license for a period of one year to any city liquor licensee who desires to serve alcoholic liquors for consumption either on-site or off-site as an incidental part of food service for a fee of $50.

(C) Such person shall give the bond required by law and this chapter governing the sale or giving away of alcoholic liquors.

(D) No such license shall be transferable.
(1960 Code, § 21-1-10) (Ord. 6846, passed 3-20-2006) Penalty, see § 121.99

§ 121.09 RENEWAL AND ASSIGNMENT.

The owner of a license to keep a place where alcoholic liquor is sold or offered for sale has the right to a renewal or reissue of said license at the same place of business that the license is issued to in compliance with the laws of the state and upon compliance with the provisions of the ordinances of the city. If the owner wishes to renew the license at a different location, then he or she shall be required to obtain a special use permit pursuant to the zoning laws in the city for the new location. Such licensee may assign or convey his or her right to renewal or reissue thereof to any person or corporation who upon compliance with the laws of the state relating thereto and with the ordinances of the city, shall be entitled to a renewal or reissue of such license in his or her own name or the corporation's name. The person to whom the license is assigned shall be required to apply for a special use permit pursuant to the Zoning Code and shall be subject to the same background checks as provided by the ordinances of the city. The Liquor Commissioner, in his or her discretion, may grant the assignee a license to operate the premises on a temporary basis until such time as special use permit is granted pursuant to the zoning ordinances and the background checks is completed. If the special use permit is not granted or the background check is not satisfactory, the license shall be revoked.
(1960 Code, § 21-1-11) (Ord. 7106, passed 4-8-2008)

§ 121.10 DRAMSHOP INSURANCE.

Every applicant licensed to sell or deal in alcoholic liquor shall, before obtaining said license, furnish a certificate of dram shop insurance with coverage by a reliable insurance company providing coverage in the amount of $45,000 for injury to a person or property and coverage in the amount of $55,000 for loss of means and support or loss of society resulting from death or injury of any person. The certificate of insurance shall be in effect on April 30, and the licensee shall be responsible to provide the city a new certificate of insurance each time said insurance expires.
(1960 Code, § 21-1-12) (Ord. 6410, passed 4-1-2002)

§ 121.11 DISPOSITION OF FEES.

All money derived from collections of liquor license fees shall become a part of and be paid over to the General Fund of the city.
(1960 Code, § 21-1-13) (Ord. 1768, passed - -)

§ 121.12 LOCATION.

(A) *General.* 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 local Liquor Control Commissioner. No change of location is permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of the state and the ordinances of the city.

(B) *Outdoor areas.*

(1) The retail liquor dealer's license shall permit the sale of alcoholic beverages in an outdoor areas; provided that, the outdoor area to be used as for sale of alcoholic beverages is expressly identified in the application and license approved by the local Liquor Control Commissioner and the outdoor area complies with § 162.400 of this code of ordinances.

(2) The Local Liquor Control Commissioner shall set the hours of alcohol sales in the outdoor area.
(1960 Code, § 21-1-14) (Ord. 7697, passed 7-15-2013) Penalty, see § 121.99

§ 121.13 DISPLAY OF LICENSE.

Every licensee under this chapter shall cause his or her license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.
(1960 Code, § 21-1-15) (Ord. 1768, passed - -) Penalty, see § 121.99

§ 121.14 REVOCATION OF LICENSE.

(A) The local Liquor Control Commissioner may, when in his or her judgment, any section of this chapter is violated, revoke the license of the person operating the place where such violation occurs.

(B) A conviction by any court of competent jurisdiction under any section of this chapter shall be conclusive justification to the Commissioner for such revocation, subject to the right of appeal as provided for under the laws of the state.

(C) In all cases in which such licenses is revoked without a previous conviction under the provisions of this chapter, the Commissioner shall report to the City Council at its next regular meeting the fact of such revocation and the specific reasons therefor.

(D) (1) Any five residents of the city shall have the right to file a complaint with the Commissioner stating that any retailer licensee subject to the jurisdiction of the Commissioner has been or is violating the provisions of the state's Liquor Control Act, being 235 ILCS 5, the rules or regulations issued pursuant thereto, or the ordinances of the city.

(2) Such complaints shall be in writing in the form prescribed by the Commissioner and shall be signed and sworn to by the persons complaining. The complaint shall state the particular provision, rule, regulation or ordinance believed to have been violated and facts in detail upon which belief is based.

(3) If the Commissioner is satisfied that the complaint substantially charges a violation and that from the facts alleged, there is reasonable cause for such belief, he or she shall set the matter for hearing and shall serve reasonable notice upon the licensee of the time and place of such hearing and the particular charge in the complaint.
(1960 Code, § 21-1-16) (Ord. 1980, passed - -)

PROHIBITED BEHAVIOR

§ 121.25 GAMBLING.

It is unlawful to keep, place, maintain or operate any gambling device as defined in § 111.025 of this code of ordinances in and upon the premises used and occupied as a place where alcoholic liquor is sold or given away. The Liquor Commissioner may revoke the license of any person, firm or corporation licensed to sell alcoholic liquor in the city who permits a violation of this section to occur on the premise covered by such ordinance.
(1960 Code, § 21-1-19) (Ord. 5757, passed 7-21-1997) Penalty, see § 121.99

§ 121.26 DISORDERLY HOUSE.

Any person license under this chapter shall not suffer any disorder, drunkenness, quarreling, fighting, unlawful games or riotous or disorderly conduct in any house or premises kept or occupied by him or her for the sale of liquor.
(1960 Code, § 21-1-20) (Ord. 1768, passed - -) Penalty, see § 121.99

§ 121.27 SALES TO MINORS, DRUNKARDS AND THE LIKE.

No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known to him or her to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.
(1960 Code, § 21-1-21) (Ord. 3679, passed 1-7-1980) Penalty, see § 121.99

§ 121.28 UNDERAGED SALES.

(A) Any person under the age of 21 years, who purchases or obtains any alcoholic liquor or alcoholic beverage in any tavern, or other place in the city where alcoholic liquor or alcoholic beverage is sold, shall, upon conviction thereof, be subject to a fine of not less than $10, nor more than $200, for each offense.

(B) Any person under the age of 21 years, who misrepresents his or her age for the purpose of purchasing or obtaining alcoholic liquor or alcoholic beverage in any tavern or place in the city where alcoholic beverage is sold, shall, upon conviction thereof, be subject to a fine of not less than $10, nor more than $200, for each offense.

(C) Every tavern, or other place in the city where alcoholic liquor or alcoholic beverage is sold for beverage purposes, shall display at all times in a prominent place a printed card which shall be issued by the City Clerk and which shall read substantially as follows:

UNDERAGED WARNING
You are subject to a fine up to Two Hundred Dollars ($200.00), under the ordinances of the City of Belleville, if you purchase alcoholic liquor or alcoholic beverage, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor or beverage.

(D) No holder of a retail liquor dealer's license, or his or her agent or employee, shall suffer or permit any person under the age of 19 years to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place in which such licensed premises is located. This division (D) shall not apply to any person under 19 years of age who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor or alcoholic beverages.

(E) Any holder of a retail liquor dealer's license, or his or her agent or employee, who violates this section shall, upon conviction, be subject to a fine of not less than $10 or more than $200 for each offense, or to the revocation of his or her retail liquor dealer's license, or to both such fine and revocation of license.

(F) Any parent or guardian who knowingly permits any child of which he or she may be the parent or guardian to violate any provision of this section shall, upon conviction, be subject to a fine of not less than $10, nor more than $200.

(G) Any person under the age of 21 years shall not have alcoholic liquor in his or her possession and, upon conviction thereof, shall be subject to a fine of not less than $10, nor more than $200, for each offense. This division (G) does not apply to possession by a person who is at least 18 years old while making a delivery of alcoholic liquor in pursuance of the order of his or her parent or in pursuance of his or her employment. However, this division (G) shall not be construed so as to permit any person under the age of 21 years to be employed in a tavern where alcoholic liquor is sold for both on-premises and off-premises consumption.

(H) Any person under the age of 21 years shall not have alcoholic liquor in his or her possession and, upon conviction thereof, shall be subject to a fine of not less than $10, nor more than $200, for each offense.
(1960 Code, § 21-1-22) (Ord. 3150, passed 6-18-1973; Ord. 3679, passed 1-7-1980) Penalty, see § 121.99

§ 121.29 CONSUMPTION IN PUBLIC PLACES.

Except as expressly authorized by the local Liquor Control Commissioner, it shall be unlawful for any person to consume or possess open liquor in any public place within the city within 200 feet of the nearest property line of a dramshop.
(1960 Code, § 21-1-23) (Ord. 7697, passed 7-15-2013) Penalty, see § 121.99

§ 121.30 OPEN VIEW INTO INTERIOR.

(A) In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, other than a restaurant, hotel or club, no screen, blind, curtain, partition, article or thing shall be placed in the windows, or upon the doors of such licensed premises, nor inside such premises, which prevents a clear view into the interior of such licensed premises from the street 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 prevents a full view of the entire interior of such premises from the street or sidewalk; and the premises must be so located that there will be a full view of the entire interior of such premises from the street or sidewalk.

(B) 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) In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him or her willfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner provided by law.

(D) In order to enforce the provisions of this section, the local Liquor Control Commissioner shall have the right to require the filing with him or her of plans, drawings and photographs showing the clearance of the view as above required.
(1960 Code, § 21-1-24) Penalty, see § 121.99

§ 121.99 PENALTY.

Any person violating any provision of this chapter for which a penalty is not specifically provided shall be fined not less than $25, nor more than $200.
(1960 Code, § 21-1-25)

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

131. OFFENSES AGAINST PUBLIC MORALS

CHAPTER 130: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

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§ 130.01 UNLAWFUL ASSEMBLY.

Two or more persons shall not, in the city, assemble together with an intent or, being assembled, shall not mutually agree to do any unlawful act with force or boisterousness, tumultuousness or violence against the peace or to the terror of others or make any movement or preparation therefor. When public safety, peace or order is seriously jeopardized and the assembly actually tends to inspire persons of ordinary courage with well-grounded fear of serious and immediate breaches of public safety, peace or order, then such assembly is an unlawful assembly.
(1960 Code, § 30-1-1) Penalty, see § 130.99
Statutory reference:
Unlawful assembly, see 20 ILCS 1805/86

§ 130.02 DISORDERLY CONDUCT.

(A) A person commits disorderly conduct when he or she knowingly:

(1) (a) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(b) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place;

(c) Transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function or school event, whether or not school is in session;

(d) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public; or

(e) Calls the number 911 for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency;

(f) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the "Abused and Neglected Child Reporting Act";

(g) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, or the ID/DD Community Care Act;

(h) Transmits or causes to be transmitted in any manner to the Police Department or Fire Department, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required;

(i) Transmits or causes to be transmitted a false report under Article II of "An Act in relation to victims of violence and abuse", approved September 16, 1984, as amended; or

(j) While acting as a collection agency as defined in the Collection Agency Act or as an employee of the collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor.
(720 ILCS 5/26-1)

(2) Transmits in any manner to the Fire Department a false alarm of fire, knowing at the same time of such transmission that there is no reasonable ground for believing that such fire exists;

(3) Transmits in any manner to any police officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed;

(4) Enters upon the property of another and, for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it;

(5) Does any act which will disturb the public peace and quiet or is likely to provoke a breach of the peace;

(6) Refuses to comply with the reasonable and proper orders of a police officer in the discharge of his or her duties;

(7) Assaults, strikes or fights with another with or without his or her consent;

(8) Causes or makes any unnecessary loud noise; and/or

(9) Permits conduct as defined in divisions (A)(1), (A)(5), (A)(6), (A)(7) or (A)(8) above in or upon premises in the city owned or possessed by him or her or under his or her management or control.
(1960 Code, § 30-1-2)

(B) Drunkenness: no person shall, in the city, be found in a state of intoxication, or drunk, in any street or other public place, or shall be found drunk lying or roving about the streets, alleys or sidewalks of the city, or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the city, or the peace and quiet of the citizens thereof, by loud and unusual noises, disorderly conduct, indecent language, public urination, defecation or other behavior or in any other manner.
(Prior1960 Code, § 30-1-6)
(Ord. 2892, passed - -; Ord. 3454, passed 9-19-1977) Penalty, see § 130.99

§ 130.03 BEGGARS AND PANHANDLERS; NOTIFICATION OF HOMELESS SHELTER AVAILABILITY.

(A) It shall be unlawful for any person to camp, sleep in or occupy camp facilities or use camp paraphernalia in any public place. A ***PUBLIC PLACE*** shall mean a place to which the public or a

substantial group of persons has access and includes, but is not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground and any doorway, entrance, hallway, lobby and other portion of any business establishment and apartment house or hotel not constituting a room or apartment designated for actual residence; provided, however, that, no person shall be in violation of this section unless:

(1) The person is informed of the whereabouts of homeless shelters in the city;

(2) Such shelter is actually available to such person; and

(3) Such person willingly refuses to stay in such shelter.

(B) (1) (a) As used herein, ***PANHANDLING*** means any solicitation made in person upon any street, public place or park in the city in which a person requests an immediate donation of money or other gratuity from another person and includes, but is not limited to, seeking donations:

1. By vocal appeal or for music, singing or other street performance; and

2. Where the person being solicited receives an item of little or no monetary value in exchange for a donation under circumstances where a reasonable person would understand that the transaction is in substance a donation.

(b) However, panhandling shall not include the act of passively standing or sitting, nor performing music, singing or other street performance, with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

(2) It shall be unlawful to engage in an act of panhandling on any day after sunset or before sunrise.

(3) It shall be unlawful to engage in an act of panhandling at any city approved sanctioned or sponsored festival, parade, fair, concert, dance, memorial service, open air market activity or any other event open to the public during the hours of operation.

(4) It shall be unlawful to engage in an act of panhandling inside any commercial establishment, business, retail establishment, restaurant, public school, daycare center, hospital, medical building, health clinic, dental office, library, public housing complex or facility, public/private parking lots, senior activities center or senior living center without the expressed consent of the owner, manager or other individual having authority to authorize entry.

(5) It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations:

(a) At a bus stop, in a public transportation vehicle or public transportation facility;

(b) In a vehicle which is parked or stopped on a public street or alley;

(c) In a sidewalk café; or

(d) Within 20 feet in any direction from an automatic teller machine or entrance to a bank, savings and loan association or credit union.

(6) It shall be unlawful to block any public street or sidewalk or impede the flow of vehicular or pedestrian traffic while engaged in an act of panhandling.

(7) It shall be unlawful to engage in an act of panhandling in an aggressive manner, including any of the following actions:

(a) Touching the solicited person without the solicited person's consent;

(b) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;

(c) Blocking the path of a person being solicited or the entrance to any building or vehicle;

(d) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;

(e) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture or other communication which would cause a reasonable person to be fearful or feel compelled; and/or

(f) Panhandling in a group of two or more persons.

(8) Each act of panhandling prohibited herein shall constitute a public nuisance and each act shall be a separate violation.
(1960 Code, § 30-1-8) (Ord. 7302, passed 8-17-2009) Penalty, see § 130.99

§ 130.04 DISCHARGE OF FIREARMS.

(A) The provisions of the Firearm Concealed Carry Act, 430 ILCS 66/1 et seq., are adopted by reference as if set out in full herein.
(1960 Code, § 30-1-9)

(B) No person shall, within the city, fire or discharge any firearms or air guns without written permission from the Mayor first obtained, which permission shall prescribe the limits within which such firing may be done, and may be revoked at any time after it has been granted.
(1960 Code, § 30-1-11)
Penalty, see § 130.99

§ 130.05 PLAYING BALL.

No person shall, on any street or other public place in the city, fly any kite, erecting any goals, hoops and the like, or play any game of ball or sport or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks by impeding both vehicular and/or pedestrian traffic.
(1960 Code, § 30-1-10) Penalty, see § 130.99

§ 130.06 FIREWORKS.

(A) *Definitions*. The city hereby adopts the definitions of the terms contained in the Pyrotechnic Use Act (425 ILCS 35/1 et seq.) and as promulgated in the corresponding rules of the Illinois Office of the State Fire Marshal (41 Ill. Admin. Code 235), including but not limited to the terms "consumer fireworks", "consumer fireworks display", "consumer operator", "consumer retailer", "display fireworks", "flame effect", "person" and "pyrotechnic display". The term "novelty fireworks" is defined to include the following items that are not deemed "consumer fireworks" under the Pyrotechnic Use Act (425 ILCS 35/1 et seq.): snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads" and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture.

(B) *Prohibition*. Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any display fireworks, flame effects or consumer fireworks in the corporate city limits of the city.

(C) *Requirements*. All pyrotechnic displays in the corporate city limits of the city shall be allowed only by permit upon full compliance with the provisions of the Pyrotechnic Use Act (425 ILCS 35/1 et seq.) and as promulgated in the corresponding rules of the Illinois Office of the State Fire Marshal (41 Ill. Admin. Code 235), expressly adopted herein by the city, and shall be in addition to any other operational or business permits required. The sale and use of novelty fireworks are not subject to the requirements of this section.

(1) *Pyrotechnic displays*. Any person, firm, co-partnership or corporation shall file with the City Fire Department, an application for a permit authorizing a pyrotechnic display, not less than 15 days prior to the event, and shall remit fees in full according to the following divisions below.

(2) *Pyrotechnic display fee*. A fee of $300 shall accompany the completed application for a public pyrotechnic display permit (includes cost of three-hour stand-by fire crew and equipment).

(3) *Application.* The application and the requirements contained herein must be completed and submitted for a pyrotechnic display permit (Parts A, B, C and D). The application shall include completion of the Fire Department display checklist (Part E) prior to any permit being issued.

(4) *Completion.* Upon completion of all required documentation and approval of the City Fire Department, the city may issue a permit for the pyrotechnic display, which shall specifically state the individual/corporation authorized to conduct the permitted activity. Any such issued permit is not transferable.

(4) *Indemnification.* Any person, firm, co-partnership or corporation issued a permit under this section agrees to indemnify the city for any and all liability of any type arising from the operation of a pyrotechnic display, including but not limited to injury to persons or animals and any and all damage to any property real or personal, private or public.
(1960 Code, § 30-1-15) (Ord. 3493, passed 5-2-1978; Ord. 7913, passed 11-16-2015) Penalty, see § 130.99

§ 130.07 BURNING.

(A) *Recreational fires.* Division (A) above shall not apply to recreational fires that conform to the following guidelines:

(1) Recreational burning shall be allowed only by use of gas or wood stoves, gas or wood fire places, fire rings and other type of apparatuses constructed or manufactured for the purpose of recreational burning; however, these devices are only permitted to be fueled by dry seasoned firewood, charcoal or commercial fire logs. When using outdoor fireplaces, the manufacturer's recommendations must be followed;

(2) Fifteen feet from structure;

(3) A permit is not required for recreational burning;

(4) Recreational fires must be extinguished by 1:00 a.m.;

(5) If a police or fire official is required to investigate a fire, he or she will determine if it is a recreational fire and that all rules and regulations are being followed. He or she will have the authority to have the fire extinguished, spectators dispersed and citations issued; and

(6) Bar-b-que pits or grills do not fall under these regulations, as long as they are being used for its intended cooking purposes with approved fuels in accordance with the manufacturer's instructions.

(C) *Residential bonfires.* Division (A) above shall not apply to residential bonfires that have obtained a permit from the Fire Chief's office. A residential bonfire shall conform to the following guidelines.

(1) Residential bonfires shall be placed on the ground and all requirements per the bonfire permit are to be followed.

(2) The residential bonfire permit must be on location and in possession of the applicant until the fire has been thoroughly extinguished.

(3) The fire location must be at least 25 feet from the closest structure.

(4) The fire must be attended by an adult at all times with fire extinguishing equipment available for immediate use.

(5) The maximum size of a residential bonfire shall be three feet wide by three feet long by three feet high.

(6) Only seasoned dry wood will be permitted for burning.

(7) Sustained winds shall not exceed ten mph.

(8) Residential bonfires will be out by 11:00 p.m. and will be completely extinguished.

(9) If a police or fire official is required to investigate a fire, he or she will determine if all rules and regulations are being followed. He or she will have the authority to have the fire extinguished, spectators dispersed and citations issued.

(10) Residential bonfire permits must be obtained from the Fire Chief's office and a fee of $10 is required.

(D) *Special event bonfires*. Division (A) above shall not apply to special event bonfires that have obtained a permit from the Fire Chief's office. A special event bonfire shall conform to the following guidelines.

(1) Special event bonfires shall be placed on the ground and all requirements per the special event bonfire permit are to be followed.

(2) The special event bonfire permit must be on location and in possession of the applicant until the fire has been thoroughly extinguished.

(3) The fire location must be at least 100 feet from the closest structure.

(4) The fire must be attended by two city firefighter personnel, one City Fire Department apparatus and adult members at all times with fire extinguishing equipment available for immediate use.

(5) The maximum size of a special event bonfire shall be ten feet wide by ten feet long by ten feet high.

(6) Only seasoned dry wood will be permitted for burning.

(7) Sustained winds shall not exceed ten mph.

(8) Bonfires will be out by 11:00 p.m. and will be completely extinguished.

(9) If a police or fire official is required to investigate a fire, he or she will determine if it is a recreational fire and that all rules and regulations are being followed. He or she will have the authority to have the fire extinguished, spectators dispersed and citations issued.

(10) Permits must be obtained from the Fire Chief's office and a fee of $300 is required. (1960 Code, § 30-1-16) (Ord. 7409, passed 7-6-2010; Ord. 7417, passed 7-19-2010) Penalty, see § 130.99

§ 130.08 HOTEL REGISTERS.

Hotel, motel and boardinghouse keepers shall keep a register, and shall require all persons temporarily stopping at such hotel, motel or boardinghouse to register their names and places of residence. Such register shall be at all times open to the inspection of any city officer. (Prior1960 Code, § 30-1-27) (Ord. 6604, passed 12-15-2003) Penalty, see § 130.99

Editor's note:

For case law, please see City of Los Angeles, Cal. v. Patel, et al., 2008 U.S. Dist. LEXIS 78914 (C.D. Cal., Sept. 5, 2008); 686 F.3d 1085 (9th Cir. 2012); 738 F.3d 1058 (9th Cir. 2013) en banc., 576 U.S. 13-1175

§ 130.09 CURFEW ESTABLISHED.

The city's curfew regulation is applicable to children under 17. The city's objectives are to reduce and protect juveniles from violence, gang activity and crime and to further strengthen parental responsibility for children without unduly infringing upon the constitutional rights of parents to direct their children's upbringing.

(A) *Definitions.*

ABUTTING. Adjoining, be next to or share a common boundary.

CURFEW HOURS FOR PERSON(S) LESS THAN 15.

(a) Between 10:00 p.m. Friday and 6:00 a.m. Saturday;

(b) Between 10:00 p.m. Saturday and 6:00 a.m. Sunday; and

(c) Between 9:00 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. on the following day.

CURFEW HOURS FOR PERSON(S) LESS THAN 17.

(a) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

(b) Between 11:00 p.m. Saturday and 6:00 a.m. Sunday; and

(c) Between 10:00 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. on the following day.

EMERGENCY. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT. Any privately-owned place of business operated for a profit to which the public is invited including, but not limited to, any place of amusement or entertainment.

GUARDIAN. A person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.

KNOWINGLY. Deliberately, purposely, consciously, intentionally, on purpose, willfully or wittingly; any person possessing full knowledge and deliberation.

MINOR. Any person less than 17 years of age.

PARENT. A person who is a natural parent, adoptive parent or step-parent of another person; or at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

REMAIN. To: linger or stay; or fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(B) *Offenses.*

(1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment during curfew hours.

(2) A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(C) *Exemptions.* It is an exemption to prosecution under division (B) above that the minor was:

(1) Accompanied by the minor's parent or guardian or other person in custody or control of the minor;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home, without any detour or stop, from an official school, religious or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; and/or

(9) Married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(D) *Enforcement.* Before taking any enforcement action under this section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense of division (B) above has occurred and that, based on any response and other circumstances, no exemption in division (C) above is present.

(E) *Enforcement alternatives*. If an officer reasonably believes a curfew violation has occurred, the officer may take the following actions:

(1) Issue a "written warning" notice; send or take the minor home;

(2) Complete a field interview report (FIR); send or take the minor home;

(3) Send the minor home depending on the following factors; age, time, location from residence; is the minor under the influence of alcohol or drugs or recidivism rate (previous curfew violations or criminal history);

(4) Issue the minor a "non-traffic" citation;

(5) Take the minor into custody; and/or

(6) Issue a "written warning" notice or "non-traffic" citation to the minor's parent(s) or legal guardian under division (B)(2) above.
(1960 Code, § 30-1-33) (Ord. 7505, passed 7-5-2011) Penalty, see § 130.99

§ 130.10 LITTERING.

It shall be unlawful for any person, firm or corporation to cast, throw, deposit or leave any trash, waste, article, glass, weeds, garbage or refuse material of any kind in or upon any alley, street, sidewalk or in any public place within the city; nor shall any person, firm or corporation cast, throw, deposit or leave any of the aforementioned articles anywhere within the city in such manner that they may be carried or deposited in whole or in part by the action of the wind, in any of the aforementioned places.
(1960 Code, § 30-1-34) (Ord. 7100, passed 4-8-2008) Penalty, see § 130.99

§ 130.11 THEFT.

A person commits theft when he or she knowingly:

(A) Obtains or exerts unauthorized control over property of the owner, having a value of not exceeding $500 in value;

(B) Obtains by deception control over property of the owner, having a value of not exceeding $500;

(C) Obtains by threat control over property of the owner, having a value of not exceeding $500; or

(D) Obtains control over stolen property having a value of not exceeding $500, knowing the property to have been stolen by another or under such circumstances as would reasonably induce him or her to believe that the property was stolen and:

(1) Intends to deprive the owner permanently of the use or benefit of the property;

(2) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

(3) Uses, conceals or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
(1960 Code, § 30-1-35) (Ord. 2846, passed - -) Penalty, see § 130.99

§ 130.12 DRUG PARAPHERNALIA PROHIBITED.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DRUG PARAPHERNALIA.

(a) All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this Act (meaning the Controlled Substances Act of the state). It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

5. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;

12. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, hashish heads or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs; and

m. Ice pipes or chillers.

(b) In determining whether an object is ***DRUG PARAPHERNALIA***, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;

2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

3. The proximity of the object, in time and space, to a direct violation of this Act;

4. The proximity of the object to controlled substances;

5. The existence of any residue of controlled substances on the object;

6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Act shall not prevent a finding that the object is intended for use, or designed for use as ***DRUG PARAPHERNALIA***;

7. Instructions, oral or written, provided with the object concerning its use;

8. Descriptive materials accompanying the object which explain or depict its use;

9. National and local advertising concerning its use;

10. The manner in which the object is displayed for sale;

11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

13. The existence and scope of legitimate uses for the object in the community; and

14. Expert testimony concerning its use.

(B) *Forfeiture of property.*

(1) All articles defined in division (A) above shall be subject to forfeiture.

(2) Property subject to forfeiture under this section may be seized by any peace officer upon process issued by any court having jurisdiction over the property. Seizure by any police officer without process may be made:

(a) If the property subject to seizure has been the subject of a prior judgment in favor of the city in an ordinance violation proceeding; and

(b) If there is probable cause to believe that the property is directly or indirectly dangerous to health or safety.

(3) In the event of seizure pursuant to division (B)(2) above, proceedings under division (B)(4) below shall be instituted promptly.

(4) Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the Chief of Police, subject only to the order and judgments of the Circuit Court having jurisdiction over the forfeiture proceedings. When property is seized under this section, the Chief of Police may:

(a) Place the property under seal;

(b) Remove the property to a place designated by him or her; or

(c) Take custody of the property and remove it to an appropriate location for destruction. (1960 Code, § 30-1-38) (Ord. 3759, passed 12-29-1982) Penalty, see § 130.99

§ 130.13 LOITERING AND DRUG ACTIVITY PROHIBITED.

(A) No person shall loiter in or near any thoroughfare, place open to the public or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of 720 ILCS 570/100 et seq.

(B) Among the circumstances which may be considered in determining whether such purpose is manifested are:

(1) Such person is a known unlawful drug user, possessor or seller. For purposes of this section, a ***KNOWN UNLAWFUL DRUG USER, POSSESSOR OR SELLER*** is a person who has, within the knowledge of the arresting officer, been convicted in any court within the state of any violation involving the use, possession or sale of any controlled substance, as defined in 410 ILCS 615/1 et seq., or such person has been convicted of any violation of any of the provisions of said section or substantially similar laws of any political subdivision of the state or of any other state; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks", burned or calloused thumb or index fingers, underweight, nervous and excited behavior;

(2) Such person is currently subject to a court order prohibiting his or her presence in a high drug activity geographic area;

(3) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including, by way of example only, such person acting as a "lookout" or hailing or stopping cars;

(4) Such person is physically identified by the officer as a member of a "gang" or association which has its purpose of illegal drug activity;

(5) Such person transfer small objects or packages in a furtive fashion;

(6) Such person takes flight or manifestly endeavors to conceal himself or herself upon the appearance of a police officer;

(7) Such person manifestly endeavors to conceal any object which reasonably could be involved in an unlawful drug-related activity;

(8) Such person possesses any instrument, article or thing whose customary or primary purpose is for the sale, administration or use of controlled substances such as, but not limited to, crack pipes, push wires, chore boys, hand scales, hypodermic needles, razor blades or other cutting tools;

(9) The area involved is by public repute known to be an area of unlawful drug use and trafficking;

(10) The premises involved are known to the defendant to have been reported to law enforcement as a place of drug activity pursuant to 410 ILCS 615/1 et seq.; and/or

(11) Any vehicle involved is registered to a known unlawful drug user, possessor or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

(C) No person shall occupy, loiter or remain in any building, apartment, store, automobile, boat, boat-house, airplane or other place of any description whatsoever where controlled substance, hypodermic syringes, needles or other instruments or implements are sold, dispensed, furnished, given away, stored or kept illegally, with the intent to unlawfully use or possess such substance, implements or instruments.
(1960 Code, § 30-1-39) (Ord. 5452, passed 8-25-1995; Ord. 5948, passed 1-19-1999) Penalty, see § 130.99

§ 130.14 GRAFFITI.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GRAFFITI. Any unauthorized inscription, word, figure or design or collection thereof, which is marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure or other facility, regardless of the nature of the material of that structural component.

(B) *Declaration of nuisance.* The existence of graffiti on buildings, or on structures, including, but not limited to, fences or walls, located upon any property in the city is declared a nuisance.

(C) *Notice to abate.* Any inspector of the city, upon observing any nuisance under this section, shall issue a notice directed to the owner of record of the property on which the nuisance occurs. The notice shall describe the nuisance and shall establish a reasonable time limit for the abatement thereof by such owner, which time shall be not less than five days, nor more than 14 days, after service of such notice. The notice shall also specify clearly that graffiti established on a painted surface shall be painted over with a color consistent with the predominant tone of the building or structure, and that graffiti established on any unpainted masonry or wood surface shall be removed by cleaning so that such unpainted surface is returned.

(D) *Complaints by citizens, inspection, issuance of notice.* Any citizen of the city who observes a nuisance under this section may file a complaint with the city. Such complaints shall be investigated and, if a nuisance exists, notice as provided in this section shall be issued.

(E) *Service, return of notice, certified mail.* The inspector issuing the notice to abate a nuisance under this section or his or her designee shall, by personal service or certified mail, serve the notice upon the owner of the property where such nuisance exists, and shall make his or her return upon a copy of such notice showing the date of service and the person upon whom it was served.

(F) *Investigation to determine compliance with notice.* Immediately upon the termination of the time allowed in any notice of the abatement of the nuisance under this section, the inspector shall investigate to determine whether or not the nuisance has been abated.

(G) *Failure to comply with notice.* In the event the owner of the property where such nuisance exists has failed within the prescribed time to abate such nuisance, then the Director of the Division of Inspection and Permits shall have the authority to make arrangements for the removal of the graffiti through any available public agency or by contract with any applicable private entity. The cost of such removal shall be billed to the city and shall be a lien upon the affected property if not paid within 60 days after billing thereof.
(1960 Code, § 30-1-40) (Ord. 5590, passed 6-17-1996) Penalty, see § 130.99

§ 130.15 CIVIL EMERGENCIES.

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

CIVIL EMERGENCY.

(a) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force accompanied by immediate power to execute by three or more persons acting together without authority of law; or

(b) Any natural disaster or human-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

CURFEW. A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(B) Whenever any emergency, as defined in division (A) above, exists, the Mayor shall declare the existence by means of a written declaration setting forth the facts which constitute the emergency.

(C) After the proclamation of a civil emergency by the Mayor, he or she may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he or she deems advisable, and applicable during such hours of the day or night as he or she deems necessary in the interests of the public safety and welfare.

(D) After the proclamation of a civil emergency, the Mayor of the city may also in the interest of the public safety and welfare make any or all of the following orders:

(1) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;

(2) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;

(3) Order the discontinuance of the selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank property affixed to a motor vehicle;

(4) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever; and/or

(5) Issue such other orders as are imminently necessary for the protection of life and property.

(E) The proclamation herein authorized shall be effective for a period of 48 hours unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each 48-hour period during the time said civil emergency exists.

(F) Upon issuing the proclamation herein authorized, the Chief of Police shall notify the news media situated within the city and shall cause three copies of the proclamation declaring the existence of an emergency be posted at the following places within the city: the City Hall; the Police Station; and the Post Office.

(G) Nothing contained in this section shall be construed to impair the powers contained in the municipal code of the city giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the city. (1960 Code, § 30-1-42) (Ord. 2861, passed - -) Penalty, see § 130.99

§ 130.16 BILLPOSTING REGULATIONS.

(A) *Prohibited places.* No person shall post or paint any handbill, sign, poster, advertisement or notice, except legal publications and notices, or cause the same to be done upon any curb, sidewalk, street, tree, lamppost, utility pole, hydrant or bridge within the city or upon any private wall, window, door, fence, gate, advertising board or other private structure or building, unless he or she is the owner thereof.

(B) *Littering.* No person owning, leasing or operating any billboard shall tear or remove from the same, or permit to be torn or removed from the same, any advertising sheets, or other papers, without immediately removing the same from the sidewalks and streets, or permit the same to be torn or taken therefrom and thrown, blown or dropped upon any sidewalk or street. No person shall post advertising sheets or other papers in such a manner as to be insecure or probable that the same will be torn, washed or blown from the billboard.

(C) *Obscene advertising.* No person owning, leasing or operating any billboard shall post or cause to be posted, so that the same can be seen from any public place in the city, any pictures or illustrations of nude or semi-nude figures, or any material of an obscene or immoral character. (1960 Code, § 30-1-43) Penalty, see § 130.99

§ 130.17 TRUANCY.

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

CHRONIC OR HABITUAL TRUANT. A child subject to compulsory school attendance and who is absent without valid cause from such attendance for 5% or more of the previous 180 regular attendance days.

DROPOUT. Any child enrolled in grades 1 through 12 whose name has been removed from the district enrollment roster for any reason other than his or her death, extended illness, graduation or completion of a program of studies and who has not transferred to another public or private school.

RELIGION. Includes all aspects of religious observance and practice, as well as belief.

TRUANT. A child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

TRUANT MINOR. A chronic truant to whom supportive services, including prevention, diagnostic intervention and remedial services, alternative programs and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused.

VALID CAUSE FOR ABSENCE. Illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

(B) *Truancy prohibited.* It shall be unlawful for any person under the age of 18 enrolled in a public, private or parochial school, to absent himself or herself from attendance at school without parental permission.

(C) *False excuse prohibited.* It shall be an offense under this section for a parent or person in loco parentis to knowingly submit to the proper school authorities a written excuse under division (B) above that contains false information.

(D) *Permission parameters.* Parental permission shall include permission from a person in loco parentis, and shall be given for reasons only of personal illness, serious family illness, death in the family, serious home emergencies, necessary and lawful family support employment, religious convocation classes, principal's permission and compelling family reasons.
(1960 Code, § 30-1-44) (Ord. 5427, passed 5-15-1995; Ord. 7504, passed 7-5-2011; Ord. 7966-2016, passed 7-5-2016) Penalty, see § 130.99

§ 130.18 TRESPASSING; SCHOOL TRESPASSING.

(A) (1) It shall be unlawful for any person, firm or corporation to commit a trespass within the city upon either public or private property.

(2) Without constituting any limitation upon the provisions of division (A)(1) above, any of the following acts by any person, firm or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of said division (A)(1) above and appropriate action may be taken hereunder at any time or from time to time to prevent or punish any violation or violations of this section. The aforesaid enumerated acts shall include:

(a) An entry upon the premises or any part thereof of another, including any public property, in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof;

(b) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or

at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof;

(c) A failure or refusal to depart from the premises of another in case of being requested either orally or in writing by any owner or occupant thereof; or

(d) An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control thereof or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.
(1960 Code, § 30-1-45)

(B) (1) No person shall willfully or maliciously make or assist in making any noise, disturbance or other improper diversion by which the peace, quietude or good order of any public, private or parochial school is disturbed.

(2) No person shall use profane, indecent or immoral language or indulge in indecent or immoral conduct in any building or on any property adjacent to any building in the city occupied as a public, private or parochial school.

(3) Any person found to be creating a disturbance in any private, public or parochial school, or on the surrounding school grounds or on the fields or grounds lawfully used for school activities while such recreational areas or other activities are in progress shall leave immediately when so directed by the principal or by any other person designated by the principal.

(4) No person shall enter or remain in any public, private or parochial school building or school grounds between the hours of 8:00 a.m. and 4:30 p.m. on days such school is in session, who is not a regularly enrolled student, teacher or other employee at such school, unless he or she shall have first and immediately proceeded to the administrative offices and identified himself or herself to the principal or the principal's designee and received permission to so enter or remain. It shall be unlawful for any person to enter or remain in any public, private or parochial school or school grounds or on any public way within 250 feet of such public, private or parochial school or school grounds after being requested to leave by the principal or his or her designee.

(5) It shall be unlawful for any person to borrow or attempt to borrow any money or thing of value from any student in any public, private or parochial school property in the city or during any time when such student is going to or returning from any regularly scheduled session of any such school without first obtaining the written approval of the principal of such school or other person designated by the principal to issue such written approval.

(6) It shall be unlawful for any person to be on any school grounds after official sunset unless he or she is actively engaged in school sponsored functions, supervised recreational activities or is participating in an athletic event or is a spectator at such event.

(7) No unauthorized person shall enter upon the premises of any elementary, intermediate or secondary school.

(8) It should be unlawful to conduct any activity on public, private or parochial school grounds if the school has posted signs prohibiting the activity.
(1960 Code, § 30-1-46)
(Ord. 3333, passed 1-19-1976; Ord. 3380, passed 8-31-1976; Ord. 3803, passed 6-29-1981; Ord. 6660, passed 7-6-2004) Penalty, see § 130.99

§ 130.19 HALLOWEEN SOLICITATION.

(A) *Definition.* ***HALLOWEEN SOLICITATION*** shall mean seeking or obtaining gifts, food, candy or contributions of money, as is customarily and commonly known as "trick or treat", in the celebration of Halloween day.

(B) *Masks or disguises, trick or treat visitations and Halloween curfew.*

(1) It shall be unlawful for any person over 12 years of age to appear in or upon any of the streets, highways, alleys, public parks or other places of the city in any mask or disguise whereby the identity of such person is concealed, without permission of the Mayor or Chief of Police on days other than Halloween.

(2) (a) It shall be unlawful for any person to appear on the streets, highways, public homes, private homes or public places in the city to make trick or treat visitations; except that, this section shall not apply to children who attend any public, private, parochial school or equivalent to include home schooled student(s) in the eighth grade and under on Halloween night.

(b) Special needs students are exempted from the restrictions of this provision when accompanied by a parent, guardian or other responsible person.

(3) A special time limit "curfew" for all Halloween solicitation "trick or treat" activities is hereby established to limit such solicitations between 5:00 p.m. and 8:30 p.m.

(4) Nothing herein shall be construed as prohibiting any parent, guardian or other responsible person, having lawfully in his or her custody a child who attends any public, private, parochial school or equivalent to include home schooled student(s) in the eighth grade and under from accompanying such child who is participating in Halloween solicitation "trick or treat" for the purpose of caring for, looking after or protecting such child.

(5) Nothing herein shall be deemed to prohibit the gathering and participation of children in a Halloween parade or costume contest, or other Halloween celebrations or activities sponsored by the city, schools or other civic, social, religious or service clubs.

(C) *Sex offender prohibition.*

(1) (a) An individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a person under 17 years of age for which the individual is required to register as a sex offender under the state's Sex Offender Registered Act, as amended (730 ILCS 150/1 et seq.).

(b) It shall be unlawful for any designated sex offender, under the state's Sex Offender Registered Act, as amended (730 ILCS 150/1 et seq.), to participate in any Halloween events involving a person under 17 years of age, such as distributing candy or other items to children on Halloween. No candy or treats shall be distributed at the sex offender's place of residence and all outside residential lighting shall be turned off between 4:00 p.m. and 11:00 p.m.

(2) Halloween events in which the designated sex offender is the parent or guardian of the children involved, and no non-familiar children are present, are exempt from this prohibition.
(1960 Code, § 30-1-47) (Ord. 7199, passed 10-20-2008) Penalty, see § 130.99

§ 130.20 REGISTERED SEX OFFENDERS; RESIDENCE REGULATIONS.

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

CHILD SEX OFFENDER. Includes any person required to register his or her residence address with any state, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of 18 years at the time of the offense. A ***CHILD SEX OFFENDER*** includes, but is not limited to, any person required to register under the state's Sex Offender Registration Act, 730 ILCS 150/1 et seq., as now or as hereafter amended, where the victim was under the age of 18 years at the time of the offense. A ***CHILD SEX OFFENDER*** further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of 18 years:

(a) Sexual exploitation of a child (720 ILCS 5/11-9.1);

(b) Predatory criminal sexual assault of a child (720 ILCS 5/11-1.40);

(c) Indecent solicitation of a child (720 ILCS 5/11-6);

(d) Public indecency committed on school property (720 ILCS 5/11-9);

(e) Child luring (720 ILCS 5/10-5(b)(10));

(f) Aiding and abetting child abduction (720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10));

(g) Soliciting for a juvenile prostitute;

(h) Patronizing a juvenile prostitute (720 ILCS 5/11-18.1);

(i) Exploitation of a child;

(j) Child pornography (720 ILCS 5/11-20.1);

(k) Criminal sexual assault (720 ILCS 5/11-1.20);

(l) Aggravated criminal sexual assault (720 ILCS 5/11-1.30);

(m) Aggravated criminal sexual abuse (720 ILCS 5/11-1.60);

(n) Kidnaping or aggravated kidnaping (720 ILCS 5/10-1 or 5/10-2); and

(o) Unlawful restraint or aggravated unlawful restraint (720 ILCS 5/10-3 or 5/10-3.1).

LOITER. Standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of 18 years.

PARK. Includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term ***PARK*** includes ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

PUBLIC POOL. Includes any parcel of real estate containing any natatorium or other improved real estate, designated or intended for swimming, water recreation or water sports, whether operated or owned by a public entity, or to which memberships are sold to the public.

SCHOOL. Any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities and pre-schools.

(B) It is unlawful for a child sex offender to reside within 1,500 feet of any of the following:

(1) The real property comprising any school attended by persons under the age of 18 years;

(2) The real property comprising any park; or

(3) Any public pool.

(C) It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within 1,500 feet of any of the following, unless the

person loitering is with a child under the age of 18 years and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling or step-sibling of that child under the age of 18 years:

(1) The real property comprising any school attended by persons under the age of 18 years;

(2) The real property comprising any park; or

(3) Any public pool.

(D) It is unlawful for any person, corporation, business, partnership, trust, manager or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within 1,500 feet of any of the following:

(1) The real property comprising any school attended by persons under the age of 18 years;

(2) The real property comprising any park; or

(3) Any public pool.

(E) All distances designated in this section shall be measured from the lot line of the park property, public pool property or school property, and from the lot line of the subject residence.

(F) Nothing in this section prohibits a child sex offender from residing within 1,500 feet of any property, if that residence is owned or leased by the child sex offender before the effective date of this section. This section is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this section.
(1960 Code, § 30-1-49) (Ord. 7211, passed 12-15-2008) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Violations of § 130.03 of this chapter shall be punishable be a fine of not less than $75 and not more than $250 for each violation.
(1960 Code, § 30-1-8)

(C) Any person, firm, co-partnership, or corporation violating any provision of § 130.11 shall be fined a minimum of $500 and/or prosecution pursuant to § 5 of the Pyrotechnic Use Act (425 ILCS 35/5).

(D) Anyone found in violation of § 130.07(A) of this chapter will be fined a minimum of $250 up to $500 per occurrence.
(1960 Code, § 30-1-16)

(E) The penalty for a violation of § 130.09(B) of this chapter is $250. The penalty for any subsequent violation of § 130.09(B) of this chapter is $500.
(1960 Code, § 30-1-33)

(F) Any person in violation of § 130.10 of this chapter shall be fined a minimum of $250 and a maximum fine not to exceed $500.
(1960 Code, § 30-1-34)

(G) Any person violating the provisions of § 130.11 of this chapter shall, upon conviction thereof, be subject to a fine as set out in 720 ILCS 5/16-1.
(1960 Code, § 30-1-35)

(H) (1) *Possession of drug paraphernalia.* It is unlawful for any person to use, or to possess, with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, product, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this division (H)(1). Any person who violates § 130.12 of this chapter is guilty of a crime and, upon conviction, may be fined not less than $100, nor more than $500.

(2) *Manufacture or delivery of drug paraphernalia.* It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing or under circumstances where on reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of § 130.12 of this chapter. Any person who violates this division (H)(2) is guilty of a crime and, upon conviction, may be fined not less than $100, nor more than $500.

(3) *Delivery of drug paraphernalia to a minor.* Any person 18 years of age or over who violates § 130.12(A) of this chapter by delivering drug paraphernalia to a person under 18 years of age who is at least three years his or her junior is guilty of a special offense and, upon conviction, may be fined not less than $100, nor more than $500.

(4) *Advertisement of drug paraphernalia.* It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this division (H)(4) is guilty of a crime and, upon conviction, may be fined not less than $100, nor more than $500.
(1960 Code, § 30-1-38)

(I) Any person violating the provision of § 130.15 of this chapter or executive order issued pursuant thereto shall be guilty of an offense against the city and shall be punishable by a fine of not to exceed $500.
(1960 Code, § 30-1-42)

(J) (1) Any person who shall so absent himself or herself shall be guilty of the offense of truancy, per § 130.17 of this chapter, and be subject to a fine not to exceed $100 for each offense. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission is submitted in writing to the proper school authorities within 24 hours after such absence.

(2) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, by insufficient control, to allow the minor to be present in any public places or on the premises of any establishment within the city during which the minor is absent himself or herself from attendance of school without parental permission and shall be subject to a fine not to exceed $100 for each offense.

(3) A person convicted of an offense under § 130.17(C) shall be subject to a fine of not more than $500 for each offense.
(1960 Code, § 30-1-44)

(K) Any person found guilty of violating § 130.20(B), (C) or (D) of this chapter shall be subject to a fine of between $100 and $1,000, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager or other entity guilty of violating § 130.20(D) of this chapter shall be subject to a fine of between $100 and $1,000, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating § 130.20(D) of this chapter shall be presumed to have had knowledge of the tenant's status as a child sex offender, where that tenant's name, photo or other identifying information appears on the State Police statewide sex offender database, as published on the internet on the State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, 730 ILCS 152/101 et seq., as now or hereafter amended.
(1960 Code, § 30-1-49)
(Ord. 2846, passed - -; Ord. 2861, passed - -; Ord. 3759, passed 12-29-1982; Ord. 5427, passed 5-15-1995; Ord. 7505, passed 7-5-2011; Ord. 7100, passed 4-8-2008; Ord. 7211, passed 12-15-2008; Ord. 7302, passed 8-17-2009; Ord. 7417, passed 7-19-2010; Ord. 7504, passed 7-5-2011; Ord. 7913, passed 11-16-2015; Ord. 7966-2016, passed 7-5-2016)

CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS

Section

131.01 Indecent exposure of person
131.02 Obscene literature
131.03 Gambling prohibited

§ 131.01 INDECENT EXPOSURE OF PERSON.

No person shall, in the city, appear in any public place in a state of nudity, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any indecent or lewd act or behavior, or urinate or defecate in public other than while using a proper restroom.
(1960 Code, § 30-1-29) Penalty, see § 10.99

§ 131.02 OBSCENE LITERATURE.

(A) No person shall exhibit, sell or offer to sell, any indecent or lewd book, print, picture or other thing, or shall exhibit or perform any indecent, immoral or lewd play, or other representation.
(1960 Code, § 30-1-30)

(B) (1) It shall be unlawful for any person to sell, deliver, offer for sale, distribute, publish, print, exhibit or possess with intent to distribute, publish, print, exhibit or possess with intent to distribute, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, any obscene writing, picture, moving picture, record or other representation or embodiment of the obscene, or to present or to direct an obscene play or other performance or to perform an obscene act or otherwise present an obscene exhibition or to advertise or otherwise promote obscene material.

(2) An thing shall be deemed to be ***OBSCENE*** if the average person would find that the work taken as a whole appeals to a prurient interest, and the work depicts or describes patently offensive representations or descriptions of nude persons, ultimate sexual acts, normal or perverted sexual conduct, whether actual or simulated, or patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of the human genitals. The work, taken as a whole, must lack serious literary, artistic, political or scientific value.

(3) It shall be an affirmative defense to obscenity that the dissemination:

(a) Was not for gain, and was made to personal associates other than children under 18 years of age; or

(b) Was to institutions or individuals having scientific or other special justification for possession of such material.
(1960 Code, § 30-1-36)
(Ord. 3209, passed 3-18-1974) Penalty, see § 10.99

§ 131.03 GAMBLING PROHIBITED.

No person shall, in the city, set up any gaming table or gambling device, at which any game of chance shall be played for money, or property, or anything of value, or anything representing money or property, or anything of value; or at any such table or device, or at any game of chance, bet, win or lose any money, or property, or anything of value, either in specie, or in anything representing the same; or suffer any such table or device, at which any game of chance is played, to be set up or used in any tenement, or on any premises in his or her possession or under his or her control; or let any tenement or premises owned by him or her or under his or her control to any person to be used for any purpose of gaming or gambling therein or thereon; or being a landlord permit any tenant to employee, or use any premises or tenement leased by such landlord to such tenant, for any purpose of gaming or gambling. This shall not apply to charitable games licensed under 230 ILCS 30/1 et seq. or to video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment when conducted in accordance with the Video Gaming Act, 230 ILCS 40/1 et seq.
(1960 Code, § 30-1-32) (Ord. 7649, passed 11-19-2012) Penalty, see § 10.99

TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: BUILDING CODE; BUILDING REGULATIONS

Section

Building Code

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Cross-reference:

Dangerous Buildings, see §§ 93.040 through 93.043
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BUILDING CODE

§ 150.01 ADOPTION OF BUILDING CODE.

There is hereby adopted by the city 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, including permits and penalties, that certain building code known as the 2006 International Building Code and 2006 International Residential Code for One- and Two-Family Dwellings and International Energy Conservation Code, recommended by the Building Officials Conference of America, Inc., being particularly the current edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three copies have been and are now filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Code shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city.
(1960 Code, § 23-1-1) (Ord. 7510, passed 7-5-2011)

§ 150.02 DEFINITIONS IN BUILDING CODE.

(A) Wherever the word "municipality" is used in the Building Code, it shall be held to mean the "City of Belleville, Illinois".

(B) Wherever the term "corporation counsel" is used in the Building Code, it shall be held to mean the "Attorney for the City of Belleville".
(1960 Code, § 23-1-2) (Ord. 2641, passed - -)

§ 150.03 AMENDMENTS TO BUILDING CODE.

The Building Code herein adopted is amended and changed in the following respects.

(A) Article 27, (Electric Wiring, Equipment and Systems) is hereby deleted from this Code.

(B) Article 28, (Plumbing System) is hereby deleted from this Code.

(C) Article 29, (Signs) is hereby deleted from this Code.

(D) Section 112.5 (Approved Plans) is hereby amended by changing the section to read as follows instead of the language as it now appears therein:

> Approved Plans: The Building Official shall stamp or endorse in writing three (3) sets of corrected plans Approved and two (2) sets of such approved plans shall be retained by the Building Official and the other set shall be kept at

the building site, open to inspection of the Building Official or an unauthorized representative at all reasonable times. One (1) set of the approved plans of every building or structure other than temporary structures shall be kept in file in the office of the Building Official until such time as final inspection is made and work certified by the Building Official as complete at which time such plans may be returned to the owner.

(E) Section 3.295 is hereby amended by adding subsections (F) and (G) thereto as follows:

(F) Residency of the Building Official shall be governed by § 150.16 of the Code.

(G) Residency of the Electrical Inspector shall be governed by § 150.03(D) of the Code.

(1960 Code, § 23-1-3) (Ord. 3843, passed 12-7-1981; Ord. 4710, passed 3-5-1990; Ord. 7821, passed 11-17-2014)

BUILDING OFFICIAL AND OTHER OFFICIALS

§ 150.15 ESTABLISHMENT OF OFFICE OF BUILDING OFFICIAL.

(A) The Office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.

(B) The Building Official shall be appointed by the Mayor with the approval of the City Council. His or her appointment shall continue during good behavior and satisfactory service. He or she shall not be removed from office, except for cause after full opportunity has been given him or her to be heard on specific charges.

(C) During the temporary absence or disability of the Building Official, the City Consulting Engineer shall be empowered to exercise the duties of the Building Official.
(1960 Code, § 23-1-4) (Ord. 2781, passed - -)

§ 150.16 QUALIFICATIONS OF BUILDING OFFICIAL.

To be eligible to appointment, the candidate for the position of Building Official shall have had experience as an architect or structural engineer or building inspector or superintendent of building construction. He or she shall be in good health, physically capable of making the necessary examinations and inspections. He or she shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and demolition. The Building Official shall reside in Belleville or within ten miles of the city limits.
(1960 Code, § 23-1-5) (Ord. 2641, passed - -; Ord. 7821, passed 11-17-2014)

§ 150.17 DUTIES OF BUILDING OFFICIAL.

(A) The Building Official shall devote full time to the duties of his or her office. He or she shall receive applications required by this Code, issue permits and furnish the prescribed certificates. He or she shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He or she shall enforce all provisions of the Building Code. He or she shall, when requested by proper authority, or when the public interest so required, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he or she shall issue such notices or orders as may be necessary.

(B) Inspections required under the provisions of the Building Code shall be made by the Building Official or his or her duly-appointed assistant. The Building Official may accept reports of inspectors or recognized inspection service, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

(C) The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He or she shall retain on file copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.

(D) All such records shall be open to public inspection of or good and sufficient reasons at the stated office hours, but shall not be removed from the Office of the Building Official without his or her written consent.

(E) The Building Official shall make written reports to his or her immediate superior once each month, or more often if requested, including statements of permits and certificates issued, and orders promulgated.

(F) The Building Official shall also be responsible for the enforcement of the zoning regulations of the city and take all actions necessary as prescribed in this section as same would apply to enforcement of the zoning regulations.
(1960 Code, § 23-1-6) (Ord. 2641, passed - -; Ord. 2711, passed - -)

§ 150.18 BOND OF THE BUILDING OFFICIAL.

The Building Official shall post a penal bond in the amount of $2,000 which is to be a commercial surety bond, premium therefor to be paid in compliance with § 31.032 of this code of ordinances.
(1960 Code, § 23-1-7) (Ord. 2645, passed - -)

§ 150.19 COOPERATION OF OTHER OFFICIALS.

The Building Official may request and shall receive so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of other officials of the city.
(1960 Code, § 23-1-8) (Ord. 2641, passed - -)

CONDITIONS, PERMITS AND FEES

§ 150.30 RIGHT OF ENTRY.

The Building Official, in the discharge of his or her official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.
(1960 Code, § 23-1-9) (Ord. 2641, passed - -)

§ 150.31 FIRE LIMITS.

The fire limits of the city are hereby established as follows: city limits or any agreed to limits.
(1960 Code, § 23-1-10) (Ord. 2641, passed - -)

§ 150.32 BUILDING PERMIT FEES.

(A) Where building permits are required by the Building Code in effect, for new construction, alterations, additions and modifications to existing structures and buildings all fees as assessed shall be paid in full before a building permit can be issued.

(B) Appropriate applications shall be completed and when required by state requirements, construction plans and specifications as prepared by a state licensed architect and/or structural engineer shall be submitted properly signed and sealed for review and approval by the Building Official of the city.

(C) Building permit fees shall be computed based on the total gross floor area (square footage) of each building, structure or other improvement requiring a permit unless otherwise exempted.

(D) Building permit fees shall be based on the accompanying Tables No. 1 through 10 in § 150.38 of this chapter using the multiplier as determined for the type and extent of improvement being considered. The Building Official shall determine the total gross floor area of the improvements and determine the appropriate classification of the building in computing the fee. If a combination permit fee, as set forth on the accompanying tables, is paid by an applicant, no separate electrical, plumbing or HVAC permit shall be required.

(E) If in calculating the permit fees to be charged from the accompanying tables, the Building Official determines that the fee as calculated is less than the minimum fee as stated for the type of work to be performed, the minimum fee shall be charged.

(F) Separate fees shall be charged for all individual structures (i.e., four apartment buildings in a planned unit development would require four separate permits with each charged a separate permit fee).

(G) If additional inspections are required to be performed by the Building Official beyond the required inspections due to incomplete work or failure to properly notify the Department in advance for a required inspection, the permit holder will be subject to an additional inspection fee as stated in the permit fee table. The Building Official will notify the permit holder of the reasons in writing for the additional inspection fee.

(H) The fee for starting or completing work without first applying for and receiving a permit or approval by the Building Official to proceed with construction in which a building permit is required shall be double the amount that would normally be charged for the project under this Code.

(I) Permit fees shall be rounded off to the nearest dollar, in accordance with the tables in § 150.38 of this chapter.

(J) The building permit fee for installation of a swimming pool shall be $45.

(K) (1) A home remodel permit shall be available to an owner remodeling up to 200 square feet in a single-family residence.

(2) The home remodel permit fee shall be $45.

(3) If a home remodel permit fee is paid, no separate electrical, plumbing or HVAC permit shall be required.

(4) The owner shall identify the contractor or contractors who will perform the work.

(L) (1) A residential addition permit shall be available to an owner adding 400 square feet of living area or less to an existing single-family residence.

(2) The residential addition permit fee shall be $75.

(3) If a residential addition permit fee is paid, no separate electrical, plumbing or HVAC permit shall be required.

(4) The owner shall identify the contractor or contractors who will perform the work.

(M) No building permit shall be required and no building permit fee assessed for the following single-family residential projects:

(1) Any improvement, renovation, repair or new construction costing the owner less than $600;

(2) Direct replacement of same size windows; and

(3) Replacement, renovation, repair or addition of any of the following: siding, shingles, doors, cabinets, paneling, floor covering, wall covering, painting, guttering and downspouts.

(N) In addition to the provisions herein set forth, all construction and alterations of properties in a historic district shall require the submission of a design review request to the Historic Preservation Commission and the issuance of a certificate of appropriateness by the Historic Preservation Commission.
(1960 Code, § 23-1-11) (Ord. 5922, passed 10-19-1998)

§ 150.33 BUILDING PERMITS AND SUBDIVISIONS.

(A) (1) No building permits shall be issued in a subdivision until the streets have been accepted by the city.

(2) However, a building permit may be issued for a display home in a subdivision before the streets are accepted if enough of the streets are installed to provide access to the display home being built to the Fire Department.

(B) (1) No building permit shall be issued in a subdivision until the fire hydrants for the subdivision are operational to the satisfaction of the Fire Department.

(2) However, a building permit may be issued for a display home in a subdivision before all of the fire hydrants are operational if the Fire Department determines that there are enough fire hydrants operational to protect display home being built.
(1960 Code, § 23-1-12) (Ord. 7076, passed 1-23-2008)

§ 150.34 DEMOLITION OF BUILDINGS.

(A) A person obtaining a permit to demolish a building from the city is hereinafter referred to as "permittee".

(B) (1) A permittee shall obtain a permit for demolition of a building or structure from the Building Official of the city.

(2) The permit shall require such information as the Building Official deems necessary.

(3) Before a permit shall be issued, the permittee shall submit proof to the Building Official that all the utilities connected to this structure or premises have been notified to the impending demolition.

(C) (1) The permittee is responsible to first notify all utility companies of the demolition prior to beginning the project.

(2) All rules and regulations of the utility companies along with the city and the county code must be complied with before, during and after the demolition project.

(D) (1) The permittee shall fill only with masonry rubble, sand or clean dirt up to the level grade of the existing surrounding area.

(2) The top layer of fill shall be a minimum of 12 inches soluble soil, capable of encouraging vegetation.

(E) The permittee shall comply with all regulations of the state's Environmental Protection Agency of the United States Environmental Protection Agency.

(F) Lumber, lathe or other organic materials will not be permitted in the fill.

(G) Material which is not suitable for fill material shall not be used, but shall be removed from the site of the work and disposed of at the permittee's expense.

(H) All of any materials to be disposed of shall be disposed of at a state-approved disposal area.

(I) Any authorized material remaining on the premises at the completion of the work will delay final acceptance until such material has been removed.

(J) The premises shall be left in an orderly condition, clean and free of debris and or building materials.

(K) The burning of materials is not authorized or permitted.

(L) Care shall be taken by a permittee to prevent the occurrence of voids in the fill or undue settlement after the fill has been placed.

(M) The operation of the permittee shall be done in such a manner as to avoid hazard to persons' and properties' interference with the use of adjacent buildings or the interruption of free passage to and from such buildings.

(N) (1) After work is started on the building, it should be continued promptly and expeditiously.

(2) The permittee shall satisfactorily complete the work within 30 days from the date of issuance of the permit. If the work is not completed, the city shall be entitled to make a claim to have the bonding company complete the job.

(O) The permittee shall, at all times, reserve and comply with the federal and state laws, local ordinances and regulations which effect the conduct of his or her work.

(P) The permittee shall be solely responsible for all claims and liabilities arising from or based upon the violation of any such laws, ordinances or regulations, whether by himself or herself or his or her employees.

(Q) The permittee shall provide the city with a performance bond in the amount to be determined by the Building Inspector and the bond is to be approved by the Building Inspector to guarantee that he shall comply with all the terms of this chapter.
(1960 Code, § 23-1-14) (Ord. 4706, passed 2-19-1990)

§ 150.35 DEFINITION; BUILDING CONTRACTOR.

The term ***BUILDING CONTRACTOR*** means any person, partnership, firm or corporation who engages in the business of construction, alteration, addition, repair, removal, demolition or maintenance of buildings or structures, but shall not include "electrical contractor" or "plumbing contractor" or "gas, oil and solid fuel burner contractor", as defined by the ordinances of the city.
(1960 Code, § 23-1-15) (Ord. 5922, passed 10-19-1998)

§ 150.36 REGISTRATION.

No person, partnership, firm or corporation shall engage in the business of a building contractor in the city without first registering his or her name, residence and place of business with the Building Official along with the telephone number of said business.
(1960 Code, § 23-1-16) (Ord. 5922, passed 10-19-1998)

§ 150.37 DUMPSTER PERMIT.

(A) Any holder of a building or demolition permit under this Building Code who shall require the use of a dumpster on a street, public sidewalk, alleyway or city right-of-way, shall also obtain a dumpster permit and pay the fee and comply with the regulations set forth in the accompanying Building Permit Table No. 11 in § 150.38 of this chapter. The city will provide lighted barricades.

(B) Any holder of a building, remodeling or demolition permit under this Building Code who shall require the use of a storage pod shall obtain a storage pod permit and pay the fee of $50 for 30 days. The maximum time a storage pod may remain on a property is 30 days and it cannot be located on the street or front yard. It must be placed at the rear of the driveway.

(C) Except as otherwise may be permitted by ordinance, no one may place a dumpster on any private or public property in the city without registering the location with the city's Building Department. All such dumpsters shall be removed within 60 days of the date of placement.
(1960 Code, § 23-1-17) (Ord. 5922, passed 10-19-1998; Ord. 6645, passed 5-3-2004; Ord. 7300, passed 8-17-2009)

§ 150.38 PERMIT TABLES.

(A) *Building Permit Table No. 1.*

COMBINATION PERMIT - SINGLE-FAMILY RESIDENTIAL NEW CONSTRUCTION (Includes new single-family homes or additions)			
CALCULATION: Permit Fee = Gross Area x Gross Area Modifier x Type of Construction x Permit Fee Multiplier			
EXAMPLE: 1,940 sq. ft. single-family residence with a 1,940 sq. ft. unfinished basement and a 400 sq. ft. attached garage			
PERMIT INFORMATION:	Type of Construction	=	5B
	Height	=	1 story
	Area	=	1,940 sq. ft. with 400 sq. ft. attached garage
	Basement	=	1,940 sq. ft. unfinished
	Permit Fee Multiplier	=	0.0075
	Use Group	=	R-3
FEE SPECIFICS			
GROSS AREA:	Residential	=	1 story x 1,940 sq. ft.
	Garage	=	400 sq. ft.
	Unfinished Basement	=	1,940 sq. ft.
GROSS AREA MODIFIER:		=	61
TYPE OF CONSTRUCTION FACTOR USING TABLE:	Residential - R-3/5B	=	0.65
	Garage	=	0.20
	Unfinished Basement	=	0.20
PERMIT FEE:	Residence	=	1,940 sq. ft. x 61 x 0.65 x 0.00545185
		=	$419.36
	Garage	=	400 sq. ft. x 61 x .20 x 0.00545185
		=	$26.61
	Unfinished Basement	=	1,940 sq. ft. x 61 x .20 x 0.00545185
		=	$129.03
TOTAL PERMIT FEE:		=	$575.00
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE			

(B) *Building Permit Table No. 2.*

COMBINATION PERMIT - TWO-FAMILY RESIDENTIAL NEW CONSTRUCTION (Includes new duplexes or additions)			
CALCULATION: Permit Fee = Gross Area x Gross Area Modifier x Type of Construction x Permit Fee Multiplier			
EXAMPLE: 2,357 sq. ft. single-story two-family residence with no basement and no garage			
PERMIT INFORMATION:	Type of Construction	=	3B
	Height	=	1 story
	Area	=	2,357 sq. ft.
	Permit Fee Multiplier	=	0.0075
	Use Group	=	R-3
FEE SPECIFICS			
GROSS AREA:	Residential	=	2,357 sq. ft.
GROSS AREA MODIFIER:		=	61
TYPE OF CONSTRUCTION FACTOR USING TABLE:	Residential - R-3/3B	=	0.75
PERMIT FEE:	Residence	=	2,357 sq. ft. x 61 x 0.75 x 0.0075
			= $808.75
TOTAL PERMIT FEE:		=	$808.75
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE			

(C) *Building Permit Table No. 3.*

COMBINATION PERMIT - MULTI-FAMILY RESIDENTIAL NEW CONSTRUCTION (Includes new multi-family buildings or additions to existing)			
CALCULATION: Permit Fee = Gross Area x Gross Area Modifier x Type of Construction x Permit Fee Multiplier			
EXAMPLE: Two-story 12 family apartment building. Total square footage - 14,000.			
PERMIT INFORMATION:	Type of Construction	=	3B
	Height	=	2 stories
	Area	=	1st story - 7,000 sq. ft.
			2nd story - 7,000 sq. ft.
	Permit Fee Multiplier	=	0.0075
	Use Group	=	R-2
FEE SPECIFICS			
GROSS AREA:	Building	=	2 stories x 7,000 sq. ft.
GROSS AREA MODIFIER:		=	61
TYPE OF CONSTRUCTION FACTOR USING TABLE:	Residential - R-2/3B	=	0.75
PERMIT FEE:	Building	=	14,000 sq. ft. x 61 x 0.75 x 0.0075
		=	$4,803.75
TOTAL PERMIT FEE:		=	$4,803.75
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE			

(D) *Building Permit Table No. 4.*

COMBINATION PERMIT - COMMERCIAL BUILDING PERMIT NEW CONSTRUCTION (Includes new commercial buildings or additions)			
CALCULATION: Permit Fee = Gross Area x Gross Area Modifier x Type of Construction x Permit Fee Multiplier			
EXAMPLE: 9,900 sq. ft. one story commercial building			
PERMIT INFORMATION:	Type of Construction	=	3B
	Height	=	1 story
	Area	=	9,900 sq. ft.
	Permit Fee Multiplier	=	0.0075
	Use Group	=	B
FEE SPECIFICS			
GROSS AREA:	Building	=	9,900 sq. ft.
GROSS AREA MODIFIER:		=	61
TYPE OF CONSTRUCTION FACTOR USING TABLE:	Residential - B3/B	=	0.91
PERMIT FEE:	Building	=	9,900 sq. ft. x 61 x 0.91 x 0.0075
		=	$4,121.62
TOTAL PERMIT FEE:		=	$4,121.62
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE			

(E) *Building Permit Table No. 5.*

COMBINATION PERMIT - TENANT FINISH COMMERCIAL (Includes all tenant finishes for commercial use)			
CALCULATION: Permit Fee = Gross Area x Gross Area Modifier x Type of Construction x Permit Fee Multiplier			
EXAMPLE: 3,480 sq. ft. tenant finish			
PERMIT INFORMATION:	Type of Construction	=	3B
	Area	=	3,480 sq. ft.
	Permit Fee Multiplier	=	0.0098
FEE SPECIFICS			
GROSS AREA:	Building	=	3,480 sq. ft.
ADJUSTED GROSS AREA MODIFIER:		=	31
TYPE OF CONSTRUCTION FACTOR USING TABLE:	Residential - B3/B	=	0.91
PERMIT FEE:	Building	=	3,480 sq. ft. x 31 x 0.91 x 0.0098
		=	$962.07
TOTAL PERMIT FEE:		=	$962.07
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE			

(F) *Building Permit Table No. 6.*

COMBINATION PERMIT - RESIDENTIAL REHAB (Includes all residential rehabs)			
CALCULATION: Permit Fee = Gross Area x Gross Area Modifier x Type of Construction x Permit Fee Multiplier			
EXAMPLE: 1,660 sq. ft. residential rehab			
PERMIT INFORMATION:	Type of Construction	=	5B
	Area	=	1,660 sq. ft.
	Permit Fee Multiplier	=	0.0098
FEE SPECIFICS			
GROSS AREA:	Residential	=	1,660 sq. ft.
ADJUSTED GROSS AREA MODIFIER:		=	31
TYPE OF CONSTRUCTION FACTOR USING TABLE:	Residential - R-3/5B	=	0.65
PERMIT FEE:	Residence	=	1,660 sq. ft. x 31 x 0.65 x 0.0098
			= $327.80
TOTAL PERMIT FEE:		=	$327.80
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE			

(G) *Building Permit Table No. 7.*

COMBINATION PERMIT - MANUFACTURED HOMES (Includes all manufactured and mobile homes)				
TOTAL PERMIT FEE:		=	$150	
	Based on:		$35	Plumbing
			$30	Gas
			$60	Electric
			$25	Building
	TOTAL FEES:		$150	
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE				

(H) *Building Permit Table No. 8.*

INDIVIDUAL PERMIT - BUILDING - RESIDENTIAL (Includes sheds, windows, doors, roof sheathing)			
MINIMUM PERMIT: Residential: = $45.00			
CALCULATION: Permit Fee = Gross Area x Gross Area Modifier x Type of Construction x Permit Fee Multiplier			
EXAMPLE: 20 x 24' detached garage (Residential)			
PERMIT INFORMATION:	Type of Construction	=	N/A
	Height	=	1 story
	Area	=	480 sq. ft.
	Permit Fee Multiplier	=	0.0075
	Use Group	=	R-3
FEE SPECIFICS			
GROSS AREA:	Residential	=	480 sq. ft.
GROSS AREA MODIFIER:		=	61
TYPE OF CONSTRUCTION FACTOR USING TABLE:		=	.20
PERMIT FEE:		=	480 sq. ft. x 61 x 0.20 x 0.0075
		=	$43.92
TOTAL PERMIT FEE:		=	$43.92
(Please note: Since this fee dopes not meet the minimum permit fee, $45.00 would be charged.)			
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE			

(I) *Building Permit Table No. 9.*

INDIVIDUAL PERMIT - BUILDING - COMMERCIAL (Includes sheds, windows, doors, siding, roof sheathing)			
MINIMUM PERMIT: Commercial: = $75.00			
CALCULATION: Permit Fee = Gross Area x Gross Area Modifier x Type of Construction x Permit Fee Multiplier			
EXAMPLE: 800 sq. ft. storage building (Commercial)			
PERMIT INFORMATION:	Type of Construction	=	5B
	Height	=	1 story
	Area	=	800 sq. ft.
	Permit Fee Multiplier	=	0.0098
	Use Group	=	S-2
FEE SPECIFICS			
GROSS AREA:	Building	=	800 sq. ft.
GROSS AREA MODIFIER:		=	61
TYPE OF CONSTRUCTION FACTOR USING TABLE:		=	.37
PERMIT FEE:		=	800 sq. ft. x 61 x 0.37 x 0.0075
		=	$135.42
TOTAL PERMIT FEE:		=	$135.42
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE			

(J) *Building Permit Table No. 10.*

INDIVIDUAL PERMIT - DEMOLITION RESIDENTIAL/COMMERCIAL
PERMIT FEE: = $50
Requires a demolition bond on file with the City of Belleville in the amount to be determined by the City of Belleville Building and Zoning Commissioner. Bond required can be anywhere between $1,000.00 - $5,000.00.
STARTING WORK WITHOUT A PERMIT: DOUBLE THE FEE

(K) *Building Permit Table No. 11.*

INDIVIDUAL PERMIT - DUMPSTER
DUMPSTER PERMIT ON STREET: = $50 for 30 days
Applicant must make arrangements for lighted barricades to be placed around dumpster. All debris must be kept inside dumpster. Permit will be issued in association with a current building or demolition permit only. Department will notify Police Department of current permits.
PLACING DUMPSTER WITHOUT A PERMIT: DOUBLE THE FEE

(L) *Electric Permit Table.*

INDIVIDUAL PERMIT - ELECTRIC (Used for upgrading services and wiring)
Fee schedule based upon service size, plus additional electrical work to be performed 1 - 100 amp = $35 101 - 200 amp = $60 201 - 300 amp = $85 301 - 400 amp = $110 (Above fees based on $25 per 100 amps, plus $10 per 1,000 sq. ft. of improved area or fraction thereof)
401 amp service and larger - $50 per 100 amps, plus $20 per 1,000 sq. ft. of improved area or fraction thereof
Where no new service is involved, fee shall be $35. (Above fees based on $15, plus $20 1,000 sq. ft. of improved area or fraction thereof)
Installation of or alteration to a burglar alarm, fire alarm, security or other like system: $15 per residence $25 per other use 3,000 sq. ft. or less $50 per other use over 3,000 sq. ft.
Installation of solar photovoltaic (PV) systems $25 residential $50 commercial
Energy management system installations = $100
Service station pumps - $10 per pump
Electrical appliance permit - $10 per appliance - water heater and furnace
Illuminated signs - $25 per sign
Letters of certification - $75, plus $5 for each 1,000 sq. ft. of area certified or fraction thereof
Elevator fee - $50 (electrical permit for installation) Inspections are done by the company performing the installation
Minor electrical work in addition to a service upgrade - $15
Minimum fee for any permit - $15
Examination registration fee- $25
License fee - $50 annually After May 1, and up to 60 days, renewal fee shall be $100 after which the electrical contractor must complete process for new applicant
Bond requirement - $10,000
WORK STARTED WITHOUT APPLYING FOR A PERMIT: DOUBLE THE FEE

(M) *Plumbing Permit Table No. 1.*

INDIVIDUAL PERMIT - PLUMBING (Used for individual fixture additions or replacements)
FIXTURE: $8 each
REQUESTED INSPECTIONS: $50 per trip
MORE THAN 3 TRIPS ON A PERMIT: $50 per trip
WORK STARTED WITHOUT APPLYING FOR A PERMIT: DOUBLE THE FEE

(N) *HVAC Permit Table No. 1.*

FEE PROPOSAL		
INDIVIDUAL PERMIT - HVAC (Used for individual addition or replacement of gas fired appliances)		
FEE IS APPLICATION TO EACH UNIT INSTALLED		
SCHEDULE:		
	INPUT/BTU	FEES
	0-200,000	$15.00
	200,001-500,000	$20.00
	500,001-1,000,000	$30.00
	1,000,001 and over	$50.00
	Solid Fuel Burning Devices	$15.00
	Gas Logs and Log Starters	$15.00
	Additional Inspections over the number is required to ensure compliance with pertinent codes	$50.00
	Replacement of a gas appliance in a single-family	$10.00 per appliance
	Family residence	
	Appliances to include:	Water Heater
		Furnace
		Boiler
		Gas Logs and Log Lighter
		Solid Fuel Devices
		Wood Furnaces
		Fireplaces
WORK STARTED BEFORE APPLYING FOR A PERMIT: DOUBLE THE FEE		
No permit fees are required for direct replacement of furnaces, water heaters, and air conditioners.		

(1960 Code, Permit Tables) (Ord. 6670, passed 8-2-2004; Ord. 7831, passed 12-16-2014)

§ 150.99 PENALTY.

(A) *Non-compliance.* A person who shall violate a provision of this chapter or fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, altered or repaired a building or structure or portion thereof, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable by a fine of not less than $250, nor more than $1,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such. Also, the owner of a building or structure or portion thereof, or of the premises where anything in violation of this chapter shall be placed or shall exist, and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith who has assisted in the commission of such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be punishable by a fine of not less than $250, nor more than $1,000; each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such. The court shall also order as part of the judgment that the defendant comply with all applicable codes and ordinances relating to the property which is the subject of the violation.

(B) *Abatement.* The imposition of the penalties herein prescribed shall not preclude the Corporation Counsel from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises.
(1960 Code, § 23-1-13) (Ord. 2641, passed - -; Ord. 7096, passed 4-8-2008)

CHAPTER 151: ELECTRICAL CODE

Section

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GENERAL PROVISIONS

§ 151.01 DEFINITION.

The term ***ELECTRICAL EQUIPMENT***, as used in this chapter, means conductors and equipment installed for the utilization of electricity, but does not include apparatus, conductors and other equipment installed by public utilities, including common carriers, which are under the jurisdiction of the state's Commerce Commission, for use in their operation as public utilities.
(1960 Code, § 24-1-1)

§ 151.02 ELECTRICAL COMMISSION.

(A) (1) There is hereby established an Electrical Commission which shall consist of six members, as follows. The Electrical Inspector who shall be ex-officio member of such Commission; of the other five members, one shall be a registered electrical contractor; one a journeyman electrician; one a representative of an inspection bureau maintained by the fire underwriters (or Chief of the Fire Department); one a consulting engineer; and one a representative of an electrical utility company. Such member shall be appointed for a term of four years by the Mayor with the advice and consent of the City Council.

(2) The Electrical Inspector shall serve on such Commission without additional compensation therefor. The members shall receive no compensation as members of the Commission.
(1960 Code, § 24-1-2)

(B) The Electrical Commission shall recommend safe and practical standards and specifications for the installation, alteration and use of electrical equipment designed to meet the necessities and conditions that prevail in the city, shall ascertain by written and/or oral examination, the knowledge and experience of all applicants for registration all applicants who have satisfactorily passed the examination. It shall recommend reasonable rules and regulations governing the issuance of permits by the Electrical Inspection Department. It shall recommend reasonable fees to be paid for permits and inspection by the Electrical Inspection Department of all electrical equipment installed or altered within the city. Such standards and specifications, rules and regulations and fees shall not become effective until adopted by ordinance by the City Council.
(1960 Code, § 24-1-3)

§ 151.03 ELECTRICAL INSPECTOR.

(A) There is hereby created the Office of Electrical Inspector. The person chosen to fill the office of Electrical Inspector shall be a competent electrician of good moral character. He or she shall have had at least five years' experience as a journeyman in the practice of his or her trade, or three years' training in a recognized college of electrical engineering and in addition thereto, two years of practical experience in electrical construction. He or she shall have knowledge of the statutes of the state relating to electrical work and rules and regulation issued by the Fire Marshal of the state under authority of the safety rules and standards approved by the American Engineering Standards Committee. The Electrical Inspector shall be appointed by the Mayor, by and with the advice and consent of the City Council.

(B) The salary of the Electrical Inspector shall be set by the City Council.

(C) Any official or employee connected with the Office of Electrical Inspector shall not engage in, directly or indirectly, with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of electrical installations over which they may have official authority.

(D) The Electrical Inspector shall reside in Belleville or within ten miles of the city limits.
(1960 Code, § 24-1-4) (Ord. 7821, passed 11-17-2014)

§ 151.04 STANDARDS.

No electrical equipment shall be installed or altered, except upon a permit issued by the Electrical Inspection Department.
(1960 Code, § 24-1-5)

§ 151.05 PERMITS; FEE SCHEDULE.

(A) (1) Permits are required for all electrical installations, alterations and replacement of major appliances as detailed in § 151.11. Permits are not required for minor electrical repairs and/or replacement of electrical wiring devices.

(2) Application for permit shall be made by the designated person of a firm to install all or any part of an electrical system. The applicant shall meet all qualifications established under this chapter. The permit application for commercial or industrial jobs shall be accompanied by four or more complete sets of construction drawings, specifications and construction documents. The applicant shall file adequate details of electrical work including computations, diagrams and other essential technical data. All construction documents shall be signed and sealed by a registered design professional engineer. The Electrical Inspector is permitted to waive the requirements for filing construction documents when the scope of work is of a minor nature or can be adequately described by other means.

(3) Notwithstanding division (A)(2) above, application for permit related to the installation of, or alteration to, a burglar alarm, fire alarm, security alarm or other related system, if such is required by this chapter, shall be made by the property owner of the premises related to such installation or alteration.
(1960 Code, § 24-1-6)

(B) See § 150.38(L) for the electrical permit fee schedule.
(1960 Code, § 24.1-1)
(Ord. 7831, passed 12-16-2014; Ord. 7885, passed 8-17-2015)

§ 151.06 INSPECTIONS.

(A) The Electrical Inspector shall inspect and shall require that all installations conform to the 2005 edition of the National Electrical Code as published by the National Fire Protection Association, Inc.

(B) The Electrical Inspector shall have the right during reasonable hours to enter any building in the discharge of his or her official duties, for the purpose of making any inspection or test of the installation or alteration of electrical equipment contained therein, and shall have the authority to cause the turning off of all electrical currents and to cut or disconnect any conductors where such electrical currents are dangerous to life or property, or may interfere with the work of the Fire Department.

(C) Any reinspection made necessary by the installer's failure to meet this Code shall be charged for each additional inspection, the minimum fee as per fee schedule.
(1960 Code, § 24-1-7) (Ord. 7821, passed 11-17-2014; Ord. 7831, passed 12-16-2014)

§ 151.07 CERTIFICATE OF APPROVAL.

(A) Upon the completion of the installation or alteration of electrical equipment in any building, it shall be the duty of the person installing or altering the same to notify the Electrical Inspector who shall inspect the work within two working days after such notice is given and, if such electrical installation is found to be fully in compliance with this Code, he or she shall issue a certificate of approval authorizing connection to the electrical service.

(B) All wiring which is to be concealed shall be inspected and a certificate of approval issued before concealment and any person installing such wiring shall notify the Electrical Inspector giving him or her two working days in which to make the required inspection before such wiring is concealed.
(1960 Code, § 24-1-8)

§ 151.08 NATIONAL ELECTRIC CODE.

No certificate of approval will be issued unless the electrical installation is in strict conformity with the provisions of this chapter, the statutes of the state, the 2005 edition of the National Electrical Code

as published by the National Fire Protection Association, Inc., and Article 690 Solar Photovoltaic (PV) Systems of the 2014 edition of the National Electrical Code, as applicable.
(1960 Code, § 24-1-9) (Ord. 7408, passed 7-6-2010; Ord. 7831, passed 12-16-2014)

§ 151.09 TIME OF INSPECTION.

The provisions for inspection of work authorized by the permits shall not be construed as prohibiting the inspection of any electrical installation whenever the Electrical Inspector shall determine that the public safety requires it.
(1960 Code, § 24-1-10)

§ 151.10 RECORDS.

The Electrical Inspection Department shall keep complete records of all permits issued and inspections made and other official work performed under the provisions of this Code.
(1960 Code, § 24-1-11)

§ 151.11 INSTALLATION REGULATIONS.

(A) Where any building is undergoing remodeling, all changes to be made to the electrical installation must be reviewed with the Electrical Inspector and a permit obtained before the work proceeds.

(B) Permits shall be issued to licensed electrical contractors or a homeowner, provided the homeowner personally performs the electrical work and provided that the electrical work is to be installed in the home occupied by the owner and that the home is a single-family residence.

(C) Homeowner permits are not required for minor electrical repairs. ***MINOR ELECTRICAL REPAIRS*** shall be defined as replacement of outlets, switches, lampholders, light fixtures, fractional HP motors (of the same HP), where replacement does not require any alteration of the existing wiring.

(D) Permits may also be issued to specialized contractors, bonded with the city, engaged in the business of installing major electrical appliances, solely for the reconnection of major appliances, furnaces, condensing units and water heaters from the existing disconnect mounted at or near the unit where the reconnection does not require any alteration of the existing wiring.

(E) When a permit is issued, as provided herein, the Electrical Inspector will inspect such installation and will issue a certificate of approval if the installation meets the requirements of this Code.
(1960 Code, § 24-1-12)

§ 151.12 FEES.

(A) The Electrical Inspector shall collect all fees in advance and shall turn all fees over to the City Treasurer and shall make a monthly report of fees to the City Council.

(B) Fees for electrical permits shall be based upon and as set forth on the accompanying fee schedule. In cases where any work for which an electrical permit is required has been started without the issuance of the necessary permit, the total fees as required for the permit shall be doubled. Permit fees are to be paid before the electrical permit shall be issued.
(1960 Code, § 24-1-13)

§ 151.13 RIGHT OF APPEAL.

Any permit holder not in agreement with the decision of the Electrical Inspector shall have the right to appeal to the Electrical Commission of the city and the decision of the Electrical Commission shall be final in all cases. The Electrical Inspector shall not serve on the Board of Appeal.
(1960 Code, § 24-1-14)

§ 151.14 USER CHANGES; AMERENUE TO NOTIFY CITY.

Any month when there is a change of user of residential (rate 001) or non-residential (rate 043) electric service within the city, AmerenUE Company shall notify the Building Commission (or other appropriate official) of the city in writing within seven working days after the end of the month of said changes, indicating the address and apartment or unit number in whose name the service is connected or billed.
(1960 Code, § 24-1-15) (Ord. 6433, passed 6-17-2002)

ELECTRICAL INSTALLATION RULES

§ 151.25 GENERAL.

All work shall be done in a neat and workmanlike manner and it shall be unlawful for any person in any way to alter or change any electrical wiring or to knowingly permit such electrical wiring to be altered or changed unless done in conformity with this Code.
(1960 Code, § 24-2-1) (Ord. 7301, passed 8-17-2009) Penalty, see § 10.99

§ 151.26 ADDITIONAL LOAD ON EXISTING SERVICE.

Any and all additional load to an existing service shall be in complete compliance with the requirements of the current edition of the National Electrical Code then in effect.
(1960 Code, § 24-2-2)

§ 151.27 SERVICE ENTRANCES.

All service conductors shall be in complete compliance with the requirements of the National Electrical Code then in effect and the standards of the applicable utility company.
(1960 Code, § 24-2-3) Penalty, see § 10.99

§ 151.28 SPECIFIC REQUIREMENTS FOR COMMERCIAL BUILDINGS.

Specific requirements for commercial buildings which are not industrial buildings or buildings for specific occupancies shall include:

(A) No ENT conduit, MC cable or AC cable allowed;

(B) All conduit run on the exterior of a building, must be rigid galvanized conduit or schedule 40 PVC unless subject to physical damage, in which case schedule 80 PVC or rigid galvanized conduit will be required;

(C) Ground wire (#6 for 100 amp; #4 for 200 amp) to ground rods shall be installed in PVC conduit;

(D) All overhead service masts (risers) shall be rigid galvanized conduit. All overhead service masts (risers) penetrating the roof shall be minimum of two-inch rigid galvanized conduit;

(E) Aluminum wire is not permitted, except on the utility side of the metering device in which the service feeders are installed underground;

(F) Service feeders and neutral shall be of equal size and rating;

(G) No tandem breakers allowed in new installation;

(H) All motor driven appliances must be on a separate circuit; and

(I) All commercial raceway shall be in approved conduit (thin wall or approved by electrical inspector).
(1960 Code, § 24-2-4) (Ord. 7301, passed 8-17-2009) Penalty, see § 10.99

§ 151.29 SPECIFIC REQUIREMENTS FOR RESIDENTIAL BUILDINGS.

Specific requirements for residential buildings shall include:

(A) No ENT conduit, MC cable or AC cable allowed;

(B) All conduit run on the exterior of a building, must be rigid galvanized conduit or schedule 40 PVC unless subject to physical damage, in which case schedule 80 PVC or rigid galvanized conduit will be required;

(C) Ground wire (#6 for 100 amp; #4 for 200 amp) to ground rods shall be installed in PVC conduit;

(D) All overhead service masts (risers) shall be rigid galvanized conduit. All overhead service masts (risers) penetrating the roof shall be minimum of two-inch rigid galvanized conduit;

(E) Aluminum wire is not permitted, except on the utility side of the metering device in which the service feeders are installed underground;

(F) Service feeders and neutral shall be of equal size and rating;

(G) No tandem breakers allowed in new installations;

(H) All major appliances are to be on dedicated circuits, such as, but not limited to:

(1) Refrigerator;

(2) Freezer;

(3) Washer;

(4) Dryer (gas or electric);

(5) Furnace;

(6) All motor over 1/4 HP;

(7) Dishwasher;

(8) Garbage disposal;

(9) Garage door openers;

(10) Sump pump;

(11) Range hood/microwave;

(12) Central vacuum;

(13) Jacuzzi or whirlpool;

(14) Air conditioner condensing unit;

(15) Window air conditioner; and

(16) P-Tac unit.

(I) All wiring having a voltage of 50 volts, or higher, to neutral (ground) shall be minimum size 12-gauge wire. All non-metallic sheathed cable (romex) shall be a minimum of 12 gauge;

(J) Not more than four outlets per circuit permitted in kitchen and dining area. All others, up to eight outlets per circuit;

(K) A maximum of three non-metallic sheathed cables (romex) will be permitted in any drilled hole;

(L) All branch circuits are to be sized to ampere rating of installed equipment (12-gauge minimum sizes);

(M) Hallway shall have at least one receptacle outlet;

(N) Minimum of three spare, full sized, spaces shall be left in the panel for future on all new installations; and

(O) Ground rods: copper-clad ground rods are required and shall be a minimum of five-eighths inch by eight feet long.
(1960 Code, § 24-2-5) (Ord. 7301, passed 8-17-2009) Penalty, see § 10.99

ELECTRICAL CONTRACTORS; LICENSING

§ 151.40 DEFINITIONS.

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

DESIGNATED PERSON. Any person, partnership, firm or corporation seeking an electrical contractor's or electrical sign contractor's license shall designate an individual owner, partner, officer or full time employee to apply for, take and pass the examination hereinafter described. The city may

request proof that the person designated is an owner, partner, officer or full-time employee. If the license fails to provide proof within 14 days of the request, the license may be revoked. The electrical contractor's or electrical sign contractor's license shall be issued to the person, partnership, firm or corporation designating the person and such license shall be valid as long as the ***DESIGNATED PERSON*** remains an owner, partner or officer of such firm and pays the annual registration fee prescribed hereinafter. Such designated person shall be deemed to be in charge of and responsible for the supervision of any electrical work performed in the city. An individual may serve as the ***DESIGNATED PERSON*** for only one electrical contractor. The ***DESIGNATED PERSON*** shall produce such evidence as the Electrical Commission may require to establish that the individual is an owner, partner or officer of the corporation for which the individual is serving as the ***DESIGNATED PERSON***. An individual serving as ***DESIGNATED PERSON*** for an electrical contractor shall not be employed by another electrical contractor effective 5-1-2011.

ELECTRICAL CONTRACTOR. Any person, partnership, firm or corporation whose principal business is the installing or altering of electrical equipment, including persons engaged in the business of installing, erecting or altering any electrical service or equipment and making service connections of material, wiring, fixtures, machinery and other apparatus to be used, or in use for the generation and utilization of electricity, the transmission of light, lighting (direct or indirect), heat, air conditioning or power in or on any building or premises in the city; or a person engaged in the installing, erecting or altering of electrical apparatus for remote controls or systems that are pertinent to public health or safety; or grounding or bonding of any type, including status or cathodic; and all raceways, or engaged in the installation, erecting, altering or maintenance of signs. This shall include, but not be limited to, all 120-volt or more circuits serving systems such as fire alarms, security device and burglar alarms that interfere with building systems.

ELECTRICAL SIGN CONTRACTOR. Any person, partnership, firm or corporation who engages in the business of installing, erecting, altering or maintaining any electrical service or equipment relating to signs.
(1960 Code, § 24-3-1) (Ord. 7408, passed 7-6-2010)

§ 151.41 LICENSE REQUIRED.

No person, partnership, firm or corporation shall engage in the business of electrical contractor or electrical sign contractor, as defined above, without first being licensed as an electrical contractor or electrical sign contractor, as hereinafter set forth.
(1960 Code, § 24-3-2) (Ord. 7408, passed 7-6-2010) Penalty, see § 10.99

§ 151.42 BUSINESS REQUIREMENTS.

Each electrical contractor or electrical sign contractor licensed by the city shall meet each of the following requirements:

(A) Have and maintain an established street addressed place of business;

(B) Have and maintain a means to receive telephone calls at all times; and

(C) Have all service type vehicles engaged in the business visibly identified with the name of the business.
(1960 Code, § 24-3-3) (Ord. 7408, passed 7-6-2010)

§ 151.43 QUALIFICATIONS OF APPLICANTS.

(A) The Electrical Commission shall receive, record and preserve all applications from persons made for an electrical contractor's or electrical sign contractor's license.

(B) An applicant for an electrical contractor's or electrical sign contractor's license must be at least 21 years of age and satisfy one of the following requirements:

(1) Furnish written evidence that he or she is a graduate electrical engineer of an accredited college or university and has one year of practical electrical experience in the construction industry;

(2) He or she is a graduate of a recognized two-year electrical trade school or school of electrical technology or technical college and has at least four years of practical experience on electrical work or has one year of practical experience in planning, laying out, supervising and installing wiring, apparatus or equipment for electrical light, heat and power beyond the practical experience requirements for a journeyman's license; or

(3) An applicant for an electrical contractor's license shall furnish written evidence that he or she has at least six years of previous practical experience in personally installing, altering or repairing electric wiring for electric light, heat or power; an applicant for an electrical sign contractor's license shall furnish written evidence that he or she has at least six years of previous practical experience in personally installing, erecting, altering or repairing electric service and electric equipment relating to signs. In lieu of previous practical experience, credit may be allowed for each academic year of successful completion of a recognized trade school if the majority of courses taken by the applicant were primarily directed at education in the electrical industry.

(C) All applications shall be interviewed by the Electrical Commission to determine their qualifications. Letters of reference attesting to the applicant's practical experience shall be received by the Commission prior to the applicant being interviewed.
(1960 Code, § 24-3-4) (Ord. 7408, passed 7-6-2010)

§ 151.44 APPLICATION PROCEDURES.

(A) No person will be permitted to take the written examination without being first interviewed by the Electrical Commission. A schedule of meetings with the Electrical Commission will be provided to the applicants.

(B) An "application for electrical contractor license" or "application for electrical sign contractor license" must be completed by the applicant that includes years of experience, background, education and the like.

(C) Upon completion of the application, the applicant will be scheduled to appear before the Electrical Commission to discuss his or her qualifications.

(D) A registration fee, per attached fee schedule, is required to be paid to the city in order to process the application to take the written examination.

(E) A separate registration fee, per attached fee schedule, is required to be made each time the individual plans to take the examination.

(F) Upon approval to sit for the examination, the applicant will be given an "examination registration form" that is required to be submitted directly to an independent testing organization selected by the Electrical Commission with the appropriate examination fee. This registration form must be signed by an appropriate city official before it is mailed to the independent testing organization.

(G) Applicants will receive information directly from the independent testing organization on the specifics of the test site and location as well as other pertinent information. Each applicant must have an admission letter that will be presented at the test site in order to gain admittance to the examination.

(H) Upon complying with the application procedures and payment of the non-refundable examination fee, the Electrical Commission shall cause the applicant to be examined by the independent testing organization. A minimum grade of 75% must be attained in order to qualify for licensing as an electrical contractor.

(I) The independent testing organization will provide the results of the examination to the city within approximately three to four weeks of the exam date. The applicant will be promptly notified of their exam results.

(J) (1) If the applicant receives a passing grade on the examination, he or she will be required to seek the appropriate license from the city within one year from date of test.

(2) After the Commission is satisfied the applicant has satisfied all requirements of this subchapter, permits may be granted and work initiated.

(K) The Electrical Commission may waive the written examination for an applicant for an electrical sign contractor's license upon proof that the applicant has at least six years of satisfactory experience of installing, erecting, altering or maintaining electrical signs in the city before the establishment of the requirement of an electrical sign contractor's license by the city.
(1960 Code, § 24-3-5) (Ord. 7408, passed 7-6-2010)

§ 151.45 FEES.

(A) The annual fee for licensing shall be as set forth by the City Council. The Fee Commission shall notify each licensee of the annual renewal of his or her license.

(B) Prior to being granted a license, the applicant shall file with the Electrical Commission an indemnifying bond with good and sufficient sureties and in the sum as set forth in the attached fee schedule. Such bond shall name as the insured the city for the use and benefit of any person with whom such applicant shall thereafter contract to do electrical work. This bond shall indemnify any such person for damages sustained because of the failure of the application to perform the work as contracted according to the articles and provisions of this subchapter. Such bond shall be written by a person, firm or corporation authorized to do business in the state and shall be approved by the city prior to the issuance of an electrical license.

(C) Each holder of a license shall renew his or her license on May 1 of each year. If a license is not timely renewed by May 1, then the holder shall have a 60-day grace period in which to still renew such license upon payment of the annual fee set forth in the attached fee schedule, plus an additional late fee in that same amount. If a license is not renewed before July 1, such license shall be deemed permanently lapsed and non-renewable, and the holder shall be subject to re-application and re-testing under the process provided under this subchapter.
(1960 Code, § 24-3-6) (Ord. 6354, passed 12-3-2001; Ord. 7408, passed 7-6-2010; Ord. 7831, passed 12-16-2014)

§ 151.46 FAILURE TO PASS EXAMINATION.

Any applicant who fails the written examination shall be required to reapply to retake the examination.
(1960 Code, § 24-3-7) (Ord. 7408, passed 7-6-2010)

§ 151.47 RECIPROCITY.

A state electrical contractor who possesses a current and valid electrical license issued by another jurisdiction can perform electrical work in the city; provided that, the jurisdiction from which the contractor possesses a license has implemented a written testing procedure that is similar to the testing procedure of the city, as set forth hereinabove, and the contractor has achieved a passing grade of 75% and the qualifications for issuance of an electrical contractor's license from the other jurisdiction are the same or similar to the qualifications as set forth herein for the applicant. Evidence of the current license shall be submitted along with a certified letter from the testing agency indicating when the contractor had taken the test, what test was taken and the grade that was received. After the documentation has been reviewed by the Electrical Commission and approved, the contractor will be required to obtain a license from the city before he or she can legally perform electrical work in the city. The Commission will only

recognize those electrical contractors who have taken and achieved a passing score on a test similar to the one given in the city and only with those communities that have a reciprocal agreement with the city recognizing city electrical contractors' licenses. This same procedure may be followed with respect to electrical contractors who are licensed in another state who seek to obtain licensing in the city. The city may enter into reciprocal agreements with other municipalities in other states who recognize city electrical contractors' licenses.
(1960 Code, § 24-3-8) (Ord. 7408, passed 7-6-2010)

§ 151.48 SUSPENSION OR REVOCATION OF LICENSE.

The Electrical Commission, after a hearing with due notice to the licensee, may suspend or revoke the electrical contractor's or electrical sign contractor's license for violation of any of the following:

(A) Intentional violation of any of the provisions of this Electrical Code by any licensee;

(B) Misrepresentation of any material fact on the application or any misrepresentation in obtaining the license;

(C) Failure to perform electrical work in a good and workmanlike manner or performance of electrical work in a negligent manner or, if the licensee is found to be unfit or incompetent in performing electrical work for which the license has been issued;

(D) Allowing an electrical license to be used by another unauthorized person, partnership, firm or corporation for the purpose of obtaining permits or doing electrical work in the city;

(E) Allowing the designated person to whom the license was issued to serve as a designated person for more than one person, firm, partnership or corporation;

(F) Being in arrears on payment of electrical permit fees or in arrears in payment of any of city business license fees, tax levies or other fees;

(G) Failure to maintain bond; and

(H) Failure to satisfy continuing education or the equivalent as required in § 151.45(C) of this chapter.
(1960 Code, § 24-3-9) (Ord. 7408, passed 7-6-2010)

§ 151.49 HEARING ON SUSPENSION OR REVOCATION OF LICENSE.

No electrical contractor's or electrical sign contractor's license shall be suspended or revoked until the licensee has been afforded an opportunity for a hearing before the Electrical Commission after notice

of at least ten days. Such notice shall be served either personally or by first-class mail, postage prepaid, to licensee's address of record and shall state the date, time and place of hearing and set forth the charges against the licensee. The licensee shall have the opportunity to present evidence and/or witnesses before the Electrical Commission in person or by counsel. A record of the hearing shall be made by recording the same on a tape recorder. The Board shall issue a decision in writing, within ten days of the conclusion of the hearing. The Electrical Commission may suspend or revoke the electrical contractor's or electrical sign contractor's license, in its sole discretion, based upon the severity of the offense committed. First offense may result in a suspension of up to 90 days which shall continue until reinstated by order of the Board. Second offenses may result in a suspension period of up to 180 days and shall continue until reinstated by order of the Electrical Commission. Subsequent offenses shall result in revocation of the license for a period of not less than one year. Serious violations may result in revocation of the license immediately.

(1960 Code, § 24-3-10) (Ord. 7408, passed 7-6-2010)

CHAPTER 152: PLUMBING CODE

Section

152.01 Adoption of the State Plumbing Code
152.02 Plumber's license
152.03 Plumbing Inspector
152.04 Registration and bonding of plumbers
152.05 Plumbing permits; fees
152.06 Inspection
152.07 Testing of new, altered and extended or repaired plumbing systems

152.99 Penalty

§ 152.01 ADOPTION OF THE STATE PLUMBING CODE.

The Illinois State Plumbing Code, being particularly the current edition thereof and any future updates, and the whole thereof, save and except such portions as are hereinafter modified or amended is hereby adopted as is a part of this ch

§ 152.02 PLUMBER'S LICENSE.

No person shall engage in the business of plumbing in the city either as a plumbing contractor, employing plumber or journeyman plumber, except in compliance with the license requirement of the Plumbing License Law of the state.
(1960 Code, § 25-1-4) (Ord. 4044, passed 2-21-1984) Penalty, see § 152.99

§ 152.03 PLUMBING INSPECTOR.

(A) *Office created.* There is hereby created the Office of Plumbing Inspector. The Mayor is authorized to appoint or discharge the Plumbing Inspector with the consent of the City Council. No person shall be appointed Plumbing Inspector who has not been, at the time of his or her appointment, a licensed plumber in accordance with the state's Plumber's License Law.

(B) *Oath; bond.* The Plumbing Inspector, before entering upon the duties of his or her office, shall take the oath prescribed by law for city officers and execute a bond to the city in the penal sum of $1,000

with such sureties as the City Council shall approve, conditioned for the faithful performance of the duties of his or her office.

(C) *Duties.* The Plumbing Inspector is designated to administer and enforce this chapter. The Plumbing Inspector shall sign and issue all notices, permits and certificates required by this chapter. He or she shall pass upon and approve all plans and surveys required by this chapter. He or she shall keep a record of all notices issued, applications received and permits granted. He or she shall keep a record of violations of this chapter. He or she shall inspect, and for the purpose thereof, may enter all houses and other buildings in the course of erection and all houses undergoing alteration or repair as often as may be necessary to ensure conformance with the requirements of this chapter. He or she shall compel all work on plumbing to be performed in accordance with the provisions of this chapter. He or she shall collect all fees required by this chapter and pay them to the City Treasurer.
(1960 Code, § 25-1-5) (Ord. 3056, passed - -)

§ 152.04 REGISTRATION AND BONDING OF PLUMBERS.

(A) Every plumbing contractor, employing plumber and self-employed journeyman plumber engaged in the business of plumbing in the city shall cause his or her name, residence and place of business to be registered with the Plumbing Inspector, along with the telephone number of said business.

(B) Each authorized representative must obtain written documentation of authorization to perform work under the plumber's bond from said plumber and a copy of this agreement must be filed with the City Clerk prior to construction.

(C) Failure of the representative to obtain or file this agreement will prevent him or her from performing work within the city limits.
(1960 Code, § 25-1-6) (Ord. 4044, passed 2-21-1984; Ord. 5924, passed 10-20-1998)

§ 152.05 PLUMBING PERMITS; FEES.

(A) No plumbing work shall be undertaken prior to the issuance of a permit by the Plumbing Inspector. Permits shall be issued only to a licensed plumber who has registered with the city or a plumbing permit may be issued to the owner/occupant or lessee/occupant of a single-family residence. Such person is authorized in accordance with the state's Plumbing License Law to install, alter or repair the plumbing system of said single-family residence; provided that, such plumbing shall comply with all plumbing laws, rules and regulations. It shall be subject to such inspections as may be provided by the Plumbing Inspector; and, provided further that, any such owner/occupant or lessee/occupant shall not engage any person other than a plumber licensed by the city to assist him or her in such work.
(1960 Code, § 25-1-7)

(B) (1) The Plumbing Inspector shall collect all fees in advance and shall turn all fees over to the City Treasurer and shall make a monthly report of fees to the City Council.

(2) Fees for plumbing permits shall be based upon and as set forth in § 150.38 of this code of ordinances. In cases where any work for which a plumbing permit is required has been started without the issuance of the necessary permit, the total fees as required for the permit shall be doubled. Permit fees are to be paid before the plumbing permit shall be issued.

(3) No plumbing permit shall be required and no plumbing permit fee assessed for the direct replacement of a toilet, sink, faucet or other appliance, except hot water heaters which require either an electrical permit or a gas permit.
(1960 Code, § 25-1-8)
(Ord. 4044, passed 2-21-1984; Ord. 5924, passed 10-20-1998; Ord. 6507, passed 2-3-2003)

§ 152.06 INSPECTION.

(A) *Inspection required.*

(1) Plumbing systems, or any part thereof, shall not be enclosed, covered up or used until after such system has been inspected and approved by the Plumbing Inspector. It is the responsibility of the holder of the plumbing permit to arrange for such inspection with the Plumbing Inspector at least 48 hours before such inspection is to be made. Tests shall be made by the permit holder and observed by the Plumbing Inspector.

(2) Plumbing found not to be in compliance with the Plumbing Code or otherwise defective or unsafe shall not be approved. The use of a plumbing system that has not complied with the provisions of the Plumbing Code or found to be defective or unsafe, shall not be approved until such time as such plumbing system is brought into compliance with the Plumbing Code.

(B) *Rough-in inspection.* Roughed plumbing work shall not be closed in, concealed or covered until after it has been inspected and approved by the Plumbing Inspector.

(C) *Final inspection.* Upon completion of the plumbing work, including setting of fixtures, the Plumbing Inspector shall inspect the plumbing system and observe the final tests of the plumbing system to insure compliance with the requirements of the Plumbing Code.

(D) *Re-inspection.*

(1) A re-inspection is mandatory whenever a plumbing system is found not in compliance with the Plumbing Code.

(2) It is the responsibility of the plumbing permit holder to arrange for a re-inspection of the plumbing system by the Plumbing Inspector.

(3) Requests for re-inspection and payment of penalty fee shall be made at least 48 hours before such inspection is to be made.

(E) *Requested inspection.* When an inspection is requested to determine the conditions of existing plumbing and/or private disposal system (other than for reasons of a health or safety hazard) a $25 fee will be charged.
(1960 Code, § 25-1-9) (Ord. 4044, passed 2-21-1984; Ord. 5643, passed 10-21-1996)

§ 152.07 TESTING OF NEW, ALTERED AND EXTENDED OR REPAIRED PLUMBING SYSTEMS.

(A) *General.* New plumbing systems or systems which have been altered, extended or repaired shall be tested as prescribed hereinafter to disclose leaks and defects; except that, testing may be waived in the following cases:

(1) In any case which does not include addition to, replacement, alteration or relocation of any water supply, drainage or vent piping; or

(2) In any case where plumbing equipment may be set up temporarily for exhibition purposes.

(B) *Defective plumbing.* Where there is reason to believe that the plumbing system is defective, it shall be subjected to test, inspected and any defects found shall be corrected.

(C) *Exposure of work.* All new, altered, extended, replaced or repaired plumbing shall be left uncovered and unconcealed until after it has been tested and approved. When plumbing work has been covered or concealed prior to being tested or approved, it shall be exposed for testing. It is the responsibility of the permit holder to expose plumbing for inspection purposes.

(D) *Equipment, material and labor tests.* All equipment, material and labor required for testing a plumbing system, or any part thereof, is the responsibility of the permit holder.
(1960 Code, § 25-1-11) (Ord. 3538, passed - -)

§ 152.99 PENALTY.

(A) Any person who engaged in the business of plumbing as a journeyman plumber, plumbing contractor or employing plumber in the city without having obtained a license from the state as provided herein and/or any such person who has not registered as provided in this chapter shall, upon conviction thereof, be fined not less than $150, nor more than $1,000 for each time that he or she shall engage in the business of plumbing in violation of this chapter.

(B) Any person who has not obtained the permit required by this chapter prior to the commencement of any plumbing work shall, upon the conviction, be fined not less than $150, nor more than $1,000, for each offense.

(C) Any person who fails to obey any order of the Plumbing Inspector to correct or remove a nuisance existing by reason of unsanitary plumbing or plumbing installed in violation of this chapter shall, upon conviction of such offense, be fined not less than $50, nor more than $1,000 for each offense. Each day that such nuisance shall continue to exist after the expiration of the time fixed by the Inspector for the removal thereof constitutes a separate offense. The court shall also order as part of the judgment that defendant comply with all applicable codes and ordinances relating to the property which is the subject of the violation and to abate the nuisance.
(1960 Code, § 25-1-10) (Ord. 4044, passed 2-21-1984; Ord. 5762, passed 7-21-1997; Ord. 7098, passed 4-8-2008)

CHAPTER 153: GAS, OIL AND SOLID FUEL BURNER CODE

Section

153.01 Adoption of Gas, Oil and Solid Fuel Burner Code
153.02 Definitions in Gas, Oil and Solid Fuel Burner Code
153.03 Amendments to Gas, Oil and Solid Fuel Burner Code
153.04 Inspector
153.05 Registration of burner contractors
153.06 Application for permit
153.07 Fees for permits
153.08 Inspection
153.09 Cost per liter/gallon display card required

153.99 Penalty
Appendix A: GAMA Venting Charts

§ 153.01 ADOPTION OF GAS, OIL AND SOLID FUEL BURNER CODE.

(A) There is hereby adopted by the city for the purpose of establishing rules and regulations for the installation of gas-consuming devices that certain code known as the National Fuel Gas Code ANSI Z.223.1, NFPA-54 recommended by the American Gas Association and the National Fire Protection Association; being particularly the 1988 edition thereof, the whole thereof and all subsequent editions thereof, save and except such portions as are hereinafter adopted and incorporated as fully as if set out in length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the city.

(B) Under this Code, oil and solid fuel consuming devices shall be installed in accordance with the manufacturers instructions for said equipment.
(1960 Code, § 27-1-1)

§ 153.02 DEFINITIONS IN GAS, OIL AND SOLID FUEL BURNER CODE.

(A) Whenever the word "municipality" is used in the Gas, Oil and Solid Fuel Burner Code, it shall be held to mean the "City of Belleville, Illinois".

(B) Whenever the term "corporation counsel" is used in the Gas, Oil and Solid Fuel Burner Code, it shall be held to mean the Attorney for the "City of Belleville, Illinois".
(1960 Code, § 27-1-2)

§ 153.03 AMENDMENTS TO GAS, OIL AND SOLID FUEL BURNER CODE.

The Gas Code known as the National Fuel Gas Code, ANSI Z223.1, NFPA 54 is amended and changed in the following respect by section/subsection. The manufacture instructions for the installation of oil and solid fuel consuming devices shall not be amended.

(A) *Part 1, General.* 1.7, Definitions, add:

The term "install" for gas and oil consuming devices shall mean, connecting said device to an approved size and kind of fuel line. The term "install" for solid fuel devices shall mean setting up of device and observing all manufacturers installation instructions.

(B) *Part 2, Gas Piping System Design, Materials and Components.*

(1) Retain entire part; and

(2) 2.4, Sizing of gas piping systems. Add:

Gas fuel line shall be a minimum size of one (1) inch from the utility connection to a point adjacent to the largest input device.

(C) *Part 3, Gas Piping Installation.*

(1) Retain entire part; and

(2) 3.2, Aboveground piping outside. Add:

On modular or mobile homes, the fuel line from the utility connection shall be iron pipe.

(D) *Part 4, Gas Piping Inspection, Testing and Purging.* Retain entire part.

(E) *Part 5, Equipment Installation.*

(1) Retain entire part;

(2) 5.5.1 a, Connecting gas equipment. Add:

Gas fired log starters shall be connected with iron pipe. Decorative gas logs may be connected with type "L" copper tubing. An accessible gas shut off valve shall be installed at the supply connection.

(3) 5.6, Electrical. Add:

A vent safety switch shall be installed in the draft diverter relief opening of all natural draft gas fired heating equipment and all water heating equipment rated at 50,000 BTU/HR input or higher. Any type of manual re-set switch which opens at 165-180 degrees F. may be used. This switch shall be wired in series with the control voltage circuit of the main gas valve, (120V-24V or Millivolt), and positioned to insure positive shutdown of main burner(s) in the event of vent system failure. It shall be the responsibility of the installer to verify the operation of this switch.

(F) *Part 6, Installation of Specific Equipment.*

(1) Retain entire part; and

(2) 6.6.3 d, Plenums and air ducts. Add:

Any return air duct installed with a filter access slot outside the blower compartment shall be equipped with a filter slot cover so designed as to permit changing the filter without the use of tools.

(G) *Part 7, Venting of Equipment.* Retain entire part.

(H) *Part 8, Procedures to Be Followed to Place Equipment in Operation.* Retain entire part.

(I) *Part 9, Modifications to Existing Applicant Installations for the Purpose of Fuel Conservation.* Retain entire part.

(J) *Appendix A.* Retain.

(K) *Appendix B.* Retain.

(L) *Appendix C.* Retain.

(M) *Appendix D.* Retain.

(N) *Appendix E.* Retain.

(O) *Appendix F.* Retain.

(P) *Appendix G.* Delete and add:

Sizing of vent systems shall be in accordance with the 1990 Gas Appliance Manufacturers Association (GAMA) Venting Tables for Category 1 Central Furnaces, which are provided in this Code book.

(Q) *Appendix H.* Retain.

(R) *Appendix I.* Retain.

(S) *Appendix J.* Retain.

(T) *Appendix K.* Retain.
(1960 Code, § 27-1-6)

§ 153.04 INSPECTOR.

(A) *Appointment.* There is hereby created the Office of Gas, Oil and Solid Fuel Burner Inspector. He or she shall be appointed by the Mayor by and with the consent and approval of the City Council. The Inspector shall be a person, experienced and qualified, by schooling in the piping and handling of gas and fuel oil fired units and handling of solid fuel burning devices.

(B) *Oath; bond.* The Gas, Oil and Solid Fuel Burner Inspector shall before entering upon the duties of his or her office, take the oath prescribed by law for the city officers and execute a bond to the city in the penal sum of $1,000 with such securities as the City Council shall approve, conditioned for the faithful performance of the duties of his or her office.

(C) *Duties.* The Gas, Oil and Solid Fuel Burner Inspector is designed to administer and enforce this chapter. The Gas, Oil and Solid Fuel Burner Inspector shall sign and issue all notices, permits and certificates required by this chapter. He or she shall pass upon and approve all plans and surveys required by this chapter. He or she shall keep all records of all notices issued, applications received and permits granted. He or she shall keep a record of violations of this chapter. He or she shall inspect and for the purpose thereof, may enter all houses and other buildings in the course of erection and all houses undergoing alteration or repair as often as may be necessary to ensure conformance with the requirements of this chapter. He or she shall compel all work on gas, oil and solid fuel burners to be performed in accordance with the provisions of this chapter. He or she shall collect all fees required by this chapter and pay them to the City Treasurer.
(1960 Code, § 27-1-4)

§ 153.05 REGISTRATION OF BURNER CONTRACTORS.

(A) *Required.* Every gas, oil and solid fuel burner contractor engaged in the business of installing gas, oil and solid fuel equipment shall cause his or her name, residence and place of business to be registered with the Gas, Oil and Solid Fuel Burner Inspector, along with the telephone number of said business.

(B) *Bond.* Each person required to register shall give bond to the city in the sum of $10,000, conditioned upon a full indemnity to the city may be liable by reason of:

(1) Failure of the person to observe ordinances of the city pertaining to gas, oil and solid fuel burners;

(2) Failure of the person to observe all rules and regulations established under the authority of any ordinances of the city pertaining to gas, oil and solid fuel burners; and

(3) Negligence of the person or his or her employees in performing or protecting any gas, oil and solid fuel burner work.

(C) *Insurance.* Each person or firm prior to register under this section shall have a minimum policy of liability insurance in the amount of $500,000 and shall present proof of said insurance to the city.

(D) *Registering.*

(1) Each person or firm is required to register under this section are hereby required to carry worker's compensation insurance on his, her or their employees and shall provide proof of said insurance to the city.

(2) The bond shall be renewed at intervals of two years or oftener in the event of the impairment of the surety. The bond may be written by a surety company or may be secured by a deposit of cash or United States government securities in the amount of the bond and shall be filed with the City Clerk.

(3) No person having obtained a gas, oil and solid fuel burner bond with the city shall allow his or her name or his or her business name to be used by another person or company either for the purpose of obtaining permits or for doing gas, oil and solid fuel burner work under this Code.

(4) Any contractor or firm already so bonded under the provisions of the city's Plumbing Code, § 25.06, are exempt from this provisions.
(1960 Code, § 27-1-5) (Ord. 6877, passed 6-5-2006) Penalty, see § 153.99

§ 153.06 APPLICATION FOR PERMIT.

(A) It shall be unlawful to install gas, oil and solid fuel consuming devices in the city without first making application for such permit. Application shall be made by the owner, agent or contractor employed to install said devices. At the time of application, the applicant shall pay the estimated fees in advance.

(B) An application for the permit may be obtained either in person or by mail from the Office of the Gas, Oil and Solid Fuel Burner Inspector.
(1960 Code, § 27-1-6) Penalty, see § 153.99

§ 153.07 FEES FOR PERMITS.

(A) All fees shall be based upon and as set forth in § 150.38(M) of this chapter and on the accompanying table.

(B) Oil-burning devices shall use 140,000 BTU per gallon of fuel oil to determine input.

(C) The fee is applicable to each unit installed.

Schedule	
	Fees
Input/BTU	
0 - 60,000	$10
60,001 - 200,000	$15
200,001 - 500,000	$20
500,001 - 1,000,000	$30
1,000,000 and over	$50
Solid fuel burning devices	$10
Gas logs and log starters	$5
Manufactured housing (per unit)	$20
*New residential construction less than 2,000 sq. ft.	$40
2,000 sq. ft. and greater	$60
NOTES TO TABLE: *The flat fee is for all gas and solid fuel work and installation of equipment regardless of size, number of connections and the like. Additional inspections over the number as required to ensure compliance with pertinent codes shall be charged at a rate of $15 per inspection.	

(1960 Code, § 27-1-7) (Ord. 5925, passed 10-19-1998)

§ 153.08 INSPECTION.

(A) Gas, oil and solid fuel devices or any part thereof shall not be enclosed, covered up or used until after such system has been inspected and approved by the Gas, Oil, and Solid Fuel Burner Inspector. It is the responsibility of the holder of the gas, oil and solid fuel permit to arrange for such inspection with the Gas, Oil and Solid Fuel Burner Inspector at least 24 hours before such inspection is to be made.

(B) Equipment found not to be in compliance with the Gas, Oil and Solid Fuel Burner Code or otherwise defective or unsafe shall not be approved. The use of such a device that has not complied with the provisions of this Code, or found to be defective or unsafe, shall not be approved until such time as such system is brought into compliance with said Code.

(C) If any equipment requires a "gas connection" or "turning on of gas", the Inspector shall duly-authorize same. The Inspector is hereby authorized to terminate operation of any gas, oil or solid fuel burning equipment installed without the permit required by this Code.
(1960 Code, § 27-1-8)

§ 153.09 COST PER LITER/GALLON DISPLAY CARD REQUIRED.

It shall be unlawful for anyone to dispense or sell gasoline in the city by liters without displaying a card which shall read as follows:

$_____ per liter equals $_____ per gallon. 3.7853 liters equals one gallon.

(1960 Code, § 27-1-10) (Ord. 4976, passed 7-20-1992) Penalty, see § 153.99

§ 153.99 PENALTY.

Any person who has not obtained a permit required by this chapter prior to the commencement of any gas, oil and solid fuel equipment installation shall, upon conviction, be fined not less than $50, nor more than $1,000. Any person who fails to obey any order of the Gas, Oil and Solid Fuel Burner Inspector to correct violations of this Code shall, upon conviction of said offense, be fined not less than $50, nor more than $1,000, for each day that said violation shall continue to exist after the expiration date of the time fixed by the Inspector for correction thereof constitutes a separate ordinance violation. The court shall also order as a part of the judgment that the defendant comply with all applicable codes and ordinances related to any property which is the subject of this violation.
(1960 Code, § 27-1-9) (Ord. 5764, passed 7-21-1997)

APPENDIX A: GAMA VENTING CHARTS

GAMA VENTING TABLES FOR CATEGORY I CENTRAL FURNACES

This booklet contains new venting tables designed specifically for use with Category I central furnaces. These tables are unique, in that, industry wide venting tables now exist for fan-assisted combustion system central furnaces. Venting tables for these types of appliances are not contained in the National Fuel Gas Code (NFPA 54/ANSI Z223.1-1988).

All requirements contained in this booklet apply to both Category I draft-hood equipped central furnaces as well as fan-assisted combustion system central furnaces. At no time should a venting system for a listed Category II, III, or IV central furnace be sized with these tables. The National Fuel Gas Code (NFPA 54/ANSI Z223.1-1988) may also be used to size venting systems for draft-hood equipped central furnaces. However, at this time, the National Fuel Gas Code does not include alternate sizing methods for fan-assisted combustion systems. Therefore, until engineering data is developed to allow alternate sizing methods for Category I fan-assisted central furnaces, the enclosed venting tables must be used for fan-assisted combustion system central furnaces. These tables apply to venting single appliances and common venting multiple appliances, in chimneys other than masonry chimneys.

The new venting tables were developed by Battelle under contract (GRI-5088-245-1728) to the Gas Research Institute (GRI). The computer program (VENT-II) developed by Battelle Columbus generated the venting tables in this booklet and this procedure has been accepted by the American Gas Association Laboratories as an appropriate engineering methodology for determining venting requirements of Category I central furnaces.

For your information, the general venting requirements listed in this booklet are not intended to be used as complete installation instructions and represent only a partial list of venting considerations.

For venting applications that fall outside the parameters of the new venting tables, refer to the furnace manufacturer's complete installation instructions, the specific vent manufacturer's complete installation instructions and state and local codes.

GRI DISCLAIMER

LEGAL NOTICE: This information is, in part, a result of work performed by Battelle under the sponsorship of the Gas Research Institute (GRI). Neither GRI, members of GRI, nor any person acting on behalf of either:

A. Makes any warranty or representation, express or implied, with respect to the accuracy, completeness, or usefulness of this information, or that the use of any apparatus, method, or process disclosed may not infringe privately owned right; or

B. Assumes any liability with respect to the use of, or for damages resulting from the use of, any information, apparatus, method, or process disclosed.

VENTING REQUIREMENTS FOR CATEGORY I CENTRAL FURNACES

I. INTRODUCTION. This booklet contains the current definitions, instructions, and tables necessary to vent today's modern Category I Gas Fired Appliance. A variety of definitions of new terms describing today's gas appliances are included to supplement the actual venting tables which have been generated to correctly vent various combinations of Category I Appliances using Type B or single-wall metal vent connectors attached to Type B vents. Tables are also included covering similar venting material combinations when applied to common venting arrangements of two appliances.

Finally, a series of examples are presented demonstrating how the vent tables are used to size the vent connector and the vertical vent for a variety of typical applications.

II. DEFINITION OF TERMS.

"Fan Assisted Combustion System": An appliance equipped with an integral mechanical means to either draw or force products of combustion through the combustion chamber and/or heat exchanger.

"FAN Min" refers to the minimum appliance input rating of a Category I appliance with a fan-assisted combustion system that could be attached to the vent.

"FAN Max" refers to the maximum appliance input rating of a Category I appliance with a fan-assisted combustion system that could be attached to the vent.

"NAT Max" refers to the maximum appliance input rating of a Category I appliance equipped with a draft hood that could be attached to the vent. There are no minimum appliance input ratings for draft-hood-equipped appliances.

"FAN+FAN" refers to the maximum combined input rating of two fan-assisted appliances attached to the common vent.

"FAN+NAT" refers to the maximum combined input rating of one fan-assisted appliance and one draft-hood-equipped appliance attached to the common vent.

"NAT+NAT" refers to the maximum combined input rating of two draft-hood-equipped appliances attached to the common vent.

"NR" means not recommended due to potential for condensate formation and/or pressurization of the venting system.

"NA" means not applicable due to physical or geometric constraints.

"Draft Hood": A device built into an appliance, or made a part of the vent connector from an appliance, which is designed to (1) provide for the ready escape of the flue gases from the appliance in the event of no draft, backdraft, or stoppage beyond the draft hood; (2) prevent a backdraft from entering the appliance; and (3) neutralize the effect of stack action of the chimney or gas vent upon the operation of the appliance.

"Vent": A passageway used to convey flue gases from gas utilization equipment, or their vent connectors, to the outside atmosphere.

"Vent Connector": The pipe or duct which connects a fuel-gas burning appliance to a vent or chimney.

"Flue Collar": That portion of an appliance designed for the attachment of a draft hood, vent connector, or venting system.

III. GENERAL VENTING REQUIREMENTS. All requirements contained in this document apply to both Category I draft hood equipped and fan-assisted combustion appliances. At no time should a

venting system for a listed Category II, III, or IV appliance be sized with these Tables. The alternate sizing methods described in the National Fuel Gas Code (NFPA 54/ANSI Z223.1-1988) may also be used to size the venting system for a draft hood equipped appliance. At this time, alternate sizing methods have not been developed for fan-assisted appliances. Therefore, until engineering data is developed to allow alternate sizing methods for Category I fan-assisted appliances, the vent tables must be used.

1. If the vent size determined from the tables is smaller than the appliance draft hood outlet or flue collar, the smaller size may be used provided:

a. The total vent height "H" is at least 10 feet.

b. Vents for appliance draft hood outlets or flue collars 12 inches in diameter or smaller are not reduced more than one size (e.g. 12 inches to 10 inches is a one size reduction).

c. Vents for appliance draft hood or flue collars above 12 inches in diameter are not reduced more than two sizes (e.g. 24 inches to 20 inches is a two size reduction).

d. The maximum capacity listed in the tables for a fan-assisted appliance is reduced by 10% (0.90 x maximum capacity).

e. The draft hood outlet is greater than 4 inches in diameter. Do not connect a 3 inch diameter vent to a 4 inch diameter draft hood outlet. This provision does not apply to fan-assisted appliances.

2. Single appliance venting configurations with zero lateral lengths. Tables 1 & 2, are assumed to have no elbows in the vent system. For all other vent configurations with indicated lateral lengths, the vent system is assumed to have two 90° elbows. For each additional 90° elbow, or equivalent* beyond two, the maximum capacity listed in the venting table should be reduced by 10 percent (0.90 x maximum listed capacity).

3. The common venting Tables 3 & 4 were generated using a maximum vent connector length of one and one-half feet (18 inches) for each inch of connector diameter as follows:

Connector Diameter (Inches)	Maximum Connector Length (Feet)
3	4 1/2
4	6
5	7 1/2
6	9
7	10 1/2
8	12
9	13 1/2
10	15
12	18
14	21
16	24
18	27
20	30

22	33
24	36

The vent connector should be routed to the vent utilizing the shortest possible route. Longer connectors than these listed are possible but require an increase in size, rise, or total vent height to compensate for the additional length. Consult the appliance manufacturer for specific recommendations concerning long vent connectors.

4. If vent connectors are combined prior to entering the common vent, the maximum common vent capacity listed in the common venting tables must be reduced by 10% (0.90 x maximum common vent capacity). See Figure 7. The length of the common vent connector offset (L) should not exceed one and one-half feet (18 inches) for each inch of common vent connector diameter.

5. If the common vertical vent is offset as shown in Figure 8, the maximum common vent capacity listed in the common venting tables should be reduced by 20% (0.80 x maximum common vent capacity).

6. The flow area in the common vent should be greater than or equal to 80 percent of the sum of the flow areas of the individual vent connectors. However, the common vent diameter must always be at least as large as the largest vent connector diameter. All interconnection fittings must also be the same size as the common vent.

7. Type B gas vents shall terminate above the roof surface with a listed cap or a listed roof assembly in accordance with the terms of their respective listings and the manufacturer's instructions. See Figures 1 and 2.

*Two 45° Elbows are equivalent to one 90° Elbow.

WIND-TESTED CAPS - (12 inches and Smaller)

Listed gas venting systems using listed vent caps 12 inches and smaller in size may terminate in accordance with the VENT TERMINATION TABLE.

VENT CAPS LARGER THAN 12 inches

Listed vent caps larger than 12 inches must be located at least 2 feet above the highest point and at least 2 feet higher than any portion of a building within a horizontal distance of 10 feet

8) No portion of the venting system can extend into, or pass through any circulating air duct or plenum.

9) All vent pipe passing through floors, walls, and ceilings must be installed with the listed clearance to combustible materials and be fire stopped according to local codes. In the absence of local codes, refer to NFGC.

10) Vent connectors serving Category I appliances shall not be connected to any portion of mechanical draft systems operating under positive pressure such as Category III or IV Venting Systems.

11) A Category I appliance must never be connected to a chimney that is servicing a solid fuel appliance. If a fireplace chimney, lined with a metal liner, is used to vent this appliance, the fireplace opening must be permanently sealed.

12) These tables are not applicable to outside chimneys or vents unless enclosed in a chase. A Type B vent passing through an unused masonry chimney is considered to be an enclosed vent system and these tables may be used.

13) A vent connector shall be supported without any dips or sags and shall slope a minimum of 1/4 inch per lineal foot of connector, back towards the appliance.

14) When two or more vent connectors enter a common gas vent, chimney flue, or single-wall metal pipe, the smaller connector shall enter at the highest level consistent with the available headroom or clearance to combustible material.

15) Vent connectors shall be firmly attached to draft hood outlets or flue collars by sheet-metal screws or other approved means, except vent connectors of listed Type B vent material which shall be assembled in accordance with the manufacturer's instructions. Joints between sections of single wall connector piping shall be fastened by sheet-metal screws or other approved means.

16) When the vent connector used for Category I appliances must be located in or pass through a crawl space or other area which may be cold, that portion of the vent connector shall be of listed double-wall Type B vent material or material having equivalent insulation qualities.

17) The entire length of a vent connector shall be readily accessible for inspection, cleaning, and replacement.

18) When more than two appliances are connected to a common vent, and at least one of the common vented appliances is a fan assisted type, the common vent must be sized to accommodate:

1) The capacity of all the common vented appliances.

2) Have a minimum capacity lower than that of the smallest fan assisted appliance. Minimum capacity should be determined using Tables 1 and 2.

Example 1: Single Draft-Hood-Equipped Appliance

Suppose that an installer has a 120,000 Btu/hr input appliance with a 5 inch diameter draft hood outlet that needs to be vented into a 10 foot high Type B vent system. What size vent should be used assuming

(a) a 5-Ft lateral single-wall metal vent connector is used with two 90° elbows, (b) a 5-Ft lateral single-wall metal vent connector is used with three 90° elbows in the vent system?

Solution

Table 2 should be used to solve this problem because single-wall metal vent connectors are being used with a Type B vent: Refer to Figure 4 of Typical Applications.

(a) Read down the first column in Table 2 until the row associated with a 10-Ft height and 5-Ft lateral is found. Read across this row until a vent capacity greater than 120,000 Btu/hr is located in the shaded columns labeled "NAT Max" for draft-hood-equipped appliances. In this case, a 5 inch diameter vent has a capacity of 122,000 Btu/hr and may be used for this application.

(b) If three 90° elbows are used in the vent system, then the maximum vent capacity listed in the tables must be reduced by 10 percent (see Note 6). This implies that the 5 inch diameter vent has an adjusted capacity of only 110,000 Btu/hr. In this case, the vent system must be increased to 6 inches in diameter. See calculations below:

122,000 x .90 = 110,000 for 5-inch Vent

From Table 2 - Select 6-inch Vent

186,000 x .90 = 167,000; This is greater than the required 120,000, therefore use a 6-inch Vent.

Example 2: Single Fan-Assisted Appliance

Suppose an installer has an 80,000 Btu/hr input fan-assisted appliance that must be installed using 10 feet of lateral connector attached to a 30-Ft high Type B vent. Two 90° elbows are needed for the installation. Can a single-wall metal vent connector be used for this application?

Solution

Table 2 refers to the use of single-wall metal vent connectors with Type B vent. In the first column find the row associated with a 30-Ft height and a 10-Ft lateral. Read across this row, looking at the "FAN Max" columns, to find that a 3 inch diameter single-wall metal connector vent is not recommended. Moving to the next larger size single wall connector (4 inches) we find that a 4 inch diameter single-wall metal connector has a recommended minimum vent capacity of 91,000 Btu/hr and a recommended maximum vent capacity of 144,000 Btu/hr. The 80,000 Btu/hr fan-assisted appliance is outside this range, so we conclude that a single-wall metal vent connector cannot be used to vent this appliance using 10 feet of lateral for the connector.

However, we see that if the 80,000 Btu/hr input appliance could be moved to within 5 feet of the vertical vent, then a 4 inch single-wall metal connector could be used to vent the appliance. Table 2 shows the acceptable range of vent capacities for a 4 inch vent with 5 feet of lateral to be between 72,000 Btu/hr and 157,000 Btu/hr.

If the appliance cannot be moved closer to the vertical vent, then Type B vent could be used as the connector material. In this case, Table 1 shows that for a 30-Ft high vent with 10 feet of lateral, the acceptable range of vent capacities for a 4 inch diameter vent attached to a fan-assisted appliance are between 37,000 Btu/hr and 150,000 Btu/hr.

Example 3: Common Venting Two Draft-Hood Appliances

Suppose a 35,000 Btu/hr water heater is to be common vented with a 150,000 Btu/hr furnace using a common vent with a total height of 30 feet. The connector rise is 2 feet for the water heater and 3 feet for the furnace. Assume single-wall metal connectors will be used with Type B vent. What size connectors and combined vent should be used in this installation?

Solution - (Table 4 applies in this example)

Table 4 should be used to size single-wall vent connectors attached to Type B vertical vent. In the vent connector capacity Table 4, find the row associated with a 30-Ft vent height. For a 2-Ft rise on the vent connector for the water heater, read the shaded columns for draft-hood-equipped appliances to find that a 3 inch diameter vent connector has a capacity of 37,000 Btu/hr.

Therefore, a 3 inch single-wall metal vent connector may be used with the water heater. For a draft-hood-equipped furnace with a 3-Ft rise, read across the appropriate row to find that a 5 inch diameter vent connector has a maximum capacity of 120,000 Btu/hr (which is too small for the furnace) and a 6 inch diameter vent connector has a maximum vent capacity of 172,000 Btu/hr. Therefore, a 6 inch diameter vent connector should be used with the 150,000 Btu/hr furnace.

For the capacity of the combined vent, the lower portion of Table 4 should be used. The combined vent capacity required is 185,000 Btu/hr. Table 4 shows that the combined vent capacity of a 6 inch diameter vent with a 30-Ft vent height is 257,000 Btu/hr. This is more than adequate to handle the 35,000 Btu/hr input water heater and the 150,000 Btu/hr input furnace.

Example 4: Common Venting a Draft Hood Water Heater with a Fan-Assisted Furnace

In this case, a 35,000 Btu/hr input draft-hood-equipped water heater with a 2 foot connector rise is to be common vented with a 100,000 Btu/hr fan-assisted furnace with a 3-Ft connector rise. The common vent consists of 30-Ft rise of Type B vent. What are the recommended vent diameters for each connector and the common vent?

Solution - (Table 4)

Water Heater Vent Connector Diameter. Let us assume the installer would like to use a single-wall metal vent connector. Using Table 4, Vent Connector Capacity, read down the Total Vent Height "H" column to 30 feet and read across the 2-Ft Connector Rise "R" row to the first Btu/hr rating in the "NAT Max" column that is equal to or greater than the water heater input rating. The table shows that a 3 inch vent connector has a maximum input rating of 37,000 Btu/hr. Since this is greater than the water heater input rating, a 3 inch vent connector is adequate. Furthermore, since the water heater is equipped with a draft hood, there are no minimum input rating restrictions.

Furnace Vent Connector Diameter. Again, let us assume the installer would like to use a single-wall metal vent connector. Using Table 4, Vent Connector Capacity, read down the Total Vent Height "H" column to 30 feet and across the 3-Ft Connector Rise "R" row. Since the furnace has a fan-assisted combustion system, find the first "FAN Max" column with a Btu/hr rating greater than the furnace input rating. The 4 inch vent connector has a maximum input rating of 119,000 Btu/hr and a minimum input rating of 85,000 Btu/hr. The 100,000 Btu/hr furnace in this example falls within this range, so a 4 inch connector is adequate. If the furnace would have had an input rating of 80,000 Btu/hr, than a Type B vent connector (see Table 4) would have to be used in order to meet the minimum capacity limit.

Common Vent Diameter. The total input to the common vent is 135,000 Btu/hr. Using Table 4, Common Vent Capacity, read down the Total Vent Height "H" column to 30 feet and across this row to find the smallest vent diameter in the "FAN+NAT" column that has a Btu/hr rating equal to or greater than 135,000 Btu/hr. The 4 inch common vent has a capacity of 132,000 Btu/hr and the 5 inch common vent has a capacity of 202,000 Btu/hr. Therefore, the 5 inch common vent should be used in this example.

Summary. In this example, the installer may use a 3 inch diameter, single-wall metal vent connector for the water heater and a 4 inch diameter, single-wall metal vent connector for the furnace. The common vent should be a 5 inch diameter Type B vent.

(1960 Code, Ch. 27.1)

CHAPTER 154: PROPERTY MAINTENANCE CODE

Section

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GENERAL PROVISIONS

§ 154.01 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

The city hereby adopts the 2006 International Property Maintenance Code with the exception of §§ 404.4 and 404.5 which are not adopted and §§ 404.4 and 404.5, which are attached to the ordinance codified herein and marked Exhibit "A", are adopted instead of §§ 404.4 and 404.5.
(1960 Code, § 33-1-1) (Ord. 6915, passed 9-5-2006)

CERTIFICATE OF OCCUPANCY

§ 154.15 OCCUPANCY PERMIT REQUIRED.

(A) (1) It shall be unlawful for any person, owner or agent thereof to occupy or use, or to permit the occupancy or use of any single- or multi-family dwelling unit for any purpose including the movement of furniture, equipment or other personal property into said premises until a permit of occupancy has been issued by the Code Official. The certificate so issued shall state the occupancy complies with all of the provisions of this Code as far as can be determined by a visual inspection of the premises and a review of the record and shall also identify the individuals authorized to reside in said dwelling unit.

(2) A permit of occupancy shall not be required for visitors to a dwelling unit. It shall be the burden of the owner and tenant to establish that an individual is a visitor and not residing in said dwelling unit.

(B) (1) An inspection fee of $60 shall be paid before an inspection of a housing unit shall be conducted by the city. If the housing unit fails inspection after one reinspection, or if any applicant fails to appear for a scheduled appointment for inspection, a reinspection fee of $60 shall be paid before each additional reinspection of a housing unit by the city. It shall be the responsibility of the property owner/agent to make advance payment of any fee and schedule any required inspection with the city. An additional $10 fee will be assessed for each inspection or reinspection conducted outside of normal city business hours.

(2) A fee of $50 shall be charged for each request for a certificate of occupancy. The permit shall be obtained by the tenant/occupant and must be secured before the unit can be legally occupied. If an inspection is required the fee must be paid before an occupancy permit can be issued.
(1960 Code, § 33-2-1) (Ord. 6847, passed 3-20-2006; Ord. 7667, passed 2-19-2013) Penalty, see § 154.99

§ 154.16 APPLICATION RESIDENTIAL.

(A) The person making application for an occupancy permit for a dwelling unit shall identify the individuals who will occupy the dwelling unit and their relationships. It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit for a dwelling unit as to the names, relationships or number of occupants who will occupy the dwelling unit.

(B) After an occupancy permit has been issued, it shall thereafter be unlawful for the owner to change or allow a change of occupancy with or without change of ownership of the dwelling unit without the owner obtaining a new occupancy permit prior to the change of occupancy which lists the new occupants. A ***CHANGE IN OCCUPANCY*** shall mean a change in possession of a dwelling unit by way of rental, leasehold, ownership or other manner of tenancy.
(1960 Code, § 33-2-2) (Ord. 7667, passed 2-19-2013) Penalty, see § 154.99

§ 154.17 ACTION ON AN APPLICATION.

The Code Official shall examine, or cause to be examined, all applications for permits within a reasonable time after filing. He or she shall cause the premises to be inspected within 15 working days after filing. If premises are not inspected within the 15 working days, then the permit and certificate of compliance shall be automatically issued without an inspection. If the premises are not in compliance with this Code and all laws and ordinances applicable thereto, the Code Official shall provide the applicant with a list of defects that are not in compliance. Said defects shall be listed with as much specificity as possible. The owner or occupant of every dwelling unit and its premises shall give the Code Official free access thereto, at all reasonable times, for the purpose of such inspection. An inspection shall be valid for a period of one year. The dwelling unit does not have to be reinspected during the year, even if the occupancy changes. A reinspection shall be made within 15 working days after a written request for reinspection has been made to the Code Official. If the premises are not reinspected within the 15 working days, from receipt of the written request, then the permit and certificate of compliance shall be automatically issued without a reinspection. If specific defects are found in the original inspection, the Code Official shall not require additional defects to be corrected that were discovered on a reinspection unless the new defects occurred after the original inspection. There shall be a fee of $50 for every reinspection after the first reinspection. No inspection shall be required under this subchapter for a dwelling unit that is less than five years of age.
(1960 Code, § 33-2-3) (Ord. 6426, passed 5-20-2002)

§ 154.18 ISSUANCE OF PERMIT.

If all the fees are paid and the Code Official is satisfied that the premises and its occupancy are in compliance with this Code and all laws and ordinances applicable thereto, the Code Official shall issue the occupancy permit as soon as practicable. The only individuals authorized to reside in a dwelling unit shall be the individuals listed on the occupancy permit.
(1960 Code, § 33-2-4) (Ord. 7667, passed 2-19-2013)

§ 154.19 CONDITIONAL PERMIT.

Occupancy shall be permitted on a conditional basis when, in the judgment of the Code Official, practical difficulties interfere with completing all repairs required to bring the premises into full compliance with this Code prior to permitting occupancy. However, no conditional permit shall be issued when there is a condition on the premises which can threaten the health or safety of an occupant. No conditional permit shall be issued under the provisions of this Code for premises which have been newly constructed, newly altered or on which a change in use is proposed unless a certificate of use and occupancy has first been issued under the provisions of the Building Code.
(1960 Code, § 33-2-5)

§ 154.20 REJECTION OF APPLICATION.

If the application does not comply with the requirements of all pertinent laws, the Code Officials shall reject such application in writing, stating the reasons therefor. Furthermore, Code Officials may reject an application or deny an occupancy permit in such case when an applicant or person applying for an occupancy permit has failed to pay liens, sewer debts, trash collection fees or any other fees which are due to the city.
(1960 Code, § 33-2-6) (Ord. 5464, passed 9-5-1995)

§ 154.21 SUSPENSION OF PERMIT.

Any permit issued shall become invalid if the occupancy is not commenced within six months after issuance of the permit or if the occupancy is terminated.
(1960 Code, § 33-2-7)

§ 154.22 REVOCATION OF PERMIT.

The Code Official may revoke a permit in any case of false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this Code. Additionally, the Code Official may revoke a permit if trash or sewer bills are

unpaid for a 60-day period. Further, the Code Official may refuse to issue an occupancy permit pursuant to this subchapter if sewer or trash bills are unpaid at the time of application.
(1960 Code, § 33-2-8) (Ord. 5656, passed 12-2-1996)

§ 154.23 EXISTING RESIDENTIAL OCCUPANCIES.

The provisions of § 154.15 of this chapter shall not apply to any residential occupancy in existence at the time this Code takes effect, unless there is a change in the occupancy of any person after said date.
(1960 Code, § 33-2-9)

§ 154.24 DUTY OF PUBLIC UTILITIES.

(A) Every person or persons, firm or corporation or other business entity, whether public or private, that sells or supplies utility services within the city limits, including, but not limited to, water, electricity or gas, but excepting telephone service, shall not commence such service, nor initiate providing such service, to any dwelling, or to any portion thereof, to any person or party unless the person or party intending to occupy same has presented to the said utility supplier or provider an occupancy permit or temporary permit to owner/agent wherein the signature of the appropriate city official is affixed thereto and his or her seal is imprinted thereon.

(B) This section shall not apply to any occupancy wherein the occupant is seeking restoration of utility service subsequent to a discontinuance or disconnection of same or where the occupant is seeking additional services at the same dwelling.
(1960 Code, § 33-2-10) (Ord. 5704, passed 3-17-1997) Penalty, see § 154.99

§ 154.25 TEMPORARY PERMIT TO OWNER/AGENT.

(A) If an owner or agent has not entered into a separate agreement with the public utility referred to in § 154.24 of this chapter, a temporary permit may be issued to an owner or agent to allow the owner/agent to start or continue utility service to any single or multi-family unit for the purpose of protecting an unoccupied unit from the elements or to allow the owner/agent to show the premises after the previous occupant has moved out. In addition, the owner/agent who is issued a temporary permit may perform cleaning, repairing and maintenance services to the premises. The temporary permit shall require the owner/agent to place all utilities in the owner/agent's name and assume financial responsibility for all such utilities. The temporary permit shall not authorize any person to occupy the premises.

(B) A temporary permit may be revoked as provided in § 154.22 of this chapter and applications for temporary permits may be rejected by the Code Official as set forth in § 154.20 of this chapter.

(C) A temporary permit shall expire upon the issuance of a certificate of occupancy for the premises.

(D) The Code Official responsible for enforcement of certificates of occupancy may promulgate such rules, regulations and procedures as he or she deems necessary to implement this section.
(1960 Code, § 33-2-11) (Ord. 5704, passed 12-2-1996)

CRIME-FREE HOUSING PROGRAM

§ 154.40 PURPOSE.

(A) The goal of the city's Crime-Free Housing Program is to increase the quality of life of residents by partnering the city with owners. Landlords and managing agents to decrease the incidents of public safety violations and criminal activity in rental properties.

(B) This program will collect current and accurate information identifying existing rental properties, owners, landlords and managing agents in the city. This information shall be used by the Department of Health, Housing and Building, Police Department and Fire Department to perform their respective duties.

(C) It is the intent of this subchapter and it shall not be construed or enforced in any manner which would affect the tenancy of a tenant whose only involvement in an incident has been as the victim of a crime.
(1960 Code, § 3-3-1) (Ord. 7715, passed 9-16-2013)

§ 154.41 CRIME-FREE HOUSING COMMITTEE.

(A) The Crime-Free Housing Committee is established to evaluate and respond to concerns brought forward by the public, police, residents and tenants.

(B) (1) The Mayor shall appoint the members of the Crime-Free Housing Committee and it shall consist of two owner-occupied homeowners, two landlords, two tenants, two City Council members, one licensed real estate professional and one property manager; no two members shall be from the same company or entity.

(2) The Health and Housing Director and Crime-Free Housing Enforcement Officers shall attend each meeting.

(3) The Committee shall meet at a minimum of two times per year at least six months apart or more often as needed to review progress and address concerns brought forth by interested parties.

(4) At each meeting, the Committees shall be given the most current crime statistics and an accounting of all funds received and expended pursuant to this subchapter.
(1960 Code, § 3-3-2) (Ord. 7715, passed 9-16-2013)

§ 154.42 SCOPE.

This subchapter shall apply to every building or portion thereof rented as residential rental units located within the corporate limits of the city, as its corporate limits are now or hereafter altered, without regard to the zoning classification of the property, excepting the following:

(A) Nursing homes, as defined in Ch. 162 of this code of ordinances;

(B) Hotels and motels, as defined in Ch. 162 of this code of ordinances;

(C) Public housing, owned by a governmental agency; and

(D) Dormitories and other housing units owned or managed by a public or private educational institution such as a college or school.
(1960 Code, § 3-3-3) (Ord. 7715, passed 9-16-2013)

§ 154.43 APPLICABILITY.

This subchapter shall apply to all owners, landlords and managing agents of residential rental property located within the corporate limits of the city, as its corporate limits are now or hereafter altered, without regard to the zoning classification of the property.
(1960 Code, § 3-3-4) (Ord. 7715, passed 9-16-2013)

§ 154.44 NOTICES.

Any written notice required to be given to the owner of a rental unit under this subchapter shall be addressed to such owner, landlord and/or managing agent, as applicable, at the address(es) on the rental property registration form.
(1960 Code, § 3-3-5) (Ord. 7715, passed 9-16-2013)

§ 154.45 DEFINITIONS.

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

CHIEF OF POLICE. The Chief Law Enforcement Officer of the Department of Police of the city, or his or her designee, responsible for law enforcement and the investigation of complaints of violations with the provisions of this subchapter to ensure compliance with this subchapter.

CITY. The City of Belleville, Illinois, or, as appropriate, its employees, officers, agents, consultants or contractors acting under and within the scope of authority of the city to carry out and enforce the provisions of this subchapter.

CERTIFICATE. Crime-free housing certification certificate.

DIRECTOR. The Director of Health and Housing, or his or her authorized designee.

DUPLEX. A building with two rental units.

LANDLORD. The same as ***MANAGING AGENT***.

MANAGING AGENT. One or more persons or business entities that have charge, care or control of a building in whole, or part thereof, in which rental units are maintained. ***MANAGING AGENTS*** are contractors of the owner, and can act on behalf of the owner as per the stipulations of their contract. If a ***MANAGING AGENT*** is appointed by an owner, the city will first contact the managing agent and then the owner regarding any issues or violations requiring attention.

MULTI-FAMILY BUILDING. A structure that contains three or more rental units.

OCCUPANT(S). The legal resident, or tenant, of a rental unit who enjoys the exclusive use of the rental unit as stipulated in the rental agreement.

OWNER. One or more persons, jointly, severally or in common, or any organization, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgagee in possession.

ORGANIZATION. Includes a corporation, trust, estate, partnership, association or any other legal or commercial entity. The term shall not include a lessee who previously occupied a rental unit and who is subleasing the unit for the remaining part of his or her lease.

PROPERTY MAINTENANCE CODE. The International Property Maintenance Code as adopted by the city, as amended.

RENT. Any payment made to or any consideration given to an owner, landlord or local agent pursuant to a rental agreement.

RENTAL AGREEMENT. All agreements, written or oral, concerning the right to use or occupy a rental unit for a specified period of time. It shall also include subleases.

RENTAL PROPERTY. A structure with one or more residential units, which are leased for occupancy. However, it does not include property excluded under § 154.42 of this chapter.

RENTAL UNIT. One or more rooms in a structure arranged, designed and used as a residence of living quarters by one or more persons who are not its owner(s), and contained within a rental property as defined herein. It includes single-family, multi-family, boarding house, duplexes, lodging house, mobile homes and trailers.

SINGLE-FAMILY DWELLING. A residential structure with one rental unit.

TENANT. The same as ***OCCUPANT(S).***
(1960 Code, § 3-3-6) (Ord. 7715, passed 9-16-2013)

§ 154.46 RENTAL PROPERTY REGISTRATION FORM.

(A) (1) It shall be unlawful for any owner, landlord or managing agent, as defined herein, to lease or operate a rental property without first registering it with the Director of Health and Housing and complying with the provisions of this subchapter, together with other applicable codes and ordinances of the city.

(2) (a) Within 30 days of any change of ownership of a rental property, the new owner shall re-register the property as such by completing the rental property registration form.

(b) A change of ownership shall include any change in ownership rights, including execution of a contract for deed, whether recorded or not.

(3) The registration of rental property(ies) shall expire on November 1 of each year, and must be renewed by October 31 of each year. The annual registration fee shall be $25 per rental unit.

(4) No owner shall be allowed to register any property if the owner has outstanding fees, fines, liens or judgments due and owing to the city.

(5) Registration may be denied by the city as provided in this subchapter. If registration is denied or revoked, the city shall notify the owner, landlord or managing agent as applicable, in writing, of the denial and the reasons therefor, and provide an opportunity to appeal the decision pursuant to this subchapter.

(6) Registration, or renewal thereof, shall not be allowed if the owner fails to comply with this and/or all other applicable city ordinances.
(1960 Code, § 3-3-7)

City of Belleville
101 S. Illinois St.
Belleville, IL 62220
(618) 233-6810
mgain@belleville.net

Health and Housing Department
213 S. Illinois St.
Belleville, IL 62220
(618) 233-6817
(618) 233-8152 FAX

RENTAL PROPERTY REGISTRATION

_____ Initial Registration ____ Annual Renewal with Changes _____ Annual Renewal Without Changes

Company/Owner Name: _____ CFH Certificate # _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Cell Phone: _____ Fax: _____
E-Mail: _____ Website: _____

OWNER INFORMATION: Partnerships or corporations must attach a separate sheet listing all names and addresses of general partners, corporate officers, and registered agents. In case of a Trust, list the information of the registered agent authorized to act on behalf of the Trust.

If the property(ies) are managed by someone other than the owner or owner's company, complete the following section:

I have contracted with (Name): _____ CFH Certificate # _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Cell Phone: _____ Fax: _____

E-Mail: _____ Website: _____

To act as my Managing Agent for the below listed properties, and who shall be the first line of contact in any property management issues. I also certify I am aware of the City's Building, Zoning, and Crime Free Housing Codes and Ordinances, and am aware of the legal ramifications for *knowingly* violating any of these codes. I further certify that both, my Managing Agent and I have satisfactorily completed all requirements of the Crime Free Housing Ordinance of the City of Belleville, or will do so within six months of this date.

_____ Signature of Owner

_____ Signature of Managing Agent

_____ Printed Name of Owner

_____ Printed Name of Managing Agent

_____ Date

_____ Date

1. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

2. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

3. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

4. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

5. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

6. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

7. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

8. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

9. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

10. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

11. Address: _____ Inclusive Units: _____

Name of Complex: _____ Number of Units: _____

Total Number of Units: _____

Fee per Unit: $25.00

Total Fees Due: _____

(B) Rental property registration, or renewal(s) thereof, shall be filed with the Director using the rental property registration form provided by the city, and shall include the following information:

(1) Owner's name, address, telephone and crime-free housing certificate number. It shall also include the owner's e-mail and website address if one exists;

(2) Landlord/managing agent's name, address, telephone and crime-free housing certificate number. It shall also include the landlord/managing agent's e-mail address and website information is one exists;

(3) The street address of each rental property and the name of the complex if so named;

(4) The total number of rental units and their specific designations (Apts. 1, 2, 3 and the like or A, B, C and the like) at each street address; and

(5) A signed statement of the owner (and the landlord/managing agent, if applicable) acknowledging the city's Building and Property Maintenance Codes and all pertinent ordinances (i.e., zoning, occupancy, weeds, trash and the like) and the legal ramifications for knowingly violating any of these codes/ordinances.
(1960 Code, § 3-3-9)
(Ord. 7715, passed 9-16-2013) Penalty, see § 154.99

§ 154.47 ADMINISTRATIVE APPEALS.

An owner, landlord or managing agent may appeal a registration denial to the Mayor's office within ten days of the date of written notice to such owner, landlord or managing agent, of the denial of registration. The appeal must be in writing and state the reasons the owner, landlord or managing agent disagrees with the determination to deny registration. A hearing on the appeal in accordance with the provisions of § 154.56 of this chapter shall be conducted by the Hearing Officer appointed hereunder. The Mayor, with the advice and consent of the Council, shall appoint as Hearing Officer an attorney licensed in the state to conduct all hearings hereunder.
(1960 Code, § 3-3-8) (Ord. 7715, passed 9-16-2013)

§ 154.48 LOCAL AGENT REQUIRED.

(A) The owner of any rental unit covered by this subchapter shall be available to respond if requested within 24 hours.

(B) This requirement may be met by maintaining an operating business or owner residence within 50 miles of the city, or by use of a local landlord or managing agent who resides within 50 miles of the city, either of whom can be contacted on a 24-hour basis.

(C) If a local landlord or managing agent is used, the owner shall identify the landlord or managing agent on the rental property registration form.

(D) A post office box, e-mail address, mailing address or long-distance toll free (e.g., 800 numbers) shall not be deemed sufficient to meet the provisions of this section.
(1960 Code, § 3-3-10) (Ord. 7715, passed 9-16-2013)

§ 154.49 CRIME-FREE HOUSING CERTIFICATION.

(A) All owners, landlords and/or managing agent must complete the city training program or have been certified by another municipality's crime-free housing program.

(B) The city training program will consist of the following items:

(1) Crime-free housing overview;

(2) Applicant screening - protected classes;

(3) Crime-free lease addendum/ordinance and community rules;

(4) Rental law - resources for eviction and other legal information;

(5) Criminal behavior and crime prevention;

(6) Crime prevention through environmental designs - target hardening; and

(7) Rental incident forms and reporting procedures.
(1960 Code, § 3-3-11) (Ord. 7715, passed 9-16-2013)

§ 154.51 RENTAL AGREEMENT ADDENDUM.

(A) (1) An owner, landlord and/or managing agent must be cognizant of the public health, safety and welfare of the neighborhood and its citizens.

(2) In order to preserve this trust, the owner, landlord and/or managing agent must have all available information regarding a prospective tenant's criminal activity prior to making a decision to rent to the prospective tenant.

(3) Therefore, all owners, landlords and/or managing agents shall conduct a U.S. comprehensive criminal search prior to executing a rental agreement.

(4) A signed copy of the U.S. comprehensive criminal search verification and a signed copy of the crime-free rental agreement addendum must accompany the rental agreement when the tenant obtains the occupancy permit. The addendum and verification form will be kept on file at the city's Health and Housing Office.

(5) The U.S. comprehensive criminal search verification form below and the crime-free rental agreement addendum form below will be available for the owner, landlord, and/or managing agent's use at the city's Health and Housing office or on its website.
(1960 Code, § 3-3-12)

(B) (1) The tenant acknowledges that the city has enacted a crime-free housing ordinance, and in addition to all other terms of the rental agreement, owner/landlord/managing agent and tenant agree as follows. The tenant, any occupant or member of the tenant's household, any guest or any other person or persons associated with the tenant or his or her household, at or near the leased premises (rental unit), common areas or appurtenances:

(a) Shall not commit any act or omission that would constitute a felony or a Class A misdemeanor under state law;

(b) Shall not engage in any act intended to facilitate the commission of any act or omission that would constitute a felony or a Class A misdemeanor under state law;

(c) Shall not use or permit the use of the leased premises (rental unit) for the commission of any act that would constitute a felony or a Class A misdemeanor under state law; and/or

(d) Shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the leased premises (rental unit) which is the responsibility of the tenant or relate to the conduct of the tenant.

(2) Any violation of the above provisions shall be a material and irreparable violation of the rental agreement and good cause for immediate termination of tenancy and recovery of the leased premises (rental unit). Unless otherwise provided by law, proof of a violation shall be established by a preponderance of the evidence.

(3) In case of conflict between the provisions hereof and any other provisions of the rental agreement, the provisions of this addendum shall govern to the extent permitted by applicable law.

(4) This addendum is incorporated into the rental agreement executed or renewed this day between the owner/landlord/managing agent and the tenant.

(5) The addendum must include the address of the rental unit. It must also be signed and dated by the owner/landlord/managing agent and all tenants/occupants of age 18 or older.
(1960 Code, § 3-3-15)

City of Belleville
101 S. Illinois St.
Belleville, IL 62220
(618) 233-6810

Health and Housing Department
213 S. Illinois St.
Belleville, IL 62220
(618) 233-6817
(618) 233-8152 FAX

CRIME FREE RENTAL AGREEMENT ADDENDUM

The Tenant, any occupant or member of the tenant's household, any guest or any other person or persons associated with the tenant or his or her household, at or near the leased premises (Rental Unit), common areas or appurtenances:

1. Shall NOT commit any act or omission that would constitute a felony or a Class A misdemeanor under Illinois law;
2. Shall NOT engage in any act intended to facilitate the commission of any act or omission that would constitute a felony or a Class A misdemeanor under Illinois law.
3. Shall NOT use or permit the use of the leased premises (Rental Unit) for the commission of any act that would constitute a felony or a Class A misdemeanor under Illinois law;
4. Shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the leased premises (Rental Unit) which is the responsibility of the Tenant or relate to the conduct of the Tenant.

Any violation of the above provisions shall be a material and irreparable violation of the Rental Agreement and good cause for immediate termination of tenancy and recovery of the leased premises (Rental Unit). Unless otherwise provided by law, proof of a violation shall be established by a preponderance of the evidence.

In case of conflict between the provisions of this Addendum and any other provisions of the Rental Agreement, the provisions of this Addendum shall govern to the extent permitted by applicable law.

This Addendum is incorporated into the Rental Agreement executed or renewed this day between the Owner/Landlord/Managing Agent and the Tenant.

This Addendum must include the address of the Rental Unit. It must also be signed and dated by the Owner/Landlord/Managing Agent and all Tenants/Occupants of age 18 or older.

Rental Unit Address: _____

Landlord Printed Name	Landlord Signature	Date
Tenant Printed Name	Tenant Signature	Date
Tenant Printed Name	Tenant Signature	Date

(Ord. 7715, passed 9-16-2013)

§ 154.52 U.S. COMPREHENSIVE CRIMINAL SEARCH.

(A) All owners/landlords/managing agents shall:

(1) Conduct a U.S. comprehensive criminal search on all prospective tenants and occupants age 18 and over prior to executing a lease or rental agreement. The search must go back at least seven years including all known addresses, and must also check nationally recognized sex offender registration websites. The owner, landlord or managing agent may conduct this search, or may have a reputable agency conduct this search, at his, her or its own expense. A fee may be incurred; and

(2) Conduct a U.S. comprehensive criminal search on all persons/occupants age 18 and over prior to allowing the person(s)/occupant(s) to be added to the occupancy permit. The search must go back at least seven years including all known addresses, and must also check nationally recognized sex offender registration websites. The owner, landlord or managing agent may conduct this search, or may have a reputable agency conduct this search, at his, her or its own expense. A fee may be incurred.

(B) The owner/landlord/managing agent is required to maintain the U.S. comprehensive criminal search(es) on file as long as the tenant occupies the unit.
(1960 Code, § 3-3-13) (Ord. 7715, passed 9-16-2013)

§ 154.53 U.S. COMPREHENSIVE CRIMINAL SEARCH VERIFICATION.

(A) All owners, landlords and/or managing agents shall complete and submit a U.S. comprehensive criminal search verification form along with the lease or rental agreement when the tenant obtains the occupancy permit. This form must also be completed and submitted before permission will be granted to add a person to the occupancy permit.

(B) This form shall include the following:

(1) A thorough U.S. comprehensive criminal search for the past seven years including all known addresses, and including nationally recognized sex offender registration websites has been conducted by (name of company/individual performing search) on (date) on the following persons who will reside at (address):

(a) Name, birthdate;

(b) Name, birthdate; and

(c) Name, birthdate.

(2) The quotation: "In compliance with § 154.53 of the city code of ordinances, I have reviewed all U.S. Comprehensive Criminal Searches of all individuals eighteen (18) years of age and older prior to executing the Rental Agreement";

(3) Signature of owner/landlord/managing agent; and

(4) Title of owner/landlord/managing agent.

City of Belleville
101 S. Illinois St.
Belleville, IL 62220
(618) 233-6810

Health and Housing Department
213 S. Illinois St.
Belleville, IL 62220
(618) 233-6817
(618) 233-8152 FAX

US COMPREHENSIVE CRIMNAL SEARCH VERIFICATION

A thorough US Comprehensive Criminal Search for the past seven (7) years including all known addresses, and including nationally recognized sex offender registration websites has been conducted by

_____ on _____
Name of Company/Individual Performing Search Date

for the following occupants who will reside at: _____
Address

_____

	Name	Birth Date
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

In compliance with City of Belleville Ordinance 33-3-14, I have reviewed all US Comprehensive Criminal Searches of all individuals 18 years of age and older prior to executing the Lease or Rental Agreement.

_____
Signature of Owner/Landlord/Managing Agent

_____
Title of Owner/Landlord/Managing Agent

(1960 Code, § 3-3-14) (Ord. 7715, passed 9-16-2013)

§ 154.54 REPORTING OF ACTIVITY AT RENTAL UNITS.

A rental incident form (RIF) may be created by the responding police officer on a call to a rental unit related to disturbances or criminal activity at or near that rental unit.
(1960 Code, § 3-3-16) (Ord. 7715, passed 9-16-2013)

§ 154.55 CRIME-FREE HOUSING CERTIFICATE.

(A) All owners, landlords or managing agents of any rental property located within the city shall first qualify for and possess a current and valid crime-free housing certificate. The certificate shall be specific to the individual and shall not be transferable.

(B) No owner, landlord or managing agent shall qualify for a crime-free housing certificate unless the applicant first documents to the Director of Health and Housing:

(1) The owner, landlord or managing agent has attended and successfully completed a seminar, conducted or authorized by the Director of Health and Housing for owners, landlords and managing agents; and

(2) The owner, landlord or managing agent has satisfied and paid all fees, fines, judgments and liens in favor of the city and against the licensed or proposed licensed owner, landlord or managing agent or the rental property.
(1960 Code, § 3-3-17) (Ord. 7715, passed 9-16-2013)

§ 154.56 CRIME-FREE HOUSING CERTIFICATE SUSPENSION AND REVOCATION.

(A) It shall be a violation of this subchapter for any owner, landlord or managing agent of a rental unit to:

(1) Fail to take prompt, diligent and lawful steps to remove the tenant from possession of the rental unit:

(a) Following notice of the commission of a felony or a Class A misdemeanor in the rental unit where allowed or permitted by tenant;

(b) Following notice of four ordinance violations committed within any six-month period in the rental unit, or in common areas related to the rental unit, where allowed or permitted by tenant; or

(c) Following notice of other violation of the crime-free rental agreement addendum, as now or as hereafter amended, where violation of that addendum expressly constitutes good cause for termination of the rental agreement.

(2) Fail to pay and satisfy any fee, fine, judgment or lien in favor of the city and against the licensed owner, landlord or managing agent, or the rental property.

(B) The Director of Health and Housing shall provide notice to the owner, landlord or managing agent that a complaint has been filed with the Hearing Officer appointed hereunder. The Hearing Officer shall conduct a hearing to suspend or revoke the crime-free housing certificate of any owner, landlord or managing agent where, after notice and hearing, the Hearing Officer shall make findings determining:

(1) Whether any act or omission that would constitute a felony or a Class A misdemeanor under state law was committed on the leased premises (rental unit) or on common areas related to the licensed premises (rental unit);

(2) Whether four or more violations of city ordinances were committed within any six-month period within the leased premises (rental unit), or on common areas related to the leased premises (rental unit);

(3) Whether the certified owner, landlord or managing agent failed to take prompt, diligent and lawful steps to remove the tenant from possession of the leased premises (rental unit):

(a) Following notice of the commission of a felony or a Class A misdemeanor in the leased premises (rental unit) where committed, allowed or permitted by tenant; or

(b) Following notice of four ordinance violations committed within any six-month period in the leased premises (rental unit), or in common areas related to the leased premises (rental unit), where committed, allowed or permitted by tenant; or

(c) Following notice of other violation of the crime-free rental agreement addendum, as now or as hereafter amended, where violation of that addendum expressly constitutes good cause for termination of the rental agreement.

(4) Whether the owner, landlord or managing agent failed to pay and satisfy any fee, fine, judgment or lien in favor of the city and against the licensed owner, landlord or managing agent, or the rental property.

(C) The city and the owner, landlord or managing agent shall be given 14 days' notice of any hearing under this section for the suspension or revocation of a crime-free housing certificate, and the city and the owner, landlord or managing agent shall be given an opportunity to present relevant evidence. If the hearing on suspension or revocation of a crime-free housing certificate is to be based on the conduct of a tenant or the conduct in a tenant's rental unit, the tenant shall also be given 14 days' notice of any hearing under this section and shall also be given an opportunity to be heard. The Hearing Officer shall have the power to administer oaths and require the attendance of any city employees. The hearing shall be recorded. Upon consideration of the evidence presented at hearing, the Hearing Officer shall make written findings of fact and issue a written decision, which shall be promptly mailed to the

city and the owner, landlord or managing agent as applicable. The affirmative defense provided in 75 ILCS 5/9-106.2 shall be available to the owner, landlord, managing agent or tenant at any hearing held hereunder.

(D) If at the hearing held hereunder, the Hearing Officer finds a violation of this subchapter, the Hearing Officer shall be authorized to order as to the owner, landlord or managing agent, one or more of the following:

(1) Retraining and successful completion of a crime-free housing seminar, conducted or authorized by the Director of Health and Housing within a specified time frame to be determined by the Hearing Officer;

(2) Suspension of the owner, landlord, or managing agent's crime-free housing certificate for up to 90 days or 60 days after completion of corrective action, during which time the owner, landlord or managing agent will be unable to issue any new rental agreements;

(3) Revocation of the owner, landlord or managing agent's crime-free housing certificate. Notwithstanding any contrary provision herein, the owner, landlord or managing agent may invoke at hearing an affirmative defense set forth in § 9-106.2 of the Illinois Code of Civil Procedure (735 ILCS 5/9-106.2) that, if proven by a preponderance of the evidence, shall avoid the requirement to remove the tenant from the leased premises (rental unit) for any initial incident involving domestic violence or sexual violence at the leased premises (rental unit), provided that the owner, landlord or managing agent must have barred the perpetrator of such domestic violence or sexual violence in accordance with applicable subsections (f) and/or (g) thereof.
(1960 Code, § 3-3-18) (Ord. 7715, passed 9-16-2013) Penalty, see § 154.99

§ 154.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who is an occupant of the premises violating any provision of the Property Maintenance Code (§§ 154.15 through 154.25 of this chapter) or any part thereof shall be fined in an amount not less than $100, nor more than $1,000. Any person who is an owner of property violating any provision of §§ 154.15 through 154.25 of this chapter shall be fined in an amount not less than $250, nor more than $1,000. The minimum fine for an owner for a second offense shall be $500, for the third offense shall be $750 and for the fourth offense shall be $1,000. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The court shall also order, as part of the judgment, that the defendant comply with all applicable codes and ordinances relating to the property which is the subject of the violation.
(1960 Code, § 33-2-12)

(C) Violations of §§ 154.40 through 154.56 of this chapter shall be punishable by a fine of not less than $250 for the first violation or $500 for the second and all subsequent violations. Fines shall not exceed $500 for any violation. Each day shall constitute a separate and continuing violation. The city may seek remedies which include corrective action, prohibitions or revocations as a part of its relief. (1960 Code, § 33-3-19)
(Ord. 7101, passed 4-8-2008; Ord. 7715, passed 9-16-2013)

CHAPTER 155: SIGN CODE

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GENERAL PROVISIONS

§ 155.001 PURPOSE AND INTENT.

(A) The purpose and intent of this chapter is to establish comprehensive regulations for the control of street graphics in order to preserve, protect and promote the public health, safety and welfare; to

eliminate pedestrian and vehicular traffic hazards; and to enhance the economic vitality and aesthetic appeal of the community.

(B) More specifically, this chapter is intended to assist in achieving the following objectives:

(1) To authorize the use of street graphics which are:

(a) Compatible with their surroundings and zoning district in which they are located;

(b) Expressive of the image this community is striving to project;

(c) Appropriate to the type of establishment or activity to which they pertain; and

(d) Legible in the circumstances in which they are seen.

(2) To foster high quality commercial and industrial development, and to enhance the economic vitality of the existing businesses and industries by promoting the reasonable, orderly and effective display of street graphics;

(3) To enhance the physical appearance of the city by preserving the scenic and natural beauty of the area;

(4) To protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction and use of street graphics within the city;

(5) To protect pedestrians and motorists from damage or injury caused by the distractions, obstructions and hazards created by certain street graphics;

(6) To protect the public investment in streets and highways by reducing distractions which may increase traffic accidents;

(7) To preserve the value of private property by assuring the compatibility of street graphics with surrounding land uses;

(8) To encourage sound practices and lessen the objectionable effects of competition in respect to the size and placement of street graphics; and

(9) To protect the physical and mental well-being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.
(1960 Code, § 53-1-1) (Ord. 3427, passed 3-7-1977)

§ 155.002 DEFINITIONS.

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

ADJACENT. As applied to real property, having a common lot line or located directly across a street or alley.

AREA. The total exposed surface devoted to the street graphic's message, including all ornamentation, embellishment and symbols, but excluding the supporting structure which does not form part of the sign proper or of the display. The ***AREA*** of a street graphic composed of characters or words shall be the smallest rectangle which encloses the whole group. In the case of a free-standing graphic designed with more than one exterior surface containing a message, the ***AREA*** shall be computed as including only the maximum single display surface which is visible from any one ground position.

AWNING. Any structure made of cloth, metal or other material attached to a building when the same is so erected as to permit its being raised or retracted to a position against the building when not in use.

BILLBOARD. A single or double faced street graphic, permanently fixed or placed on the premises, which may have "change-copy", or a street graphic used for the display of messages or advertising not associated with the establishment located on the same premises as the street graphic.

CANOPY. A structure, other than an awning, made of cloth, metal or other material with frames attached to a building, and carried by a frame supported by the ground or sidewalks.

CHANGEABLE COPY SIGN. A sign whereon provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message or picture.

ESTABLISHMENT. Any one of the following:

(1) A single-family residential living unit;

(2) A multiple-family building or residential development having a frontage on a public street or roadway;

(3) An institutional, business, commercial or industrial activity that is the sole occupant of one or more buildings having at least one frontage on a public street or roadway; and

(4) An institutional, business, commercial or industrial activity that occupies a portion of a building such that:

(a) The activity is a logical and separate entity from the other activities within the building and not a department of the whole;

(b) The portion of the building that is occupied by the activity has a clearly defined frontage on a public street or roadway or to the common parking area of a commercial center;

(c) The activity has either:

1. A separate entrance from the exterior of the building; or

2. A separate entrance from a common and clearly defined entryway that has direct access from the exterior of the building.

(d) The activity is located on the first or second floor of the building.

EXEMPT GRAPHICS. Street graphics not subject to the regulations of this chapter, as per § 155.011 of this chapter.

FLUSH-MOUNTED GRAPHICS. Any street graphic attached to, erected against or painted on a wall of a building or structure with the exposed face of the graphic in a plane approximately parallel to the plane of the wall and not projecting more than 18 inches.

FREE-STANDING GRAPHIC. A street graphic supported by one or more uprights, poles or braces placed in or upon the ground; or a street graphic supported by any structure erected primarily for the display and support of the street graphic.

FRONTAGE. The linear extent of a lot abutting a street or public roadway, or the linear extent of an establishment abutting a public parking area if said establishment has no street frontage.

GRAPHIC. See ***STREET GRAPHIC***.

LOT. A tract of land intended as a unit for the purpose of transfer of ownership or development.

LOT LINE. Any boundary (front, side or rear) of any lot.

MARQUEE. Any hood of permanent construction projecting from the wall of a building but not supported by the ground or sidewalk, serving the purpose of providing shelter and protection from the weather.

MESSAGE. A communication of identification or advertising information visually perceived, which may consist of words, abbreviations, numbers, symbols, pictures, geometric shapes and the like.

MOBILE OR PORTABLE MARQUEE. A term commonly used to mean any street graphic not designed to be permanently attached to a building or anchored to the ground and designed to be moved from place to place. These signs primarily include, but are not limited to, signs attached to wood or

metal frames designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles. A gasoline service station price-per-gallon sign shall not be considered a ***MOBILE OR PORTABLE MARQUEE***.

NEON TUBE ILLUMINATION. A light source supplied by a neon tube which is bent to form letters, symbols or other shapes.

OFF-PREMISES GRAPHIC. A graphic which contains a message unrelated to the business or activity conducted upon the premises where such graphic is located.

PROJECTING GRAPHIC. Any street graphic, other than a flush-mounted graphic, which is suspended from or supported by a building or wall, and which projects. Any such street graphic suspended under a marquee, porch, walkway covering or similar covering structure, and in a place approximately perpendicular to the wall of the adjoining building, shall not be deemed to be a ***PROJECTING GRAPHIC***.

ROOF LINE. Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the street graphic is located.

ROOF-MOUNTED GRAPHIC. Any street graphic erected, maintained or displayed on the roof of any building.

SIGN. A sign is any object, device, display or structure or part thereof situated outdoors which is used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service or event related to the premises on which the sign is situated, by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. The term ***SIGN*** includes, but is not limited to, every projecting sign; free-standing sign; window sign; awning, canopy, marquee sign; changeable copy sign; illuminated sign; moving sign; temporary sign; portable sign; pennants, banners, streamers or any other attention-getting device; or other display whether affixed to a building or erected elsewhere on the premises.

STREET BANNER. A street graphic made of cloth, canvas, vinyl or other material placed or hung on a streetlight or other public utility pole.

STREET GRAPHIC. Any on-premises identification or advertising sign and any billboard or off-premises advertising or identification sign, visible from the public right-of-way of any street or roadway or from any parking area used by the general public.

TEMPORARY STREET GRAPHIC. Any street graphic, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, for use for a limited period of time.

TIME AND TEMPERATURE SIGN. A sign whereon the time and/or temperature is indicated by intermittent lighting and limited to the numerals indicating the time and/or temperature.

UNUSUALLY SHAPED STREET GRAPHICS. Street graphics of unusual shapes such as globes, cylinders or pyramids shall be considered double-faced street graphics and the area of the street graphic shall be computed as one-half of the total of the exposed surfaces.

WINDOW. An opening in the wall of a building containing transparent or translucent material such as glass.

WINDOW GRAPHIC - PERMANENT. Any graphic visible from the exterior of a building or structure which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper or other material and placed on, taped on or hung immediately behind the window or displayed from a window for the specific purpose of informing the passer-by of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.
(1960 Code, § 53-1-2) (Ord. 3427, passed 3-7-1977; Ord. 5642, passed 10-21-1996)

§ 155.003 GENERAL PROHIBITION.

The area of any street graphic shall be calculated as follows.

(A) If the graphic is enclosed by a box or outline, the total area contained within that outline, including the background, shall be deemed the graphic area.

(B) If the graphic consists of individual letters, parts or symbols, only the area of the one imaginary square or rectangle which would completely enclose all the letters, parts or symbols shall be deemed the graphic area.

(C) Only one side of any double facing graphic shall be considered for purposes of area calculation.

(D) The area of street graphics of unusual shapes such as globes, cylinders or pyramids shall be computed as one-half of the total of the exposed surfaces.
(1960 Code, § 53-2-1) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.004 GRAPHIC AREA ALLOWANCE.

(A) Within the limitations and restrictions as further provided in this chapter, the total of the areas of all street graphics which an establishment is permitted to display shall be computed according to the following formula: one and one-half square feet of graphics area per one foot of lineal street frontage for the first 100 feet of such frontage, plus one square feet of graphics area per one foot of frontage in excess of 100 feet of such frontage.

(B) Provided, the permitted total of the areas of all street graphics which any establishment may display on each street on which it has frontage shall not exceed 300 square feet, even in the least restrictive zoning districts.

(C) If an establishment has frontage on two or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this chapter.

(1) If an establishment has multiple frontages, the area allowances for street graphics shall not be aggregated so as to permit such establishment to display on any one frontage a greater area of graphics than would otherwise be permitted under divisions (A) or (B) above.

(2) For purposes of computing the permitted total graphics area allowances, the side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.
(1960 Code, § 53-2-2) (Ord. 3427, passed 3-7-1977)

§ 155.005 ILLUMINATION.

Illumination of street graphics is permitted, subject to the following requirements.

(A) Only white light is permitted in residential zoning districts.

(B) No red, yellow, orange, green or other colored light shall be used at any location in such a manner as to interfere with, mislead or confuse traffic.

(C) No graphic, other than those providing time and temperature information or other electronically changing messages, shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color. Beacon lights and illumination by flame or prohibited.

(D) The light from any illuminated graphic shall be shaded, shielded or directed so that the light intensity or brightness avoids the creation or continuation of any nuisance or traffic hazard.

(E) No exposed reflective type bulb and no strobe light or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any graphic in such manner as to expose the face of the bulb, light or lamp to any public street or adjacent property.
(1960 Code, § 53-2-3) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.006 MOVEMENT PROHIBITED.

No street graphic which mechanically revolves, rotates or moves in any manner shall be permitted anywhere in the city.
(1960 Code, § 53-2-4) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.007 STRUCTURAL AND MAINTENANCE REQUIREMENTS.

(A) Every street graphic structure shall be designed and constructed in a safe manner and shall be free of any exposed extra bracing, angle iron, guywires, cables and the like.

(B) Every street graphic shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of net surface area and to receive dead loads as required in the Building Code.

(C) All street graphics in which electrical wiring and connections are installed shall conform to the applicable provisions of the Electrical Code.

(D) The owner of a street graphic shall maintain it in a neat and attractive condition. The street graphic and supports shall be kept painted to prevent rust, rot or deterioration.
(1960 Code, § 53-2-5) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.008 OBSTRUCTIONS PROHIBITED.

No street graphic shall be erected, relocated or maintained so as to prevent free access to, or egress from any door, window, fire escape, ladder, driveway or opening intended to provide light, air, access or egress for any building or premises. No street graphic of any kind shall be attached to a standpipe or fire escape.
(1960 Code, § 53-2-6) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.009 GRAPHICS NOT TO CONSTITUTE TRAFFIC HAZARDS.

No street graphic shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device as determined by the City Engineer. Accordingly, no street graphic shall contain the words "stop", "go", "caution", "danger", "warning" or similar words.
(1960 Code, § 53-2-7) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.010 OTHER PROHIBITED GRAPHICS.

The following street graphics are prohibited everywhere in the city:

(A) Street graphics of the type commonly referred to as mobile or portable marquees;

(B) Graphics which contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or similar devices;

(C) Graphics which are attached to any tree, fence or public utility pole, other than warning signs issued by public utilities;

(D) Graphics (includes the posts or other supports therefor) which advertise or identify an activity, business, product or service no longer conducted on the premises on which the graphic is located; and

(E) Sandwich boards.

(1) Sandwich boards shall be permitted use in commercial zoned districts* (*within the Special Services District Boundaries (CBD) a conditional use shall be required by the Street Graphics Review Board and City Council) when the following criteria are met:

(a) Shall not exceed a maximum of two feet by three feet (each side); one sandwich board per business shall be allowed for each frontage;

(b) Shall not block pedestrian movement on sidewalk;

(c) Shall be secured to be immobile during high winds;

(d) Shall be removed from sidewalk upon closing and placed within locked confines of establishment;

(e) Shall not include offensive or obscene text or graphics; and

(f) Shall advertise merchandise and/or services directly related to abutting establishment.

(2) Divisions (E)(1)(a) through (E)(1)(f) above shall be strictly enforced by the Building and Zoning Officials to the city.
(1960 Code, § 53-2-8) (Ord. 3427, passed 3-7-1977; Ord. 6382, passed 2-4-2002) Penalty, see § 155.999

§ 155.011 EXEMPTED GRAPHICS.

The provisions of this chapter shall not apply to the following street graphics, and the area of such graphics shall not be debited against the total graphics area allowance for any establishment:

(A) Traffic or other municipal street graphics such as railroad crossing signs, legal notices and such temporary emergency signs as may be authorized by the City Council;

(B) Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones;

(C) Directional, informational or public service signs not exceeding two square feet in area, erected for the convenience of the public, such as signs identifying entrances, exits, parking areas, no parking areas, restrooms, public telephones, walkways and similar features or facilities;

(D) House numbers and/or name of occupant signs located on the lot to which the sign is appurtenant and not exceeding three square feet;

(E) Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by the patrons of such buildings;

(F) No trespassing signs or other such signs regulating the use of a property, such as no hunting, no fishing and the like of no more than two square feet in area;

(G) Graphics advertising a public entertainment or event. Such graphics shall be displayed only at locations and only during the time period approved by the City Council. Said time period shall not be longer than 14 days before and two days after the event;

(H) On-Premises signs of a professional such as a physician, dentist, lawyer, accountant, architect, engineer, minister and the like, which sign shall be limited to two square feet in area and have no commercial advertising;

(I) Flags of any country, state or unit of local government;

(J) Real estate signs not extending outside the property line and not more than six square feet per face in area which indicate the sale, rental or lease of the premises upon which said signs are located. No more than one real estate sign per street side shall be placed on any lot;

(K) Residential development identification structures at major entrances designed to identify a residential subdivision or planned unit development and containing no commercial advertising;

(L) Construction signs identifying the architects, engineers, contractors and other individuals or firms involved with the construction, and/or announcing the character of the building enterprise, or the purpose for which the building is intended, but not advertising any product. Such signs shall not exceed 20 square feet in area, shall be confined to the site of the construction and shall be removed within ten days after the beginning of the intended use of the project;

(M) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material;

(N) Signs of historical societies containing no advertising and not more than five square feet in area;

(O) Bulletin board not over 20 square feet in area for a public, charitable or religious institution, when located on the premises of such institution and not obstructing the vision of motorists;

(P) Holiday decorations such as Christmas lights and ornaments; provided that, such decorations shall be removed within a reasonable time after the holiday;

(Q) Temporary graphics advertising a sale or similar temporary activity; provided that, said graphics shall not be displayed longer than seven days at any one time, nor more than four times in any calendar year;

(R) Political campaign signs that announce or support political candidates or issues in connection with any national, state or local election, including only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters on a ballot that has been certified in accordance with the state's Election Code; and

(S) Political message signs, other than a political campaign sign, that express a non-commercial message regarding an issue of political or public concern.
(1960 Code, § 53-2-9) (Ord. 3427, passed 3-7-1977; Ord. 7749, passed 2-18-2014) Penalty, see § 155.999

CERTAIN TYPES OF GRAPHICS; REGULATIONS

§ 155.025 SCOPE.

Every street graphic which an establishment displays shall, at a minimum, conform to the applicable requirements of this subchapter; provided that, whenever more stringent regulations, based on the type of establishment to which such graphic is appurtenant or the zoning district in which the establishment is located (§§ 155.045 through 155.053 of this chapter), are applicable, such regulations shall prevail. (1960 Code, § 53-3-1) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.026 FLUSH-MOUNTED GRAPHICS.

(A) Flush-mounted graphics are the preferred type in the city.

(B) No flush-mounted graphic shall:

(1) Project more than 18 inches from the wall or surface to which it is attached. If such wall or surface is not vertical, the projection shall be measured from the closest point of the wall or surface to the street graphic; or

(2) Extend more than 20 feet above the ground or pavement, except in an industrial district.
(1960 Code, § 53-3-2) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.027 PROJECTING GRAPHICS.

(A) No establishment in any zoning district shall have more than one projecting graphic per street front.

(B) No projecting graphic shall:

(1) Project over a street, alley or driveway, or closer than two feet to the curb or edge of such roadway;

(2) Project more than four feet from the building to which it is attached;

(3) Extend below a point eight feet above the ground or pavement;

(4) Extend above a point 20 feet above the ground or pavement; or

(5) Exceed 16 square feet in area.
(1960 Code, § 53-3-3) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.028 FREE-STANDING GRAPHICS.

(A) In any zoning district, no establishment or group of establishments constituting a shopping center shall have more than two free-standing graphics per street front.

(B) Free-standing graphics shall comply with all of the following regulations.

(1) No free-standing graphic shall project into the public right-of-way.

(2) No free-standing graphic shall be closer than five feet to any side lot line.

(3) No free-standing graphic, not including the posts or supports, shall exceed 12 feet in any dimension.

(4) When attached to a post or other supporting structure, no free-standing graphic shall extend more than 20 feet above the ground or pavement.

(5) No free-standing graphic shall exceed 100 square feet in area.
(1960 Code, § 53-3-4) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.029 WINDOW GRAPHICS.

Any industrial, commercial or institutional establishment may display permanent window graphics shall cover no more than 100 square feet of the window area. Permanent window graphics shall be debited against the total area of all graphics permitted the particular establishment.
(1960 Code, § 53-3-5) (Ord. 3427, passed 3-7-1977)

§ 155.030 AWNING, CANOPY AND MARQUEE GRAPHICS.

(A) No establishment shall have more than one awning, canopy or marquee graphic per street front. An awning, canopy or marquee graphic may be painted on or affixed directly to such structure, or may be suspended below it.

(B) No awning, canopy or marquee graphic shall:

(1) Extend below a point eight feet above the ground or pavement;

(2) Exceed 16 square feet in area; or

(3) Extend more than four feet from the building to which it is attached.
(1960 Code, § 53-3-6) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.031 ROOF-MOUNTED GRAPHICS.

(A) Roof-mounted graphics are permitted only in industrial districts.

(B) No roof-mounted graphic shall:

(1) Extend more than 25 feet above the roof level;

(2) Exceed 25 feet in any dimension; or

(3) Exceed 300 square feet in area.
(1960 Code, § 53-3-7) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.032 BILLBOARDS.

(A) No billboard or other off-premises advertising graphics shall be erected or maintained in the city after the effective date of this chapter.

(B) Any lawful billboard which exists on the effective date of this chapter may lawfully remain subject to the following conditions.

(1) *Enlargement or alterations.* No such billboard shall be enlarged or altered in any way which increases its non-conformity.

(2) *Relocation.* No such billboard shall be relocated.

(3) *Reconstruction.* Nothing in this chapter shall prevent the reconstruction, repairing, rebuilding, or continuing use of non-conforming billboard or off-street graphic damage by fire, collapse, explosion or act of God subsequent to the date of this chapter.
(1960 Code, § 53-3-8) (Ord. 4782, passed 10-29-1990; Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.033 STREET BANNERS.

(A) *General.* Street banners shall be permitted only on public streetlight or other public utility poles in commercial zoned districts and only upon approval by the Street Graphics Review Board upon filing of a formal application per § 155.069 of this chapter and review at a public hearing in accordance with § 155.095 of this chapter.

(B) *Criteria for approval.* The following criteria shall be considered in granting approval of any application for a street banner.

(1) Only street banners requests shall be considered. All posters, pennants, ribbons, streamers, strings of light bulbs or other similar devices shall strictly be prohibited as per § 155.010 of this chapter.

(2) If request includes downtown area location along East and West Main Streets and North and South Illinois Streets, banners shall be hung by City Street Department employees using the city's banner brackets and hardware.

(3) If request includes location outside downtown area, the requestee shall have qualified personnel display banners and must include the display procedure to be used in the application.

(4) Banners to be displayed shall measure 30 inches by 60 inches, the "standard" banner dimensions.

(5) The city shall permit no more than two banners on any streetlight or utility poles.

(6) The city shall not be held liable for any damages to banners.

(7) Requests shall include a specified display period of no more than one year.

(8) A copy of the banner to be displayed shall accompany the request.

(9) Only banners commemorating anniversaries or significant events of public institutions or like organizations shall be considered. Banner requests for sales or other similar advertising medium shall not be considered.

(10) Costs assumed by the city to display banners shall be considered with each request and may be assessed to the requestee.
(1960 Code, § 53-3-9) (Ord. 3427, passed 3-7-1977; Ord. 5642, passed 10-21-1996)

GRAPHICS CONTROLS BASED ON TYPE OF ESTABLISHMENT OR ZONING DISTRICT

§ 155.045 SCOPE AND APPLICABILITY.

(A) No street graphic shall be erected in any zoning district of the city in violation of the provisions of this subchapter.

(B) Whenever, after the enactment of this chapter, any zoning district is created or modified with respect to boundaries or permitted uses, the Graphics Review Board, subject to the approval of the City Council, shall determine what existing zoning district is most similar to the new or modified district, and shall so inform the Building Commissioner.

(C) Thereafter, the Building Commissioner shall enforce the provisions of the section of this subchapter pertaining to that most similar district.
(1960 Code, § 53-4-1) (Ord. 3427, passed 3-7-1977)

§ 155.046 INTERPRETATION.

Whenever any establishment or use is permitted in more than one zoning district, the provisions of the section of this subchapter applicable to such establishment or use in the most restrictive district in which it is permitted shall apply.
(1960 Code, § 53-4-2) (Ord. 3427, passed 3-7-1977)

§ 155.047 A-1 DISTRICT REGULATIONS.

In any A-1 (Single-Family Residence) Zoning District, only those street graphics exempted from the provisions of this chapter shall be permitted. (See § 155.011 of this chapter.)
(1960 Code, § 53-4-3) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.048 A-2, B-1 DISTRICT REGULATIONS.

(A) In any A-2 (Two-Family Residence) or B-1 (Multi-Family Residence) Zoning District, street graphics may contain only identification information, not commercial advertising. Non-exempt street graphics in these districts shall be either window graphics or flush-mounted.

(B) Furthermore:

(1) On any building or premises used solely as a residence by more than one family, the total of the areas of all street graphics shall not exceed six square feet; and

(2) On all other permitted establishments, the total of the area of all street graphics shall not exceed 30 square feet. (But, see provision in § 155.074 of this chapter.)
(1960 Code, § 53-4-4) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.049 C-1, C-2 DISTRICT REGULATIONS.

No roof-mounted graphics are permitted in any commercial zoning district. All permitted graphics shall conform to every applicable requirement of this chapter. Additionally, special graphics controls are applicable in the downtown business area.
(1960 Code, § 53-4-5) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.050 RATIONALE FOR DOWNTOWN AREA OF SPECIAL CONTROL.

(A) (1) In recent years, the city's downtown business area has suffered from a variety of problems.

(2) These problems include poor vehicular traffic circulation, improper location of parking space, lack of amenities such as landscaping and benches, deteriorating commercial structures and increased competition from suburban shopping centers.

(3) Another significant factor contributing to the ill-health of the downtown area is the proliferation of oversize and garish signs.

(B) (1) In order to remedy these problems so as to create an esthetically pleasing and thriving downtown business area, the city and private citizens are undertaking several major downtown revitalization projects involving the expenditure of substantial sums of money.

(2) The City Council has determined that it is essential to the success of those efforts that additional controls, supplemental to the other applicable provisions of this chapter be imposed on all street graphics in the downtown business area.
(1960 Code, § 53-4-6) (Ord. 3427, passed 3-7-1977)

§ 155.051 DESIGNATION AS AREA OF SPECIAL CONTROL.

The downtown business area of the city is hereby designated an "area of special control" for purposes of regulating all street graphics now or hereafter located therein. As used in this chapter, the term ***DOWNTOWN BUSINESS AREA*** shall mean the area bounded by extending an imaginary line connecting Sixth Street on the west, B Street on the north, Oak Street on the east and Lincoln Street on the south.
(1960 Code, § 53-4-7) (Ord. 3427, passed 3-7-1977)

§ 155.052 SPECIAL GRAPHICS REGULATIONS IN DOWNTOWN AREA.

(A) After the date of the enactment of this chapter, no street graphic shall be erected, and no existing street graphic shall be permitted to remain for more than five years, unless such graphic has been approved by the City Council upon the recommendation of the Graphics Review Board.

(B) The City Council shall approve only those street graphics which:

(1) Conform to every pertinent regulation of this chapter; and

(2) Are compatible with the theme and overall character to be achieved in the downtown area.
(1960 Code, § 53-4-8) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.053 CRITERIA FOR DETERMINING COMPATIBILITY.

In determining whether a street graphic is compatible with the theme and overall character to be achieved in the downtown business area, the following criteria shall be considered:

(A) Relationship of the graphic to the building or premises, particularly in terms of scale. In no case shall a graphic cover or interrupt major architectural details such as columns, friezes and door and window heads;

(B) Similarity or dissimilarity of the graphic's size and shape to that of other graphics in the area;

(C) Compatibility of the type of illumination (if any) with the "period look" to be achieved. For example, neon tube lighting except in very unusual cases would not be compatible with a "Gay 90s' period" look;

(D) Compatibility of the materials used in constructing the graphic with the materials of other graphics in the area. For example, an aluminum graphic might not be compatible with a wooden graphic;

(E) Compatibility of the graphic's mode of erection with that of other graphics in the area. For example, a free-standing graphic would likely be a jarring note if the vast majority of the other graphics were flush-mounted; and

(F) Any other reasonable criteria which the Board may devise, subject to the approval of the City Council.
(1960 Code, § 53-4-9) (Ord. 3427, passed 3-7-1977; Ord. 7749, passed 2-18-2014)

ADMINISTRATION

§ 155.065 ENFORCEMENT.

The Building Commissioner is hereby authorized and directed to diligently enforce every provision of this chapter, except those provisions which specifically delegate certain duties to other city officers or boards. No order for correction of any violation under this chapter shall be issued other than by the Building Commissioner. Before any graphics-related order is issued, the Building Commissioner shall determine that such order has the concurrence of any other officer or board concerned with any matter pertinent to the case in question.
(1960 Code, § 53-5-1) (Ord. 3427, passed 3-7-1977)

§ 155.066 INSPECTION.

The Building Commissioner (or his or her agents) shall, upon complaint, inspect a street graphic in order to ascertain whether it complies with the provisions of this chapter.
(1960 Code, § 53-5-2) (Ord. 3427, passed 3-7-1977; Ord. 7749, passed 2-18-2014)

§ 155.067 REGISTRATION OF EXISTING STREET GRAPHICS.

Every existing street graphic located in the area of special control shall be registered by the owner within 180 days of the enactment of this chapter. Registration shall be on forms provided by the Building Commissioner.
(1960 Code, § 53-5-3) (Ord. 3427, passed 3-7-1977)

§ 155.068 PERMIT REQUIRED.

No street graphic, except those exempted from the provisions of this chapter, shall hereafter be erected, altered or relocated without a permit issued by the Building Commissioner.
(1960 Code, § 53-5-4) (Ord. 3427, passed 3-7-1977) Penalty, see § 155.999

§ 155.069 APPLICATION FOR PERMIT.

Application for a street graphic permit shall be made on forms provided by the Building Commissioner, and shall include the following information:

(A) Name, address and telephone number of the applicant;

(B) Location of the building, structure or lot upon which the street graphic is to be erected;

(C) Type of establishment which will display the graphic;

(D) Position of street graphic in relation to nearby building, street grade and traffic-control devices;

(E) Two copies of plans and specifications showing method of construction, location and support;

(F) Sketch showing street graphic faces, exposed surfaces and proposed message accurately represented in scale as to size, proportion and color;

(G) Name of person, corporation or firm erecting the street graphic;

(H) A copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any amount required by this and all other laws and city ordinances, if required by the Building Commissioner; and

(I) Such other information as the Building Commissioner shall require to determine full compliance with this and all other laws and city ordinances.
(1960 Code, § 53-5-5) (Ord. 3427, passed 3-7-1977)

§ 155.070 ISSUANCE OF PERMITS.

(A) Upon the filing of an application for a street graphic permit, the Building Commissioner shall examine the plans and specifications, the premises upon which it is proposed to erect the street graphic and other data.

(B) If it appears that the proposed graphic is in compliance with all applicable requirements of this chapter, he or she shall issue the permit; if not, he or she shall state in writing his or her reason(s) for denial within 14 days of the date of application.

(C) If the work authorized under the permit has not been completed within one year after the date of issuance, the permit shall become null and void.
(1960 Code, § 53-5-6) (Ord. 3427, passed 3-7-1977)

§ 155.071 PERMIT FEES.

Before being granted a permit, every applicant shall pay to the Building and Zoning Commissioner the following permit fee for each street graphic to be erected: $0.50 per square foot of graphic area, but not less than $15 for each street graphic.
(1960 Code, § 53-5-7) (Ord. 3427, passed 3-7-1977; Ord. 5329, passed 11-7-1994)

§ 155.072 INFORMATION TO BE PLACED ON GRAPHIC.

Every street graphic hereafter erected shall have painted in a conspicuous place thereon, or printed on a metal plate affixed thereto, in legible letters, the following information:

(A) Date of erection of the graphic;

(B) Name of the permittee;

(C) Permit number; and

(D) Voltage of any electrical apparatus used in connection with the graphic.
(1960 Code, § 53-5-8) (Ord. 3427, passed 3-7-1977)

§ 155.073 NON-CONFORMING STREET GRAPHICS.

(A) Non-conforming street graphics may be continued, except as otherwise provided in this chapter. A street graphic previously constructed in compliance with existing ordinances or regulations is or becomes "non-conforming" if it is not in conformance with the provisions of this chapter on either of the following dates:

(1) The date of the original enactment; or

(2) Any date on which this chapter is amended.

(B) A non-conforming street graphic shall not be:

(1) Changed to another non-conforming street graphic (provided that, changing the message on a changeable copy sign shall not be deemed a violation of this provision);

(2) Structurally altered so as to prolong the life of the street graphic;

(3) Expanded;

(4) Re-established after its discontinuance for 30 days;

(5) Moved in whole or in part to another location unless said street graphic, and the use thereof, is made to conform to every applicable provision of this chapter; or

(6) Re-established after damage or destruction in an amount exceeding 50% of the initial value of the street graphic as determined by the Building Commissioner.

(C) Provided that, whenever any street graphic is non-conforming solely because it is appurtenant to a non-conforming commercial/industrial use located in any residential district, the Building Commissioner shall enforce the restrictions enumerated above only to the extent necessary to achieve compliance with the regulations applicable to street graphics appurtenant to commercial/industrial uses located in any commercial or industrial district.
(1960 Code, § 53-5-9) (Ord. 3427, passed 3-7-1977)

§ 155.074 DISCONTINUANCE OF NON-CONFORMING STREET GRAPHICS.

(A) Any street graphic which is non-conforming on the date of the enactment of this chapter, because such graphic is prohibited by or in violation of any of the following section(s) shall either be altered or removed to bring such street graphic into compliance with such section(s) within the time period indicated in the ordinance codified herein.

(B) Existing free-standing and flush-mounted graphics not extending more than 30 feet above the ground or pavement shall be exempt from this section provided they meet all the other requirements of this chapter.

(C) Existing billboards and other off-premises advertising graphics located in the C-1 and C-2 Zoning District (excluding the downtown "area of special control") shall be exempt from this section; provided, they meet all the other requirements of this chapter.

(D) Any street graphic previously constructed in compliance with existing regulations which becomes non-conforming because of any amendment to this chapter shall be removed, altered or replaced so as to conform with the provisions of this chapter within five years after the effective date of the amendment.
(1960 Code, § 53-5-10) (Ord. 3427, passed 3-7-1977)

§ 155.075 UNSAFE OR UNLAWFUL STREET GRAPHICS.

(A) Whenever the Building Commissioner reasonably believes that any street graphic or supporting structure in the city is unsafe or unlawful (either because the time limits for removal specified in § 155.074 of this chapter have been exceeded or for any other reason), he or she shall cause written notice to be served upon the owner of such graphic by certified or registered mail or by personal service.

(B) The notice shall state the street graphic has been declared unsafe or unlawful and that it must be altered, removed or repaired at once.

(C) Such notice may be in the following term:

To _____, owner of the street graphic located at _____ (here insert general location of street graphic) and generally described as _____ (here insert sufficient information to identify particular street graphic). You are hereby notified that the above mentioned street graphic has been declared unsafe or unlawful after inspection by. The reasons for this decision are _____ (here insert the facts as to the unsafe or unlawful condition). You must remedy this condition or remove the street graphic or the city will proceed to do so.

(1960 Code, § 53-5-11) (Ord. 3427, passed 3-7-1977; Ord. 7749, passed 2-18-2014)

§ 155.076 REMOVAL BY CITY, REIMBURSEMENT FOR COSTS.

(A) If, after 30 days from the date of service, the person receiving the notice required by § 155.075 of this chapter has not complied therewith or appealed the decision that an unsafe or unlawful condition exists, the Building Commissioner may, upon approval by the Mayor proceed to remedy the condition.

(B) Any expense incurred by the city pursuant to such remedial action shall be billed by first class mail to the owner, agent or person having the beneficial use of the building, structure or premises upon which the street graphic is located.

(C) If the bill has not been paid within 30 days, the unpaid charge shall constitute a lien upon the real estate. The City Attorney is hereby authorized to file a notice of lien in the office of the Recorder of Deeds of the county to foreclose this lien and to sue the owner of the real estate, or sign permittee, or his, her or their agents, in a civil action to recover the money due for the foregoing services, plus all expenses incurred pursuant to collection efforts including litigation expenses, plus reasonable attorney's fees to be fixed by the court. Any judgment shall be enforced in accordance with law.
(1960 Code, § 53-5-12) (Ord. 3427, passed 3-7-1977; Ord. 7749, passed 2-18-2014)

§ 155.077 DISCLAIMER OF ADMINISTRATIVE LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter.

(B) Any suit brought against any officer, board member, agent or employee of the city, as a result of any act required or permitted in the discharge of his or her duties under this chapter, shall be defended by the City Attorney until the final determination of the legal proceedings.
(1960 Code, § 53-5-14) (Ord. 3427, passed 3-7-1977)

GRAPHICS REVIEW BOARD; APPEALS

§ 155.090 CREATION OF GRAPHICS REVIEW BOARD.

The Board of Zoning Appeals of the city shall serve as the Street Graphics Review Board which shall hear all appeals in matters arising under this chapter and shall perform such other duties as the City Council may prescribe.
(1960 Code, § 53-6-1) (Ord. 3427, passed 3-7-1977; Ord. 6408, passed 4-1-2002)

§ 155.091 BOARD MEETINGS.

Meetings of the Graphics Review Board shall be held at the call of the Chairperson or any two members, or at such times as the Board may determine. Three members of the Board shall constitute a quorum, and an affirmative vote of at least three members shall be necessary to authorize any action of the Board. All hearings and deliberations of the Board shall be open to the public.
(1960 Code, § 53-6-2) (Ord. 3427, passed 3-7-1977)

§ 155.092 VARIANCES.

A variance is a relaxation of the requirements of this chapter that are applicable to a particular street graphic.
(1960 Code, § 53-6-3) (Ord. 3427, passed 3-7-1977; Ord. 3468, passed 11-8-1977)

§ 155.093 APPLICATION.

(A) Every application for a variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application to the Street Graphics Review Board.

(B) The application shall contain sufficient information to allow the Board to make an informed recommendation and shall include, at a minimum, the following:

(1) Name and address of the applicant;

(2) Location of the street graphic for which the variance is sought;

(3) Full and detailed explanation of the grounds for the variance request;

(4) Specific section(s) of this chapter containing the regulations which, if strictly applied, would cause a serious problem; and

(5) Any other pertinent information that the Administrator may require.
(1960 Code, § 53-6-4) (Ord. 3427, passed 3-7-1977; Ord. 3468, passed 11-8-1977)

§ 155.094 FEE.

The fee for filing a variance request shall be $75.
(1960 Code, § 53-6-5) (Ord. 3427, passed 3-7-1977; Ord. 3468, passed 11-8-1977)

§ 155.095 PUBLIC HEARING NOTICE.

The Street Graphics Review Board shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to it. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed variance shall be given not more than 30, nor less than 15, days before the hearing by publication in a newspaper of general circulation within the city.
(1960 Code, § 53-6-6) (Ord. 3427, passed 3-7-1977; Ord. 3468, passed 11-8-1977)

§ 155.096 ADVISORY REPORT.

Within a reasonable time after the public hearing, the Street Graphics Review Board shall submit an advisory report on the requested variance to the City Council.
(1960 Code, § 53-6-7) (Ord. 3427, passed 3-7-1977; Ord. 3468, passed 11-8-1977)

§ 155.097 CRITERIA FOR VARIANCE DETERMINATION.

The Street Graphics Review Board shall not recommend, nor shall the City Council grant, a variance unless it finds:

(A) The street graphic for which the variance is sought, or the building or premises on which such graphic is situated is subject to special conditions or circumstances peculiar to such graphic, building or premises;

(B) The special conditions or circumstances are such that a variance is essential to prevent great practical difficulty and/or hardship, and to make possible the reasonable use of the building or premises;

(C) The proposed street graphic variance is the minimum variance which will permit such reasonable use;

(D) In the case of the downtown business area of special control, that granting the variance will not result in the maintenance or erection of a street graphic which is not harmonious with the theme and character of the mall and other redevelopment projects;

(E) The granting of the variance will be consistent with the purposes and intent of this chapter, and will not be injurious to the area in which the graphic will be located or otherwise detrimental to the public welfare; and

(F) A variance rather than an amendment to this chapter is the more appropriate mechanism to handle the situation; the primary criterion for this determination shall be the degree of peculiarity of the conditions or circumstances engendering the variance request.
(1960 Code, § 53-6-8) (Ord. 3427, passed 3-7-1977; Ord. 3468, passed 11-8-1977)

§ 155.098 DECISION BY CITY COUNCIL.

The City Council shall act on every request for a street graphic variance at its next regularly scheduled meeting following submission of the Review Board's advisory report. The Council may grant a street graphic variance by simple majority vote of all the members then holding office. In a separate statement, the Council shall state its findings of fact and indicate its reasons for granting or denying the requested variance.
(1960 Code, § 53-6-9) (Ord. 3427, passed 3-7-1977; Ord. 3468, passed 11-8-1977)

§ 155.099 APPEALS.

(A) Any person aggrieved by any decision or order of the Building Commissioner in any matter related to the interpretation or enforcement of any provision of this chapter may appeal to the Street Graphics Review Board. Every appeal shall be taken within 30 days after such decision or order by filing with the Building Commissioner and the Board, a written notice which specifies the grounds of appeal. The fee for filing an appeal shall be $50.

(B) Within five days after the filing of an appeal, the Building Commissioner shall transmit to the Board all records pertinent to the case. He or she shall take no further action on the matter pending the Board's decision, except for unsafe graphics which present an immediate and serious danger to the public.

(C) The Board shall hold a public hearing on the case no later than 45 days after the filing of the appeal notice. A notice of the time and date of the hearing, and a brief description of the subject matter to be reviewed, shall be sent by registered mail to the petitioner and to the owners of all property located not more than 100 feet from any lot line of the petitioner's property. Substantially, similar notice shall be published in a newspaper of general circulation within the city at least 15 days, but not more than 30 days, before the hearing date.

(D) Any interested party may appear and testify at the hearing, either in person or by duly-authorized agent or attorney.

(E) Following the public hearing, the Street Graphics Review Board shall transmit its recommendations to the City Council. The City Council shall act upon the recommendations at its next regularly scheduled meeting.
(1960 Code, § 53-6-10) (Ord. 3427, passed 3-7-1977; Ord. 3468, passed 11-8-1977)

§ 155.999 PENALTY.

(A) Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $25, nor more than $500, for each offense. Each day that such violation continues shall be deemed a separate and distinct offense.

(B) The owner or tenant of any building, structure, premises or part thereof and any architect, building, contractor, agent or other person who commits, participates in or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
(1960 Code, § 53-5-13) (Ord. 3427, passed 3-7-1977)

CHAPTER 156: MOBILE HOME PARKS

Section

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Cross-reference:

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GENERAL PROVISIONS

§ 156.01 INTENT AND PURPOSE.

The intent and purpose of this chapter is to provide for regulations and requirements for the creation, development, licensing, operation and maintenance of mobile home parks within the corporate limits of the city in order to preserve, protect and promote the public health, safety and general welfare.
(1960 Code, § 19-1-19) (Ord. 5170, passed 12-6-1993)

§ 156.02 MINIMUM REQUIREMENTS.

Every provision of this chapter shall be construed liberally in favor of the city and every regulation set forth herein shall be considered the minimum requirement for the promotion of public health, safety and welfare.
(1960 Code, § 19-1-19) (Ord. 5170, passed 12-6-1993)

§ 156.03 RELATIONSHIP TO OTHER LAWS, REGULATIONS.

Whenever the requirements of this chapter differ from or are in conflict with those of any other regulation or other ordinance, the more stringent requirement shall prevail.
(1960 Code, § 19-1-19) (Ord. 5170, passed 12-6-1993)

§ 156.04 FULL COMPLIANCE WITH REGULATIONS.

Upon the effective date of this chapter, existing mobile home parks shall have five years to be in full compliance with the provisions and requirements as set forth in this chapter and other pertinent regulations. The required license shall expire after the fifth year for all mobile parks not found to be in compliance or where variances/waivers have not been approved by the corporate authority.
(1960 Code, § 19-1-19) (Ord. 5170, passed 12-6-1993)

§ 156.05 DEFINITIONS.

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

ANCHOR. Any approved device designed to be implanted in the ground and/or concrete to which the mobile home tie-down equipment is attached so as to prevent the home from shifting or toppling over as a result of high winds.

DEPARTMENT. The Department of Planning and Development of the city.

DEPENDENT MOBILE HOME. A mobile home which does not have self- contained plumbing, heating and electrical systems.

IMMOBILIZE. To remove permanently the wheels, tongue, hitch and other essential transportation devices from a home and/or to place any mobile home on a permanent foundation.

INDEPENDENT MOBILE HOME. A mobile home which includes the plumbing, heating and electrical systems self-contained. Said structure shall be constructed to meet the HUD requirements for mobile homes and shall be at least eight body feet or more in width and 40 body feet or more in length.

LICENSE. A permit issued by the Building and Zoning Commissioner authorizing the operation of a mobile home park in accordance with all applicable provisions of this chapter and other requirements of the city.

MANUFACTURED HOME. See ***MOBILE HOME*** definition.

MOBILE HOME. A structure designed for habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frames, from the place of its construction to the location or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons; the term ***MOBILE HOME*** shall also include manufactured houses constructed after 6-30-1976, in accordance with the Federal National Manufactured Housing Construction and Safety Standards Act of 1974. It is further provided that for the purpose of this chapter, the definition of ***MOBILE HOME*** shall include any portable structure used as an office; except that, it shall not include a temporary portable structure at a construction site; provided further that, if a temporary construction site structure remains at a construction site for over one year, permission to remain thereafter must be obtained from the Building and Zoning Commissioner. As defined in this chapter, a ***MOBILE HOME*** differs from a modular home in that it does not meet the adopted Building Code for the city. (See definition of ***MODULAR, PRECUT OR PREFAB HOME*** in § 162.006 of this code of ordinances.)

MOBILE HOME PARK. A tract of land or two or more contiguous tracts of land upon which contains sites with the necessary utilities for five or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a ***MOBILE HOME PARK*** if they are maintained and operated jointly. As specified in the Zoning Code, any newly developed mobile home park shall contain a parcel of land not less than ten acres in area in single/ownership control.

MOBILE HOME SPACE or ***MOBILE HOME SITE.*** Any portion of a mobile home park designed for the use or occupancy of one mobile home.

PERMANENT HABITATION. A period of two or more months.

SCHOOL DISTRICT. Any district created or operated under the provisions of the School Code of the state (105 ILCS).

TIE-DOWN EQUIPMENT. Any approved device(s) used to attach a mobile home to anchors so as to keep the home securely on its stand/foundation. Must be in compliance with the state's Mobile Home Tiedown Act, being 210 ILCS 120/1 et seq.
(1960 Code, § 19-1-1) (Ord. 5170, passed 12-6-1993; Ord. 5218, passed 2-7-1994; Ord. 5429, passed 5-15-1995)

§ 156.06 INTERPRETATION.

Nothing in this chapter shall be construed to limit the requirements set forth for mobile home parks in the Zoning Code (Ch. 162 of this code of ordinances).
(1960 Code, § 19-1-18) (Ord. 5170, passed 12-6-1993)

LICENSES, PERMITS AND CONDITIONS

§ 156.20 LICENSE.

No person, firm or corporation shall establish, maintain, conduct or operate a mobile home park without first obtaining a license therefor from the Department. Such license shall be issued for one year and shall expire at midnight on April 30 of the year next following the issuance thereof. The license shall be renewed from year to year upon payment of the annual license fee herein provided and upon certification by the Building and Zoning Commissioner that the application is in substantial compliance with all provisions of this chapter and other pertinent codes and regulations of the city.
(1960 Code, § 19-1-2) (Ord. 5170, passed 12-6-1993) Penalty, see § 156.99

§ 156.21 APPLICATION FOR LICENSE.

(A) In order to obtain a permit to construct, or an original license to operate a mobile home park, the applicant shall file with the Department a written application setting forth:

(1) The full name and address of the applicant, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application;

(2) The address, location and legal description of the tract of land upon which it is proposed to construct, operate and maintain a mobile home park;

(3) The proposed and existing facilities in the mobile home park for water supply, sewage, garbage and waste disposal, and fire protection;

(4) The proposed method of lighting the structures and land upon which the mobile home park is to be located;

(5) The calendar months of the year in which applicant will operate said mobile home park;

(6) The plot plans of the mobile home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities, all as may be required by the rules and regulations under the provisions of this chapter;

(7) A statement of the fire-fighting facilities, public or private, which are available to the mobile home park; and

(8) The number of mobile home sites proposed to be constructed or licensed.

(B) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached thereto.

(C) Where a permit to construct as well as an original license to operate is sought by the applicant, request therefor shall be made in the same application.
(1960 Code, § 19-1-3) (Ord. 5170, passed 12-6-1993)

§ 156.22 ISSUANCE OF LICENSE OR PERMIT.

(A) Upon receipt of an application for a permit to construct a mobile home park or an application for a license to operate and maintain the same, the Department shall, if the park is, or the proposed park will be, in conformity with this chapter and the rules and regulations adopted by the city pursuant thereto, issue a permit to construct or an original license, as the case may be. If the application for a permit to construct or a license is declined, the Department shall give the reasons therefor in writing to the applicant; and, if the objections can be corrected, the applicant may amend his or her application and resubmit it for approval.

(B) The applicant may appeal the decision of the Department not to renew or issue a license pursuant to division (A) above through a written request to the City Council filed with the City Clerk on a form provided by the Department.

(C) If a permit to construct a mobile home park has been issued, the applicant, upon completion thereof, shall notify the Department who shall then inspect the mobile home park and, if completed in accordance with the accepted application, the Department shall issue a license.

(D) No change in any sanitary facilities, methods of water supply, sewer, drainage, garbage or waste disposal, and no change in the plot plan shall be made without first making a written application to the Department and receiving a written permit therefrom. Such application shall be made in the way and manner hereinbefore set forth. Such change or changes shall comply with such Safety and Sanitary Code, codes, rules and regulations as are applicable thereto. The written application shall be accompanied by detailed plans and specification as may be required by City Engineer's office in order to obtain the required permit to construct and/or modify the public facilities.

(E) Such a permit does not relieve the applicant from securing a building permit or from complying with any zoning or other ordinances applicable thereto.
(1960 Code, § 19-1-4) (Ord. 5170, passed 12-6-1993; Ord. 5218, passed 2-7-1994)

§ 156.23 LICENSE FEE.

A licensee under this chapter shall pay to the City Clerk, on or before April 30 of each year, an annual license fee of $50 for the first four mobile homes in the mobile home park and, thereafter, an additional sum of $5 for each additional mobile home space in the park.
(1960 Code, § 19-1-5) (Ord. 5170, passed 12-6-1993; Ord. 5921, passed 10-19-1998)

§ 156.24 REVOCATION OR SUSPENSION OF LICENSE.

Any license under this chapter shall be subject to revocation or suspension by the Department. However, the Department shall first serve or cause to be served upon the licensee, a written notice in which shall be specified the way or ways in which such licensee has failed to comply with this chapter, or any rules or regulations promulgated by the Department pertaining thereto. Said notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within five days or within a longer period of time as may be allowed by the Department. If the licensee fails to comply with the terms and conditions of said notice within the time specified or such extended period of time, the Department may revoke or suspend such license.
(1960 Code, § 19-1-6) (Ord. 5170, passed 12-6-1993)

§ 156.25 PERMIT, DISPLAY OF PERMIT AND LICENSE TRANSFER.

No person, firm or corporation shall construct a mobile home park without first obtaining a permit to do so in accordance with § 156.22 of this chapter. The permit to construct, license to operate and permit to make alterations therein shall be kept on file in the office of the mobile home park. All licenses

issued under this chapter shall be non-transferable without the written consent of the Department. The Department shall not withhold such consent where the provisions of this chapter have been met. (1960 Code, § 19-1-7) (Ord. 5170, passed 12-6-1993)

§ 156.26 SUPERVISION AND FACILITIES.

Each mobile home park licensed or to be constructed under the provisions of this chapter shall provide for the following in the manner hereinafter specified.

(A) *Supervision.* Every mobile home park shall be managed by a responsible individual, whose name, address and telephone number shall be on file at all times with the Department, and whose duty it shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and be answerable, with the licensee, for any violation of the provisions of this chapter.

(B) *Location and space.* No mobile home park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained. No waste water from mobile homes shall be deposited on the surface of the ground.

(C) *Water supply.* An adequate supply of water of safe, sanitary quality, approved by the Department shall be furnished at each mobile home park. The water distribution system shall be designed and constructed to the requirements of the Drinking Water Systems Code and the state's Plumbing Code and shall be installed and maintained by a licensed state plumber in accordance with the Plumbing License Law. Each independent mobile home site shall be provided with a cold water tap at least four inches above the ground and properly installed in accordance with applicable codes.

(D) *Disposal of sewage and other water-carried wastes.*

(1) All sewage and other water-carried wastes shall be disposed of into a public sewerage system whenever the interceptor or sewer main of such system is adjacent to or within 200 feet of the park. In mobile home parks in which such connections are not available, disposal shall be into an approved private sewage disposal system which includes a sanitary means of disposal, the operation of which creates neither a nuisance, nor a menace, to health.

(2) When a water carriage system of sewage is used, each mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home, and trapped below the frost line. It shall be the duty of the owner or operator of said mobile home park to provide an approved type of water- and odor-tight connection, and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile homes connected to said sewer while located in a mobile home park. Sewer connections in unoccupied mobile home sites shall be so closed that they will emit no odors or cause a breeding place for flies, and shall be in full compliance with all federal, state and city codes, regulations and ordinances. No water or waste shall be allowed to fall on the ground from the mobile home.

(E) *Garbage and rubbish storage and disposal.*

(1) A sufficient number of adequate fly-proof and water-tight containers shall be supplied for the storage of garbage, in accordance with standards of the Department.

(2) Garbage containers shall be emptied at least once a week and shall not be filled to overflowing, or allowed to become foul smelling, or a breeding place for flies.

(3) Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Department. Exterior premises shall be kept free from accumulation of trash and debris.

(4) Adequate insect and rodent control measures shall be employed. All buildings shall be fly-and-rodent-proof, and rodent harborages shall not be permitted to exist in the park.

(F) *Central cooking and eating facilities.* When community kitchens and dining rooms are provided, such facilities and equipment as are supplied must be maintained in a sanitary condition and kept in good repair.

(G) *Electrical outlets.*

(1) Electrical outlets for each individual mobile home site shall be provided and the installation shall be in compliance with all state and city electrical codes and ordinances. Each mobile home shall have its electrical service wires inspected by the City Electrical Inspector at the time it is connected to the power supply and a city electrical permit is required before hook-up is made. It shall be the responsibility of both the mobile home park owner and the owner of the individual mobile home to see that a city electrical permit is obtained for each mobile home.

(2) It is further provided that service feeders from pole or pedestal are to be run in rigid conduit 18 inches below ground level to a point under a mobile home and below a mobile home lighting panel to a 12-inch by 12-inch by six-inch junction box and from this point, flexible conduit is to be used to the lighting panel in a mobile home.

(H) *Fire protection.* Mobile homes in mobile home parks shall each be equipped with fire extinguishers in working order, one in each end of the mobile home. Each fire extinguisher shall be periodically examined and kept at all times in a condition for use.

(I) *Porches and canopies.* Temporary porches and canvas-roofed canopies are permitted for mobile homes, and auxiliary rooms may also be authorized by regulation of the Department if constructed of fire-resistant materials of such specifications as shall be required by such regulations.

(J) *Skirting of perimeter.* The base of each mobile home along the perimeter shall be completely enclosed with either commercial skirting, mortared brick or mortared concrete block in a manner as

approved by the Department. The skirting shall be installed to allow proper ventilation and be equipped with an access panel of suitable size to enable inspection.

(K) *Building Code applicable.* All buildings constructed or altered, all plumbing and all electrical and heating installations shall be in accordance with city building ordinances and the rules and regulations of the Department.

(L) *Foundations.* Each mobile home in a mobile home park shall be situated on a permanent foundation, consisting of either piers, a solid slab or runners.

(1) *Concrete piers.* The minimum size required per pier is two feet by two feet by two feet. The distance from center of pier to center of pier shall not exceed ten feet.

(2) *Concrete slab.* The minimum depth of a solid slab is six inches. A frost wall, six inches wide by 16 inches deep, shall be constructed around the perimeter when a solid slab foundation is used.

(3) *Concrete runners.* Runners shall be at least three feet wide by eight inches deep. Runners shall be placed beneath the center of the "I-beams". There shall be two "I-beams" on single wides, four on double wides and six on triple wides.

(M) *Tiedowns.* Each mobile home in a mobile home park shall be tied down in accordance with the state's Mobile Home Tiedown Act, 210 ILCS 120/1 et seq., in at least six places with three places on each length side of the mobile home. Looped reinforcing rods or eye bolts shall be placed in concrete piers for anchoring.

(N) *Animal control.* No cats, dogs or other animals shall be permitted to run at large within a mobile home park and it is the responsibility of the mobile home park owner to maintain an adequate system of animal control within the mobile home park.
(1960 Code, § 19-1-8) (Ord. 5170, passed 12-6-1993)
Statutory reference:
Related provisions, see 210 ILCS 120/1 to 120/7

§ 156.27 INDEPENDENT MOBILE HOMES.

In no event shall a dependent mobile home, or non-permanent shelter or other vehicle designed or used for sleeping purposes, other than an independent mobile home, be permitted for occupancy at any time in a mobile home park.
(1960 Code, § 19-1-9) (Ord. 5170, passed 12-6-1993)

§ 156.28 APPROVAL OF APPLICATION FOR PERMIT.

(A) When the Department has approved an application for a permit to construct or make alterations upon a mobile home park or the appurtenances thereto or a license to operate and maintain the same, it

shall retain the original and keep a file thereof, and one copy shall be returned to the applicant or his or her agent, and one copy to the City Clerk. No permit shall be issued unless the fees as required for the license or renewal have been paid in full.

(B) The Department shall draft and supply all forms and blanks and specify the number and detail necessary to obtain permits to construct or make alterations upon mobile home parks and for a license to operate and maintain such a park according to this chapter.
(1960 Code, § 19-1-10) (Ord. 5170, passed 12-6-1993)

§ 156.29 RECORDS.

(A) The Department shall keep a record of all mobile home parks. The records shall show the names and addresses of all mobile home parks, names and addresses of the licensees, number of mobile home lots in each park, source of water supply, system of sewage and garbage disposal and any other information deemed essential by the Department.

(B) The Department shall supply licensees of all mobile home parks with all health rules and regulations pertaining thereto made by the city, and any changes that may be made from time to time, which rules shall be kept posted by the management in a protected, conspicuous place within the mobile home park.
(1960 Code, § 19-1-11) (Ord. 5170, passed 12-6-1993)

§ 156.30 REGULATIONS.

The following provisions are applicable to mobile home parks licensed under the provisions of this chapter.

(A) *Streets and driveways.* All streets and driveways in every mobile home park must be maintained in a passable and dust-proof condition at all times. The mobile home park site shall be direct access to a public street or highway by accessway of at least 30 feet in width. The design and construction of all streets shall comply with specifications and standards of the City Engineer's office. Each mobile home space shall abut on a driveway or accessway at least 24 feet wide with unobstructed access to a public street. Each mobile home space shall be located within 100 feet of such driveway or accessway. Appropriate turn-around space sufficient in size to accommodate emergency vehicles shall be provided at the terminus of any dead-end accessways in the mobile home park.

(B) *Sanitary and safety appliance.* The management of every mobile home park shall assume full responsibility for maintaining in good repair and condition all sanitary and safety appliances on said park.

(C) *Mobile home sites and spacing.* All existing mobile home parks constructed before 10-18-1993 shall not be required to meet the specific zoning provisions and regulations as specified in § 162.215 of

this code of ordinances with regard to minimum lot size, minimum yard dimensions and minimum area for individual mobile home spaces. The following requirements however for such existing mobile home parks shall be complied with.

(1) Each mobile home space shall have a minimum area of 2,100 square feet.

(2) No mobile home shall be parked or permanently erected closer than five feet to the side lot lines of a park, or closer than ten feet to a public street, alley or building. Each individual site/space shall abut or face on a private or public driveway or roadway. There shall be an open space of at least ten feet adjacent to the sides of every mobile home and at least five feet adjacent to the ends of every mobile home.

(3) All mobile home sites, irrespective of shape, shall have a minimum frontage of 25 linear feet.
(1960 Code, § 19-1-12) (Ord. 5170, passed 12-6-1993; Ord. 5429, passed 5-15-1995)

§ 156.31 MOBILE HOME PARK REGISTER.

(A) A register shall be maintained by the manager, caretaker or designated operator of each mobile home park. Such register shall include the name and address of the owner of each mobile home and every occupant of such mobile home and the square feet of floor space contained in such mobile home and the date of entry of such mobile home into the park.

(B) The above mentioned register shall be signed by an occupant of the mobile home. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a misdemeanor and punishable under this chapter for such offense. The registration records shall be neatly and securely maintained and no registration records shall be destroyed until six years have elapsed following the date of registration. The register shall be available at all times for inspection by law enforcement officers and by the Department.

(C) The manager, caretaker or designated operator shall not lease, rent or allow occupancy of any mobile home within the mobile home park until such time the occupant(s) obtains a certificate of occupancy from the Department.
(1960 Code, § 19-1-13) (Ord. 5170, passed 12-6-1993; Ord. 5218, passed 2-7-1994)

§ 156.32 INSPECTION AND VISITATION.

The governing body of the school district in which such mobile home park is located, by and through its officers, attendance officers and proper employees, may inspect and visit a mobile home park for the purposes of examining the register with reference to children of school age for the purpose of enforcing attendance of school children housed in the mobile home park.
(1960 Code, § 19-1-14) (Ord. 5170, passed 12-6-1993)

§ 156.33 ENFORCEMENT, INSPECTION.

(A) The Department shall enforce the provisions of this chapter and the rules and regulations adopted pursuant thereto affecting health, sanitation, water supply, sewage, garbage and waste disposal, and the Department shall personally inspect, at least once each year, each mobile home park and all the accommodations and facilities connected therewith; such officials or officers are hereby granted the power and authority to enter upon the premises of such mobile home park at any time for the purposes herein set forth.

(B) The Department may issue rules and regulations to carry out the provisions of this chapter.
(1960 Code, § 19-1-15) (Ord. 5170, passed 12-6-1993)

§ 156.34 HEARINGS.

Any person refused a permit to construct or alter a mobile home park or a license, or whose license is suspended or revoked, shall have the right to a hearing before the City Council in accordance with § 156.22 of this chapter.
(1960 Code, § 19-1-16) (Ord. 5170, passed 12-6-1993)

§ 156.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not less than $100 and no more than $500. Each day's violation shall constitute a separate offense. In addition to the fines herein set forth, and to other remedies provided in this chapter, an action for injunction may be brought to restrain such violation or to enjoin the operation of any such mobile home park.
(1960 Code, § 19-1-17) (Ord. 5170, passed 12-6-1993)

CHAPTER 157: FLOODPLAINS

Section

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§ 157.01 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the city by Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To promote and protect the public health, safety and general welfare of the citizens from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(F) To make federally subsidized flood insurance available; and

(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
(1960 Code, § 15-1-1) (Ord. 6591, passed 11-3-2003)

§ 157.02 DEFINITIONS.

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

BASE FLOOD. The flood having a 1% probability of being equaled or exceeded in any given year. The ***BASE FLOOD*** is also known as the ***100-YEAR FLOOD.*** The base flood elevation at any location is as defined in § 157.03 of this chapter.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean sea level of the crest of the base flood.

BUILDING. A structure that is principally above ground and is enclosed by walls and a roof, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

CRITICAL FACILITY. Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools and toxic waste treatment, handling or storage facilities.

DEVELOPMENT.

(1) Any human-made change to real estate including, but not necessarily limited to:

(a) Demolition, construction, reconstruction, repair, placement of a building or any structural alteration to a building;

(b) Substantial improvement of an existing building;

(c) Installation of a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days per year;

(d) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(e) Construction or erection of levees, dams, walls or fences;

(f) Drilling, mining, filling, dredging, grading, excavating, paving or other alterations of the ground surface;

(g) Storage of materials including the placement of gas and liquid storage tanks; and

(h) Channel modifications or any other activity that might change the direction, height or velocity of flood or surface waters.

(2) ***DEVELOPMENT*** does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing and similar practices that do not involve filling, grading or construction of levees.

FEMA. The Federal Emergency Management Agency.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation or the run-off of surface waters from any source.

FLOOD FRINGE. The portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP. A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOODPLAIN or ***SPECIAL FLOOD HAZARD AREA (SFHA).*** Are synonymous. Those lands within the jurisdiction of the city that are subject to inundation by the base flood. The floodplains of the city are generally identified as such on the county-wide Flood Insurance Rate Map of St. Clair County, prepared by the Federal Emergency Management Agency and dated 11-5-2003. ***FLOODPLAIN*** also includes those areas of known flooding as identified by the community.

FLOOD-PROOFING. Any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOOD-PROOFING CERTIFICATE. A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood-proofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION or ***FPE.*** The elevation of the base flood, plus one foot of freeboard at any given location in the floodplain.

FLOODWAY. The portion of the floodplain required to store and convey the base flood. The ***FLOODWAY*** for the floodplains of Catawba Creek and Richland Creek shall be as delineated on the countywide Flood Insurance Rate Map of St. Clair County, prepared by FEMA and dated 11-5-2003. The ***FLOODWAYS*** for each of the remaining floodplains of the city shall be according to the best data available from federal, state or other sources.

IDNR/OWR. Illinois Department of Natural Resources/Office of Water Resources.

MANUFACTURED HOME. A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

NFIP. National Flood Insurance Program.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SFHA. See definition of ***FLOODPLAIN.***

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

SUBSTANTIAL IMPROVEMENT.

(1) Any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started.

(2) ***SUBSTANTIAL IMPROVEMENT*** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or the state's Register of Historic Places.

TRAVEL TRAILER or ***RECREATIONAL VEHICLE.*** A vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less in size;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
(1960 Code, § 15-1-2) (Ord. 6591, passed 11-3-2003)

§ 157.03 BASE FLOOD ELEVATION.

(A) This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(B) The base flood elevation of the floodplains of the Catawba Creek and Richland Creek within the city shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of St. Clair County, prepared by the Federal Emergency Management Agency and dated 11-5-2003.

(C) The base flood elevation for each floodplain within the city that is delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of St. Clair County and dated 11-5-2003.

(D) The base flood elevation for each of the remaining floodplains within the city that is delineated as an "A Zone" on the countywide Flood Insurance Rate Map of St. Clair County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

(E) The base flood elevation for the floodplains of those parts of the unincorporated county that are within the extraterritorial jurisdiction of the city, or that may be annexed into the city, shall be as delineated on the 100-year flood profiles of the countywide Flood Insurance Study of St. Clair County, prepared by the Federal Emergency Management Agency and dated 11-5-2003.
(1960 Code, § 15-1-3) (Ord. 6591, passed 11-3-2003)

§ 157.04 VARIANCES.

(A) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendations to the

City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(B) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health or safety or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities or other public facilities;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

(7) All other required state and federal permits have been obtained.

(C) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of § 157.10 of this chapter that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage;

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing that the assumption of the risk and liability.

(D) Variances to the building protection requirements of § 157.10 of this chapter requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the state's Register of Historic Places may be granted using criteria more permissive than the requirements of § 157.12(A)(1) through (A)(5) of this chapter.
(1960 Code, § 15-1-10) (Ord. 6591, passed 11-3-2003)

§ 157.05 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger

floods may occur or flood heights may be increased by human-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.
(1960 Code, § 15-1-11) (Ord. 6591, passed 11-3-2003)

§ 157.06 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program including: Ord. 6262 (1-17-2001). However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this chapter repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(1960 Code, § 15-1-13) (Ord. 6591, passed 11-3-2003)

§ 157.07 ZONING ADMINISTRATOR; DUTIES.

(A) The Zoning Administrator shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the city meet the requirements of this chapter.

(B) Specifically, the Zoning Administrator shall:

(1) Process development permits in accordance with § 157.08 of this chapter;

(2) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 157.09 of this chapter;

(3) Ensure that the building protection requirements for all buildings subject to § 157.10 of this chapter are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood-proof certificate;

(4) Assure that all subdivisions and annexations meet the requirements of § 157.11 of this chapter;

(5) Ensure that water supply and waste disposal systems meet the Public Health standards of § 157.12 of this chapter;

(6) If a variance is requested, ensure that the requirements of § 157.04 of this chapter are met and maintain documentation of any variances granted;

(7) Inspect all development projects and take any and all actions outlined in § 157.99 of this chapter as necessary to ensure compliance with this chapter;

(8) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;

(9) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(10) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(11) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;

(12) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits and documentation of compliance for development activities subject to this chapter;

(13) Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and

(14) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.
(1960 Code, § 15-1-4) (Ord. 6591, passed 11-3-2003)

§ 157.08 DEVELOPMENT PERMIT.

(A) No person, firm, corporation or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(B) The application for development permit shall be accompanied by:

(1) Drawings of the site, drawn to scale showing property line dimensions;

(2) Existing grade elevations and all changes in grade resulting from excavation or filling;

(3) The location and dimensions of all buildings and additions to buildings;

(4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 157.10 of this chapter; and

(5) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(C) Upon receipt of an application for a development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this chapter. The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
(1960 Code, § 15-1-5) (Ord. 6591, passed 11-3-2003)

§ 157.09 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within the floodway identified on the county-wide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply.

(A) Except as provided in division (B) below, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in the flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;

(2) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;

(3) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;

(4) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;

(5) Outfall structures and drainage ditch outlets meeting the conditions of Statewide Permit No. 7;

(6) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;

(7) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;

(8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;

(9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11;

(10) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12;

(11) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and

(12) Any development determined by IDNR/OWR to be located entirely in a flood fringe area.

(B) Other development activities not listed in division (A) above may be permitted only if:

(1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.
(1960 Code, § 15-1-6) (Ord. 6591, passed 11-3-2003)

§ 157.10 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of § 157.09 of this chapter, all buildings to be located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building valued at more than $1,000 or 70 square feet;

(2) Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this chapter;

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this chapter;

(4) Structural alterations made to an existing building that increase the floor area by more than 20%;

(5) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);

(6) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and

(7) Repetitive loss to an existing building, as defined in § 157.02 of this chapter.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent landfill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap or other structural measure;

(d) The fill shall be composed or rock or soil and not incorporate debris or refuse materials; and

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and, when necessary, storm water management techniques such as swales or basins shall be incorporated.

(2) The building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls or other foundation that is permanently open to flood waters;

(b) The lowest floor and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;

(c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;

(d) The foundation and supporting members shall be anchored, designed and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;

(e) The finished interior grade shall not be less than the finished exterior grade;

(f) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

(g) Water and sewer pipes, electrical and telephone lines, submersible pumps and other service facilities may be located below the flood protection elevation; provided, they are water-proofed; and

(h) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

(C) Manufactured homes, or travel trailers to be permanently installed on a site, shall be:

(1) Elevated to or above the flood protection elevation; and

(2) Anchored to resist flotation, collapse or lateral movement by being tied down in accordance with the rules and regulations for the state's Mobile Home Tie-Down Act issued pursuant to 210 ILCS 120/1 et seq.

(D) Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of division (C) above unless the following conditions are met.

(1) The vehicle must be either self-propelled or towable by a light-duty truck. The hitch must remain on the vehicle at all times.

(2) The vehicle must not be attached to external structures such as decks and porches.

(3) The vehicle must be designed solely for recreation, camping, travel or seasonal use rather than as a permanent dwelling.

(4) The vehicles largest horizontal projections must be no longer than 400 square feet.

(5) The vehicle's wheels must remain on axles and inflated.

(6) Air-conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.

(7) Propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.

(8) The vehicle must be licensed and titled as a recreational vehicle or park model.

(9) The vehicle must be either entirely supported by jacks rather than blocks or have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(E) Non-residential buildings may be structurally dry flood-proofed (in lieu of elevation); provided, a registered professional engineer or architect certifies that:

(1) Below the flood protection elevation the structure and attendant utility facilities are water-tight and capable of resisting the effects of the base flood;

(2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and the impact from debris and ice; and

(3) Flood-proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity. Levees, berms, floodwalls and similar works are not considered flood-proofing for the purpose of this section.

(F) Garages or sheds constructed ancillary to a residential use may be permitted, provided the following conditions are met.

(1) The garage or shed must be non-habitable.

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

(3) The garage or shed must be located outside of the floodway.

(4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

(7) The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every one square foot of floor area.

(8) The garage or shed must be less than $7,500 in market value or replacement cost whichever is greater or less than 500 square feet.

(9) The structure shall be anchored to resist flotation and overturning.

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers and the like) shall be stored above the flood protection elevation.

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(G) A building may be constructed with a crawlspace located below the flood protection elevation; provided that, the following conditions are met.

(1) The building must be designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of flood waters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade.

(3) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade.

(4) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet at any point.

(5) An adequate drainage system must be installed to remove flood waters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.

(7) Utility systems within the crawlspace must be elevated above the flood protection elevation. (1960 Code, § 15-1-7) (Ord. 6591, passed 11-3-2003)

§ 157.11 SUBDIVISION REQUIREMENTS.

(A) The City Council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

(B) New subdivisions, manufactured home parks, annexation agreements, planned unit developments and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of §§ 157.09 and 157.10 of this chapter. Any proposal for such development shall include the following data:

(1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);

(2) The boundary of the floodway when applicable; and

(3) A signed statement by a registered professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the state's Plat Act (765 ILCS 205/2).
(1960 Code, § 15-1-8) (Ord. 6591, passed 11-3-2003)

§ 157.12 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 157.09 and 157.10 of this chapter, the following standards apply.

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a flood-proofed and anchored storage tank and certified by a professional engineer or flood-proofed building constructed according to the requirements of § 157.10 of this chapter.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be water-tight.

(5) Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
(1960 Code, § 15-1-9) (Ord. 6591, passed 11-3-2003)

§ 157.99 PENALTY.

(A) Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due

investigation, the Zoning Administrator may determine that a violation of the minimum standards of this chapter exists. The Zoning Administrator shall notify the owner in writing of such violation.

(B) (1) If such owner fails, after ten days' notice, to correct the violation, the city may make application to the Circuit Court for an injunction requiring conformance with this chapter or make such other order as the Court deems necessary to secure compliance with this chapter.

(2) Any person who violates this chapter shall, upon conviction thereof, be fined not less than $50, nor more than $500, for each offense.

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The city shall record a notice of violation on the title to the property.

(C) The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and theretofore may cause coverage by a standard flood insurance policy to be suspended.

(D) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (1960 Code, § 15-1-12) (Ord. 6591, passed 11-3-2003)

CHAPTER 158: STREETS AND SIDEWALKS; TREES

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GENERAL PROVISIONS

§ 158.001 OBSTRUCTING STREETS.

(A) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the city, any debris, materials or obstructions, except as may be permitted by this chapter.

(B) It shall be the duty of the Street Superintendent or his or her designated representative to exercise a vigilant supervision over such places, and to notify any person found making such deposit, or responsible for the same, to remove the offending matter at once.
(1960 Code, § 40-1-1) Penalty, see § 158.999

§ 158.002 SPITTING.

No person shall spit upon any public sidewalk, or in and upon the floor of any public place or building, within the city.
(1960 Code, § 40-1-2) Penalty, see § 158.999

§ 158.003 WATER FROM EAVES.

No person owning or occupying any building in the city shall cause pipes conducting the water from the eaves of the building to be so constructed as to spread the water over the sidewalk.
(1960 Code, § 40-1-3) Penalty, see § 158.999

§ 158.004 FIRES IN STREETS.

No person shall burn any leaves or rubbish or create any other fire on any street, sidewalk or alley in the city.
(1960 Code, § 40-1-4) (Ord. 6686, passed 10-18-2004) Penalty, see § 158.999

§ 158.005 GAMES IN STREETS.

No person shall play baseball or any game in the roadway of any street.
(1960 Code, § 40-1-5) (Ord. 56, passed - -) Penalty, see § 158.999

§ 158.006 VEHICLES ON SIDEWALKS.

No person shall operate any wagon, sled or vehicle over any sidewalk, except in crossing the same to go into a yard or lot.
(1960 Code, § 40-1-6) Penalty, see § 158.999

§ 158.007 REMOVING COAL.

No person shall dig, mine or remove coal or stone from or under any street, alley or public grounds belonging to the city.
(1960 Code, § 40-1-7) Penalty, see § 158.999

§ 158.008 DIGGING IN STREETS.

No person shall, in the city, without permission of the Mayor in writing, dig up or haul away any ground from or make any alteration in or upon any street or other public place.
(1960 Code, § 40-1-8) Penalty, see § 158.999

§ 158.009 UNDERMINING STREETS.

No person shall undermine in any manner, any street, alley or any other ground or real estate situated in the city, belonging to the city or to any private person.
(1960 Code, § 40-1-9) Penalty, see § 158.999

§ 158.010 CELLAR DOOR.

No cellar door shall be built above the level of the sidewalk or pavement.
(1960 Code, § 40-1-10) Penalty, see § 158.999

§ 158.011 STAIRWAY; RAILING.

No steps or stairway leading into any building shall extend from the wall of such building onto any pavement or sidewalk more than two feet; nor shall any passage from any cellar extend more than two feet upon the pavement or sidewalk; and, in such case, the person making or causing to be made such passage shall erect a railing on the side of the same towards the street to prevent persons from falling into same.
(1960 Code, § 40-1-11) Penalty, see § 158.999

§ 158.012 VAULTS AND GRATING.

Any person who shall in the city, dig or cause to be dug, in any street or sidewalk, any vault, shall arch or cover the same over, and secure the grating or covering of the opening thereof in such a manner as to prevent persons, animals and vehicles from falling into the same.
(1960 Code, § 40-1-12) Penalty, see § 158.999

§ 158.013 INSECURE CELLAR DOORS AND GRATINGS.

No person shall suffer any cellar door or the grating of any vault belonging to premises occupied by him or her on any street, alley or sidewalk in the city, to be or remain in an insecure condition, whereby passers-by may be in danger of falling into any cellar or vault.
(1960 Code, § 40-1-13) Penalty, see § 158.999

§ 158.014 OPEN CELLAR DOORS.

No person shall open, or suffer to remain open any cellar door, or the grating of any vault belonging to premises occupied by him or her on any street, alley or sidewalk in the city, for any purpose, except the purpose of taking in and removing goods or other articles; and any person or persons suffering such door or grating to remain open shall have a person stationed at such door or grating during the time such door or grating may remain open for the purpose of warning passers-by of the open condition of the door or grating.
(1960 Code, § 40-1-14) Penalty, see § 158.999

§ 158.015 LIABILITY OF PERSONS TO CITY FOR DAMAGES.

If any person violates any provision of §§ 158.011 through 158.014 of this chapter, and any person or property in consequence thereof is injured or damaged, and the city shall be legally required to pay for such injury or damage, the person so guilty of such violation shall be liable to the city in a civil

action for all such damages and all reasonable costs incurred by the city in relation thereto, and no prosecution or other proceeding by the city of such person for any penalty imposed for a violation shall constitute a bar to such action by the city for such damages.
(1960 Code, § 40-1-15)

§ 158.016 SNOW IN STREETS.

(A) No person shall dispose of any snow, leaves or grass from private property by transferring such snow, leaves or grass to the streets of the city.

(B) The city shall remove snow accumulation from the following private streets within the corporate city limits and no other: Elmwood Drive, Linda Vista, Pleasant Hill Drive, Voss Place, Notre Dame Hills, South 21st Street and the 400 block of South 8th Street.
(1960 Code, § 40-1-16) (Ord. 6806, passed 12-19-2005) Penalty, see § 158.999

§ 158.017 BUILDING MATERIALS IN STREET.

The Superintendent of Streets may move any obstruction on any street or sidewalk of the city, but, before doing so, he or she shall notify the person responsible therefor to remove such obstruction within a reasonable time after being so notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such lot for such length of time as may be necessary for the work. The obstruction shall not extend to more than one-half of the width of the sidewalk, street or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. Such person shall, at night, keep a red light on such material.
(1960 Code, § 40-1-17) Penalty, see § 158.999

§ 158.018 MERCHANDISE ON SIDEWALKS; DISPLAY; LOADING AND UNLOADING.

(A) No clothing, goods, wares, merchandise, signs, boxes or other article or thing shall be placed in the front of any store, shop or other place in the city, or on or above the sidewalk, or in or upon any alley, so as to occupy more than two feet next to the buildings or premises on such sidewalk or alley, or of the space above the sidewalk or alley. Any articles or things that may be hung out or placed above the sidewalk, shall be so placed or hung that the lowest point of such article or thing shall be at least eight feet above the top of the sidewalk and shall not swing more than two feet from the building.
(1960 Code, § 40-1-18)

(B) No person receiving or delivering goods, wares or merchandise in the city shall place or keep upon or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he or she may be receiving or delivering without leaving a passageway clear upon such sidewalk four feet wide for the use of pedestrians. No person receiving or delivering such goods shall suffer the same to be or

remain on such sidewalk for a longer period than 24 hours. No person shall have, place or allow to be on any sidewalk in front of any premises owned or occupied by him or her, for a longer period than 24 hours, any article, merchandise or empty containers.
(1960 Code, § 40-1-19)
Penalty, see § 158.999

§ 158.019 STREET SOLICITING.

It shall be unlawful for anyone to pass out materials or to solicit on any street in the city.
(1960 Code, § 40-1-20) (Ord. 6821, passed 2-20-2006) Penalty, see § 158.999

STREET EXCAVATIONS

§ 158.030 INTENT.

This subchapter is adopted for the purpose of protecting the city's investment in public streets and sidewalks and to improve the safety and welfare of the public in general.
(1960 Code, § 40-2-1) (Ord. 7087, passed 2-19-2008)

§ 158.031 SCOPE.

This subchapter shall apply to any person, individual, partnership, business, company, firm, corporation, public utility and non-profit organization, who makes or causes to be made openings, or excavations on any public thoroughfare or sidewalk within the corporate limits of the city.
(1960 Code, § 40-2-2) (Ord. 7087, passed 2-19-2008)

§ 158.032 PROCEDURE.

(A) All persons shall obtain a permit in writing for each and every location prior to beginning an opening or excavation on any public thoroughfare or sidewalk. Permits will be issued by the Building and Housing Office on a printed form supplied by the city.

(B) The fee for permits within any public right-of-way shall be as follows:

Commercial/industrial development	$100 each
Contractor working for the city	No charge

Driveway entrance construction	$20 each
Residential sanitary sewer connection	$25 each
Utility company main line installation	$100 each
Utility company service and repairs	$10 each

(C) Any person or entity found working on right-of-way without a valid permit, in addition to the provisions of § 158.999 of this chapter, shall pay double the cost of the permit.
(1960 Code, § 40-2-3) (Ord. 7087, passed 2-19-2008) Penalty, see § 158.999

§ 158.033 EXCAVATION REQUIREMENTS.

It will be necessary to follow the procedures as outlined below and all applicable State Department of Transportation *Standard Specifications* when opening, backfilling and patching excavations that are performed on city right-of-way. In case of conflict, this notice shall take precedence. All article and section references are to the current State Department of Transportation *Standard Specifications for Road and Bridge Construction*, herein referred to as IDOT Standard Specifications.

(A) *Compaction of backfill material.* Each excavation in or on a public street, driving surface, curb and gutter or sidewalk, or within two feet of a public street, driving surface, curb, gutter, curb and gutter, or sidewalk shall be backfilled per § 208 of the IDOT *Standard Specifications*, except as modified herein.

(1) Art. 208.02 "Materials" shall be changed to require the use of coarse aggregate as specified in Art. 704.04 of the IDOT *Standard Specifications*, and that the coarse aggregate gradation shall be CA06ii. Fine aggregate will not be allowed for haunching and trench backfill.

(2) Haunching and trench backfill material shall be compacted in according to Method 1, as specified in Art. 550.07 of the IDOT *Standard Specifications*.

(3) Whenever the City Engineer has reasonable cause to believe that backfilling for any excavation is not being done with acceptable materials or is not being adequately compacted, the City Engineer will require tests to determine whether or not the backfill material/compaction technique meets the minimum requirements prescribed. All expense for such tests shall be borne by the permittee.

(B) *Benches, support.* A 12-inch bench on all excavations in public streets, driving surfaces and sidewalks is required. A one-foot ledge of undisturbed earth on all four sides of the excavation shall be left to support the pavement patch. The one-foot distance shall be measured from the edge of the subgrade which is disturbed by the vertical excavation.

(C) *Patches in pavement.*

(1) All pavement to be patched must first be saw cut to the full depth of the pavement. The removal of the pavement shall result in a vertical patch face. If a non-vertical and/or rough face result from the removal process, the permittee will be required to extend the patch to eliminate these problems.

(2) Patches in concrete pavement shall be placed equal to the thickness of the adjacent pavement but in no case shall a concrete patch be less than eight inches. Saw kerfs in concrete pavement to be filled and sealed with either hot poured joint sealer or self leveling polyurethane sealer, limestone color. Edges of all concrete pavement patches and any construction joints within the patch, shall be tooled or sawn to provide an adequate reservoir for joint sealer. Joints to be sealed in the same manner as saw kerfs. Patching technique to be determined by existing pavement type per Art. 442.01, Class A, B or C. All patch classes to be placed per § 442, Pavement Patching. All concrete for concrete patches shall be a high early strength concrete capable of reaching a compressive strength of 3,200 psi within 16 hours. A non-calcium accelerator will be required in all cases. Opening the patch to traffic will be according to Art. 701.17(3).

(3) Where excavations are made in concrete pavements, the pavement area removed will also be controlled by the proximity of existing joints. If the pavement area to be removed is one foot or less from a joint, the pavement shall be removed to the existing joint. In no case, however, shall the one foot distance required by division (B) above be disregarded. If in the removal of pavement an expansion joint is damaged, or removed, it shall be replaced with pre-molded asphaltic expansion joint one inch thick. Joint to be sealed per Art. 420.05 and 420.12.iii

(4) Patches in oil and chip surfaces shall be eight-inch rock and three-inch hot mix asphalt surface. All asphalt work shall be per §§ 355 and 406. With the permission of the Engineer, the permittee may use full depth concrete; provided that, the concrete is dyed black with an approved concrete dye.

(5) Patches in areas previously overlain with asphalt streets shall be replaced as follows.

(a) Asphalt overlays shall have an asphalt surface equal to the thickness of the existing blacktop surface placed on a concrete base course. The concrete base course shall be the thickness of the original concrete, but not less than eight inches. All asphalt work shall be per §§ 355 and 406. With the permission of the Engineer, the permittee may use full depth concrete provided that the concrete is dyed black with an approved concrete dye. All concrete for concrete base course shall be a high early strength concrete capable of reaching a compressive strength of 3,200 psi within 16 hours. A non-calcium accelerator will be required in all cases. Opening the patch to traffic will be according to Article 701.17(3).

(b) All concrete patches and concrete base course will be tied to the adjacent concrete pavement, curb, gutter and combination curb and gutter with tie bars and dowel bars according to § 442 of the *Standard Specification* and according to current versions of IDOT Standards 420701, 442001 and 442101 or the city's standard for concrete patching. The Engineer will determine which standard is applicable to the location to be patched prior to issuing a permit.

(c) Patches in asphalt streets shall match the existing pavement structure, but in no case shall asphalt thickness be less than eight inches, with six inches being base course and two inches surface course. Base course to be per § 355. Surface course to be per § 406.

(6) Written notification shall be given the City Engineer 48 hours prior to pouring or placing any permanent street patches.

(7) Temporary patches for the convenience of traffic movement must be placed. They shall be made with a good quality of bituminous patching material properly placed, thoroughly rolled to optimum compaction and of sufficient thickness to bear the type of traffic using the street. The individual or company holding the excavation permit shall be responsible to insure that the temporary patch is properly maintained. Temporary patching may not be left in place longer than 14 days. After removal of the temporary patch and prior to placing the permanent repair, the aggregate sub base shall be re-graded and re-compacted. Under no circumstances may aggregate be used for a temporary driving surface.

(8) Any pavement markings and/or raised reflective pavement markers that are removed with the patch shall be replaced with material of the same type as the material removed. Pavement markings shall be installed according to § 780 of the *Standard Specifications*. Raised reflective pavement markers shall be installed according to § 781 of the *Standard Specifications*.

(D) *Sidewalk replacement.*

(1) Sidewalk shall be sawn full depth at nearest joint. (See IDOT Article 424.07 for placement of expansion.)

(2) Where sidewalks are perpendicular to curb, or parallel and restricted on side opposite curb, a one-inch preformed expansion joint filler shall be inserted by curb before sidewalk replacement.

(3) Expansion joint filler shall be equal to "Homex-Plus" with bond breaker.

(4) After removal of top filler, expansion joint shall be sealed with polyurethane sealant, limestone color, equal to "Sonolastic" SL1 or SL2.

(5) Where street signs occur in sidewalk to be replaced, a four-inch diameter plastic pipe shall be placed centered on sign, full depth of sidewalk. Void around post shall be filled with cold patch and compacted.

(6) Where meter posts occur in sidewalk to be replaced, poles shall be isolated in a one-foot by one-foot square with expansion joint on square's perimeter. Pole shall have a minimum one-foot diameter by one-foot deep foundation poured around it below bottom of sidewalk grade.

(E) *Curb, gutter and combination curb and gutter patches.*

(1) Curbs, gutters and combination curb and gutter are to be cut full depth and full width and carefully removed as to ensure a vertical edge.

(2) Where a patch occurs at a pavement expansion joint or no existing expansion device is within 50 feet of patch, a one-inch thick preformed expansion joint filler, cut to curb cross section shall be inserted and a one and one-quarter inch diameter, 18 inches long, smooth coated dowel bar, greased or fitted with endcap providing a minimum of one-inch expansion be installed. The curb, gutter and combination curb and gutter shall be tied to adjacent concrete pavement or concrete base course according to the current version of IDOT Standard 606001.

(3) Expansion fillers shall be equal to "Homex-Plus" with bond breaker.

(4) After removal of top filler strips expansion joints shall be sealed with polyurethane sealer, limestone color equal to "Sonolastic".

(5) Saw kerfs resulting from cutting operation will be remedied as in division (C)(2) above.

(6) Requirements of the state's Accessibility Code shall be adhered to at all times. If a ramp is built on one corner another shall be built on opposite corner. Ramps shall be constructed per IDOT Standard 2356-2.

(F) *Traffic control.*

(1) All excavation areas shall be properly barricaded and lighted for the protection of the general public.

(2) The individual or company holding the excavation permit shall be responsible to ensure that traffic control is maintained per applicable IDOT standards.

(G) *Brick surfaces.* Notwithstanding the previous portions of this notice, where excavations are made in brick surfaces, the surface shall be replaced with brick or an approved concrete stamp with the same color and texture. Restoration techniques shall be those prescribed by the City Engineer.

(H) *Clean up.* As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the City Engineer. From time to time as needed, and in any event immediately after completion of said work, the permittee shall, at his or her own expense, clean up and remove all refuse and unused materials of any kind resulting from said work. Failure to do so within 24 hours after having been notified by the City Engineer, will result in the City Engineer having the work done and the cost thereof charged to the permittee.

(I) *Lawn restoration.* At locations where it is necessary to excavate in lawns that are in public right-of-way the persons making the excavation will complete the restoration in the following manner.

(1) *Backfill.* Excavation shall be backfilled within 12 inches of final grade as per compaction of backfill material. The final 12 inches shall be of compacted top soil.

(2) *Turf or grass areas.* At the request of the city and adjacent property owners, sod of the type and quality that existed prior to excavation will be replaced.

(3) *Decorative rock and miscellaneous landscaping material.* At the request of the city and the adjacent property owners, decorative rock and other landscaping material of the type and quality that existed prior to excavation, will be replaced.

(4) *Trees and shrubs.* At the request of the city and the adjacent property owners, trees and shrubs of the type and quality that existed prior to excavation will be replaced. City Engineer to make the final determination based on "clear zones", sewer locations and public safety; the City Engineer to consult with City Forester as to acceptable planting types.
(1960 Code, § 40-2-4) (Ord. 7087, passed 2-19-2008)

§ 158.034 RESPONSIBILITY.

Any person shall provide such bond, insurance or other legal financial guarantee that will save the city harmless from any and all damages real or personal, directly or indirectly resulting from excavations made in public thoroughfares and sidewalks. Written evidence of surety bond will be acceptable assurance for damage responsibility.
(1960 Code, § 40-2-5) (Ord. 7087, passed 2-19-2008)

§ 158.035 NOTIFICATION.

Any person shall notify the City Engineer 48 hours prior to backfilling an excavation and request approval thereof and a second notification shall be given 48 hours prior to constructing the permanent patch.
(1960 Code, § 40-2-6) (Ord. 7087, passed 2-19-2008)

§ 158.036 FITNESS OF APPLICANT.

No permit shall be granted to any person who is in any respect delinquent in the payment of moneys herein provided for or who, in the judgment of the Mayor, is unfit or unqualified to engage in the class of work herein provided for.
(1960 Code, § 40-2-8) (Ord. 7087, passed 2-19-2008)

§ 158.037 ANNUAL BOND.

Any person desiring to file an annual bond may do so by filing the same in the sum of $50,000. The bond shall cover all damages as mentioned herein.
(1960 Code, § 40-2-9) (Ord. 7087, passed 2-19-2008)

§ 158.038 CLOSING STREET.

(A) Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley or public place temporarily closed to traffic and the placing of signs indicating that by the orders of the Mayor, such street, alley or public place is closed.

(B) Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place or in any manner destroy, deface or remove any such sign.
(1960 Code, § 40-2-10) (Ord. 7087, passed 2-19-2008) Penalty, see § 158.999

§ 158.039 OBSTRUCTING WORK IN STREETS.

Whenever any street, alley or public place is being improved under any contract with the city, it shall be unlawful for any person to destroy, injure, carry away, remove or interfere with any of the material or appliances used in or about the work, or impede, obstruct or interfere with the execution of the work or destroy or damage any of the work or materials which may have been placed by the contractor.
(1960 Code, § 40-2-11) (Ord. 7087, passed 2-19-2008) Penalty, see § 158.999

§ 158.040 BARRIERS AND LIGHTS.

Whoever digs or causes to be dug, any ditch or excavation in or adjoining any street, sidewalk or other public place, shall erect a suitable barrier about such excavation and during the night keep a sufficient number of yellow lights at such excavation and the earth therefrom.
(1960 Code, § 40-2-12) (Ord. 7087, passed 2-19-2008) Penalty, see § 158.999

§ 158.041 LIGHTS ON MATERIALS IN STREET.

Every object standing on a street, alley or public place within the city other than a vehicle shall have a lighted yellow light thereon at night.
(1960 Code, § 40-2-13) (Ord. 7087, passed 2-19-2008) Penalty, see § 158.999

§ 158.042 INTERFERENCE WITH BARRIERS AND LIGHTS.

No person shall remove or interfere with any barrier, warning sign or light placed in any street for the protection of the public.
(1960 Code, § 40-2-14) (Ord. 7087, passed 2-19-2008) Penalty, see § 158.999

§ 158.043 REGISTRATION FOR STREET EXCAVATION CONTRACTORS.

(A) *Required.* Any firm, person or corporation who intend to excavate in a public right-of-way or perform sanitary sewer work beyond five feet of the exterior wall of any building shall cause his or her name, residence and place of business to be registered with the city, along with the telephone number of said business.

(B) *Bond.* Each person required to register shall give bond to the city in the sum of $50,000, conditioned upon a full indemnity to the city may be liable by reason of:

(1) Failure of any firm, person or corporation to observe ordinances of the city pertaining to excavation in a public right-of-way or perform sanitary sewer work beyond five feet of the exterior wall of any building;

(2) Failure of the person to observe all rules and regulations established under the authority of any ordinances of the city pertaining to excavation in a public right-of-way or perform sanitary sewer work beyond five feet of the exterior wall of any building; and/or

(3) Negligence of the person or his or her employees in performing or protecting any street excavation, sewer work beyond five feet of the building or right-of-way areas.

(C) *Liability insurance policy.*

(1) Each person or firm prior to registering under this section shall have a minimum policy of liability insurance in the amount of $500,000 and shall present proof of said insurance to the city. The city must be listed as an additional insured on the liability insurance.

(2) The bond shall be renewed annually in the event of the impairment of the surety. The bond may be written by a surety company, or may be secured by a deposit of cash or United States government securities in the amount of the bond and shall be filed with the City Clerk.

(3) No firm, person or corporation having obtained a bond with the city shall allow his or her name or his or her business name to be used by another person or company either for the purpose of obtaining permits or for street excavations work under this subchapter.
(1960 Code, § 40-2-15) (Ord. 7087, passed 2-19-2008)

STREET GRADES

§ 158.055 CITY DATUM ESTABLISHED.

The elevation of the city datum shall be a plane measured 97.60 feet below the top of a bronze cap of an iron post set in concrete walk at the northeast corner of the County Court House yard in the city,

said cap being marked as follows, "U.S. Geological B. M. Survey Prim. Trav. Sta. No. 15 ADJ 531 feet Elevation above Sea Datum", the top of said cap being 529.411 feet above mean sea level.
(1960 Code, § 40-3-1)

§ 158.056 RECORD OF BENCHES AND ELEVATIONS.

(A) It shall be the duty of the City Engineer to have accurate standard elevations and city bench marks established from, and referring to the City Hall Bench, and after they have been ratified and confirmed by the City Council to make and keep a careful and complete record of such standard and elevation marks. He or she shall also make and keep a record of all the street grades heretofore and hereafter established by the City Council.

(B) From the elevations given in said records, all public and private improvements shall be contained in said records shall be the legal and only standard representing city datum.
(1960 Code, § 40-3-2)

§ 158.057 DEFACEMENT OF BENCH MONUMENTS.

It shall be unlawful for any person to cover up, conceal, deface, obliterate or in any manner to injure, erase, disfigure or change the location of any of the concrete standard bench monuments established by the city.
(1960 Code, § 40-3-3) Penalty, see § 158.999

§ 158.058 GRADE ORDINANCES.

All ordinances fixing the grades of streets in the city shall be referred to the City Engineer and may be passed by the City Council only upon the recommendation of the City Engineer.
(1960 Code, § 40-3-4)

§ 158.059 STREET LINES.

(A) Street grades shall be established along the curb lines of the streets and shall run in a straight line from the established grade at any street intersection to the established grade at the intersection of the next street thereto, or to any established street grade between the intersection of such streets.

(B) The term ***INTERSECTION OF STREETS*** means the intersection of curb lines and curb lines projected at all intersecting and abutting streets.
(1960 Code, § 40-3-5) (Ord. 1532, passed - -)

HOUSE NUMBERING

§ 158.070 REQUIRED.

All buildings constructed within the city shall, at the expense of the owner thereof, be provided with a number in manner as hereinafter provided.
(1960 Code, § 40-4-1)

§ 158.071 NUMBERING SYSTEM.

The odd numbers shall apply to the north and west sides of the streets, and the even numbers shall apply to the south and east sides of the streets. On all streets running in an easterly and westerly direction the numbering shall commence with No. 1 at Illinois Street, and shall increase east and west at the rate of 100 numbers for each block as nearly as the varying series of streets will admit of, thus Second, Eleventh, Church, Walnut and Abend Streets and their continuations north and south shall be rectified lines of uniformity in numbering east and west. On all streets running in a northerly and southerly direction, the numbering shall commence at Main Street and increase in these directions at the rate of 100 numbers for each block as nearly as the varying series of streets will admit, thus "C", Scheel, Garfield, McKinley, Van Buren Streets and their connection easterly and westerly direction, shall be rectified lines of uniformity in numbering in a northerly and southerly direction. The general rule shall be that 100 numbers shall represent each block going east and west from Illinois Street and north and south from Main Street.
(1960 Code, § 40-4-2)

§ 158.072 ASSIGNMENT OF NUMBERS.

(A) In numbering buildings, 20 feet shall be allowed for each number on Main Street and 25 feet for each number on all other streets throughout the city.

(B) In cases of doubt, the City Engineer shall designate and assign the proper number to any building in accordance with this section. His or her designation shall be final.
(1960 Code, § 40-4-3)

§ 158.073 POSITION.

The occupant of every building shall place the number at a point on the premises which is plainly visible from the street.
(1960 Code, § 40-4-4) Penalty, see § 158.999

§ 158.074 CHANGE.

The City Engineer shall change existing building numbers whenever such change is necessary or justifiable and he or she shall confer with the postmaster in deciding on changes. When the City Engineer decides to change an existing number, he or she shall notify the occupant in writing of such change and shall further notify such occupant that the occupant must place the new number in view as required by this subchapter within 15 days of the date of the mailing or personal service of such notice.
(1960 Code, § 40-4-5)

§ 158.075 NEW BUILDING.

Every applicant for a building permit shall furnish the Building Commissioner with a legal description of the premises concerning which the building permit is desired and, upon the granted thereof, the Building Commissioner shall designate a building number for any new construction.
(1960 Code, § 40-4-6)

TREE CODE

§ 158.090 TITLE.

This subchapter shall be known and may be cited as the "Tree Code".
(1960 Code, § 40-5-1) (Ord. 5363, passed 3-6-1995)

§ 158.091 DEFINITIONS.

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

ARBORICULTURE MANAGEMENT OR PRESERVATION. The treating, spraying, pruning and any other tree care work intended for the preservation of trees and the removal and prevention of the tree pests, blights and diseases of any and all kinds.

CITY. The City of Belleville.

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the city, or to which the public has free access as a park.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PLACE. Any public street, public highway, public park and any property owned or held by the city within the boundaries of said city.

SHALL. The act referred to is always mandatory and not merely suggested.

SUPERINTENDENT OF PARKS. The person authorized to exercise the powers granted to him or her by this subchapter.

TREE or ***STREET TREE.*** Includes any tree, shrub, bush and other woody vegetation in a public place or on private property as indicated by subsequent provisions of this subchapter.
(1960 Code, § 40-5-2) (Ord. 5363, passed 3-6-1995)

§ 158.092 URBAN FOREST DIRECTOR; POWERS AND DUTIES.

(A) The Superintendent of Parks shall, by virtue of his or her office, be the Urban Forest Director. (1960 Code, § 40-5-3)

(B) (1) *General.* The Urban Forest Director is hereby given complete authority, control and supervision of all trees which now or which may hereafter exist upon any public place in the city and over all trees which exist upon any private property in the city when such trees are in such a hazardous condition as to affect adversely the public health, safety and welfare.

(2) *Specific powers and duties.*

(a) *Preservation and removal of trees on public property.* The Urban Forest Director shall have the right and duty to prune, preserve or remove any tree or other plant existing upon any public place when such tree, or part thereof, is infected with any injury, fungus, insect or other plant disease or when such tree, or part thereof, constitutes an interference with travel. Said Director is further authorized to take such measures with regard to such trees or plants as he or she deems necessary to preserve the function and to preserve or enhance the beauty of such public place.

(b) *Order to preserve or remove trees on private property.* The Urban Forest Director shall have the authority and it shall be his or her duty to order the pruning, preservation or removal of trees or plants upon private property when such trees constitute a public nuisance or when he or she shall find such action necessary to preserve the public health, safety and welfare.

1. Any dead, dangerous or diseased tree insofar as it affects the public health, comfort, safety and welfare is hereby declared a public nuisance dangerous to life and limb. For the purposes of this subchapter, a ***DEAD TREE*** is any tree with respect thereto that the Urban Forest Director or his or her designated agent has determined that no part thereof is living; a dangerous tree is any tree, or part thereof, living or dead, which the said Urban Forest Director or his or her designated agent shall find is in such a condition and is so located as to constitute a danger to persons or property

on public space in the vicinity of said tree; a ***DISEASED TREE*** shall be any tree on private property in such a condition of infection from a major pathogenic disease as to constitute, in the opinion of the said Urban Forest Director or his or her designated agent, a threat to the health of any other tree.

2. Any trees, such as ailanthus, silver maple, poplar, boxelder, catalpa or willow whose roots penetrate through or under the surface of any public place in the city, is hereby declared to be an undesirable species of tree for street planting.

3. Any hedge, tree, shrub or other growth situated at the intersection of two or more streets, alleys or driveways in the city is hereby declared to be a public nuisance to the extent that such hedge, tree, shrub or other growth obstructs the view of the operator of any motor vehicle with regard to other vehicles or pedestrians approaching or crossing the said intersection.

4. Minimum clearances of any overhanging portions of any hedge, tree or shrub shall be nine feet above sidewalks and 12 feet above streets.

(c) *Authority of Urban Forest Director to enter on private premises.* The Urban Forest Director or any designated member of his or her staff shall have the authority to enter upon private premises at any and all reasonable times to examine any tree or shrub located upon or over such premises and to carry out the provisions of the subchapter when, in his or her opinion, the tree or shrub may constitute a public nuisance or hazard.

(d) *Desirable and undesirable plant lists.* The Urban Forest Director shall provide lists of trees desirable in this list may be planted as street trees without written permission of the City Tree Board. These lists are defined in the Urban Forestry Inventory, as included in Exhibit "A" (attached to the ordinance codified herein).

(e) *Delegation of duties and authority.*

1. In the exercise of all or any of the powers herein granted, the Urban Forest Director shall have the authority to delegate all or part of his or her powers and duties with respect to supervision and control to his or her subordinates and assistants in the employ of the city, as he or she may from time to time determine.

2. Such subordinates or assistants may be appointed by the Urban Forest Director as he or she deems expedient. He or she may at any time remove them from office.

(f) *Supervision.* The Urban Forest Director or his or her appointed officer shall have the authority and it shall be his or her duty to supervise work done under a permit issued in accordance with terms of this subchapter.
(1960 Code, § 40-5-5)
(Ord. 5363, passed 3-6-1995)

§ 158.093 CITY TREE BOARD.

(A) *General.* There is hereby created and established a City Tree Board, which shall consist of five members, who shall be appointed by the Mayor with the approval of the Council. The Urban Forester shall serve as a non-voting member providing support to the Tree Board.

(B) *Term of office.* The five citizen members of the board shall be appointed by the Mayor for a term as hereinafter provided or until their successors are appointed. Two elector members shall be appointed for the term of one year and three elector members shall be appointed for a term of two years, respectively. Thereafter, the term will be three years.

(C) *Compensation.* Members of the Board shall serve without compensation.

(D) *Duties and responsibilities.* In working with the Urban Forest Director, it shall be the responsibility of the Board to study, investigate, counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and, upon its acceptance and approval, shall constitute the official comprehensive city tree plan for the city. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of questions within the scope of its work.

(E) *Operation.* The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.
(1960 Code, § 40-5-4) (Ord. 5363, passed 3-6-1995)

§ 158.094 URBAN FOREST MANAGEMENT PLAN ADOPTED.

This is hereby adopted for the city a Street Tree Inventory Plan public document showing species of all trees existing or to be planted in the public right-of-way of all streets within the city. Said Street Tree Inventory Plan is attached to the ordinance codified herein and is hereby incorporated by reference. No person shall hereafter plant, transplant or remove any public tree on or to any street of the city, except on a location where it will be in conformation to the Street Tree Inventory Plan and the species and variety therein designated.
(1960 Code, § 40-5-6) (Ord. 5363, passed 3-6-1995) Penalty, see § 158.999

§ 158.095 GENERAL TREE REGULATIONS.

(A) *Injury to trees prohibited.* No person shall, without the written permission from the Urban Forest Director in the case of a public tree, do or cause to be done to others, any of the following acts:

(1) Secure, fasten or run any rope, wire, sign or other device or material to, around or through a tree;

(2) Break, injure, mutilate, deface, kill or destroy or permit any fire to burn where it will injure any tree;

(3) Permit any toxic chemical, gas, smoke, brine, oil or other injurious substance to seep, drain or to be emptied upon or about any tree;

(4) Excavate any ditch or trench in such a manner as to adversely affect the health of a tree or damage the root system;

(5) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby trees which may be injured or defaced by or where said injury or defacement may arise out of, in connection with or by reason of such operation;

(6) Knowingly permit any uninsulated electric transmission or distribution wires to come in prolonged contact with any public tree; and

(7) Remove any guard, stake or other device or material intended for the protection of any public tree or close or obstruct any open space about the base of a public tree designed to permit access of air, water and fertilizer.

(B) *Moving trees.* All moving of trees upon any public place in the city made necessary by the moving, construction or razing of a building or structure by any other private enterprise shall be done under the supervision of the Urban Forest Director at the expense of the applicant. Such applicant, as one of the conditions of obtaining such permission, shall deposit with the city such sum in cash as the Urban Forest Director may determine and specify to cover all the costs of moving and replacement thereof; provided, however, that, in lieu of such cash deposit the Urban Forest Director may, at his or her discretion, accept a good and sufficient bond in like amount conditioned upon the payment of all the costs of such moving and replacing.

(C) *Spacing.* The spacing of street trees will be in accordance with the tree species size classes listed in the street tree inventory, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in the special plantings designed or approved by a landscape architect and subject to the approval of the City Tree Board.

(D) *Distance from curb and sidewalks.* The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in the street tree inventory, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.

(E) *Distance from street corners and fireplugs.* No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet of any fireplug.

(F) *Utilities.* No street trees other than those species listed as small trees in the street tree inventory may be planted under or within ten lateral feet of any overhead utility wire pole or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility. No street tree may be planted within ten lateral feet of any utility pole.

(G) *Public tree care.*

(1) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the line of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(2) The City Tree Board or the Urban Forest may request the Street Department to remove any tree or part thereof which is in an unsafe condition, thereof which by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this subchapter.

(H) *Tree topping.* It shall be unlawful, as a normal practice, for any person, firm or city department to top any street tree, park tree or other tree on public property. ***TOPPING*** is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions may be exempted from this subchapter at the determination of the City Tree Board.

(I) *Pruning, corner clearance.* Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of nine feet above sidewalks and 12 feet above the surface of the street. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or obstructs the view of any street intersection.

(J) *Dead or diseased tree removal on private property.* The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects of disease which constitute a potential threat to other trees within the city. The City Tree Board or designated city department will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. For a hazardous condition, the owner will have 14 days to correct.

(K) *Penalty.* In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and placed a lien on the owner's property to recover all costs incurred. Until such bills or liens are paid in full, no occupancy permits will be issued by the city.

(L) *Removal of stumps.* All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
(1960 Code, § 40-5-7) (Ord. 5363, passed 3-6-1995) Penalty, see § 158.999

§ 158.096 ASSESSMENT ORDINANCE.

Those costs incurred by the city which constitute a special assessment as authorized by this code of ordinances shall become a lien upon the property as of the date of the filing of the certificate of expenditure within the City Council. If such lien shall remain unpaid at the expiration of two years from the date of the filing of the certificate, the property may be sold for taxes in the same manner as property sold for general real estate taxes.
(1960 Code, § 40-5-8) (Ord. 5363, passed 3-6-1995)

§ 158.097 INTERFERENCE WITH CITY TREE BOARD.

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents while engaging in and about the inspection, planting, cultivation, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this subchapter.
(1960 Code, § 40-5-10) (Ord. 5363, passed 3-6-1995) Penalty, see § 158.999

§ 158.098 REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.
(1960 Code, § 40-5-11) (Ord. 5363, passed 3-6-1995)

SIGNS AND AWNINGS

§ 158.110 SIGNS ACROSS STREETS.

(A) No person shall place any sign, advertisement or banner across any street or alley in the city without first having obtained permission from the City Council.

(B) A majority vote of the City Council shall be required to grant permission to place any sign, advertisement or banner over or across any street or alley in the city.

(C) No such sign, advertisement or banner shall be permitted to remain over or across any street or alley in the city for a period of longer than 16 days; and any such sign, advertisement or banner giving notice of an event will be removed within 48 hours after the taking place of that event.
(1960 Code, § 40-6-1) (Ord. 3231, passed 6-4-1974) Penalty, see § 158.999

§ 158.111 POSTS OR AWNINGS.

No person shall, in the city, without written permission from the Mayor, set up or cause to be set up any awning or other post on any street, alley or sidewalk or suspend or put up any awning less than eight feet in height above the sidewalk, or any sign, sign box or fixture, which shall extend over or upon any sidewalk, or suspend any merchandise or other articles in front of any house more than two feet from the wall thereof, and so that any part of the same shall be less than eight feet above the ground or pavement.
(1960 Code, § 40-6-2) Penalty, see § 158.999

§ 158.112 SIGNS ON POLES.

No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, pasted, painted or fastened, any sign or any other foreign substance or material onto any telegraph, telephone, electric light, police and fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds, or injure or deface any such pole or post.
(1960 Code, § 40-6-3) Penalty, see § 158.999

FENCES

§ 158.125 BARBED WIRE FENCES.

No person shall build or cause to be built, constructed or kept upon or along the line of any street, alley or sidewalk within the city, a fence consisting either in whole or in part of barbed wire.
(1960 Code, § 40-7-1) Penalty, see § 158.999

§ 158.126 SPITE FENCES.

No person shall erect, construct or maintain any partition or division fence or any section or portion thereof which exceeds four and one-half feet in height above the surface of the ground for the first 50 feet back from the front of street line of the lot or lots; and no partition or division fence shall be

constructed of such height or in such a manner as to interfere with the access of light or air to any dwelling house or place used as a permanent habitation.
(1960 Code, § 40-7-2) Penalty, see § 158.999

§ 158.127 HEIGHT.

No person shall erect, construct or maintain any fence which exceeds five feet in height above the surface of the ground upon any lot or tract of ground where the fence is adjacent or abuts any street in the city.
(1960 Code, § 40-7-3) Penalty, see § 158.999

§ 158.128 ELECTRIC FENCES.

No person shall erect or maintain anywhere in the city a fence equipped with any electric charge sufficient to cause shock.
(1960 Code, § 40-7-4) (Ord. 3227, passed 5-20-1974) Penalty, see § 158.999

§ 158.129 FENCE.

A hedge, structure or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates. An enclosure about a field or other space, or about any object; especially an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within.
(1960 Code, § 40-7-5) (Ord. 7197, passed 10-20-2008) Penalty, see § 158.999

STREET LIGHTS AND FIRE HYDRANTS

§ 158.140 STREET LIGHTS; LOCATION, SPACING AND LUMENS.

(A) Street lights are to be located at the front of the property only. After the date of the adoption of this policy by the City Council, spacing between the street lights shall be no less than 200 feet. Standards and procedures for spacing and measurement shall be adopted and performed under the direction of the city's Engineering Department. The standard street light shall be 7,200 lumen mercury vapor lamp (175 watt).

(B) This standard may be modified by recommendation of the City Engineer to the City Council.
(1960 Code, § 40-8-1) (Ord. 5706, passed 3-3-1997)

§ 158.141 EXCEPTIONS; LUMENS.

A street light may be installed when a location is designated, in writing, as a location or area of special concern by the Chief of Police, the City Engineer and the Mayor.
(1960 Code, § 40-8-2) (Ord. 5706, passed 3-3-1997)

§ 158.142 HISTORIC DISTRICT DESIGNATION LIGHTING POLICY.

(A) The Historic District in the city shall be exempt under this subchapter.

(B) However, the following regulations shall apply to the Historic District in the city.

(1) Local historic district boundaries shall be outlined with a "period" light post containing low wattage bulbs and a sign with the district name. Said light post shall be placed at the intersection of the historic district and shall include two light poles placed opposite from one another to represent entries into the district. The light fixtures are not intended to provide street light but rather to highlight a district's boundaries.

(2) The light poles shall enhance the effect of the historic district neighborhood with an attempt to compliment the spirit of historic preservation. The "period" street lights shall signify properties which are subject to additional restrictions to protect property values and the architectural and historical significance of structures within the local historic district.
(1960 Code, § 40-8-3) (Ord. 5706, passed 3-3-1997)

§ 158.143 REQUEST PROCEDURE.

Requests for street lights are to be made to the City Clerk by an Alderman in the ward in which the light is located. The request shall be on a form prescribed by the City Clerk and the City Engineer. After the request is made on the form prescribed by the City Clerk and City Engineer, the matter shall come before the City Council and any addition of a street light pursuant to this subchapter shall be with the approval of the City Council.
(1960 Code, § 40-8-4) (Ord. 5706, passed 3-3-1997)

§ 158.144 APPEALS PROCEDURE.

An Alderman may appeal a decision regarding spacing or areas of special concerning by submitting the appeal request in writing to the Utilities Committee. The Utilities Committee shall consider the request and make a recommendation to the City Council for its affirmation or denial.
(1960 Code, § 40-8-5) (Ord. 5706, passed 3-3-1997)

§ 158.145 FIRE HYDRANTS; APPEALS.

(A) Fire hydrants shall be located as designated by the Fire Chief under standards established by the National Fire Protection Association. Exceptions to these standards shall be permitted only with the approval of the City Engineer and Mayor.
(1960 Code, § 40-8-6)

(B) Appeals to decisions of the location of fire hydrants shall be made in writing by an Alderman to the Police and Fire Committee. The Police and Fire Committee shall consider the request and make a recommendation to the City Council for its affirmation or denial.
(1960 Code, § 40-8-7)
(Ord. 5706, passed 3-3-1997)

§ 158.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person failing to comply with §§ 158.030 through 158.043 of this chapter shall be subject to a fine of not less than $50, nor more than $500, for each and every violation.
(1960 Code, § 40-2-7)

(C) Any person who shall violate any of the provisions of § 158.057 of this chapter shall be fined not less than $50, nor more than $200, for each offense.
(1960 Code, § 40-3-3)

(D) Whoever violates any provision of §§ 158.070 through 158.075 of this chapter shall be fined in a sum not less than $75, nor more than $250.
(1960 Code, § 40-4-7)

(E) Any person violating any of the provisions of §§ 158.090 through 158.098 of this chapter shall be deemed and held guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than $25, nor more than $500, and/or may be imprisoned for a period not to exceed 60 days.
(1960 Code, § 40-5-9)
(Ord. 7087, passed 2-19-2008; Ord. 7207, passed 12-15-2008)

CHAPTER 159: ENTERPRISE ZONES

Section

159.01 Zone established
159.02 Boundaries
159.03 Qualifications
159.04 Sales tax exemption
159.05 Property tax exemption
159.06 Zone Administrator
159.07 Fee schedule

§ 159.01 ZONE ESTABLISHED.

The city hereby establishes an "Enterprise Zone" pursuant to authority granted by the state's Enterprise Zone Act, being 20 ILCS 655, (the "Act"; Public Act 82-1019), as amended, subject to the approval of the state's Department of Commerce and Community Affairs, and subject to the provisions of the Act.
(1960 Code, § 11-1-1)

§ 159.02 BOUNDARIES.

The boundaries of the Enterprise Zone, which establish the "Zone Area", are those set forth in the map attached to the ordinance codified herein and made a part hereof. The term of the zone shall commence with the date the Enterprise Zone is designated and certified by the state's Department of Commerce and Economic Opportunity pursuant to the Act, and shall be in effect for 30 calendar years, or for a lesser number of years specified in the certified designating ordinance, unless otherwise dated herein.
(1960 Code, § 11-1-2)

§ 159.03 QUALIFICATIONS.

(A) The city hereby declares and affirms that the Zone Area is qualified for designation as an Enterprise Zone in accordance with the provisions of the state's Enterprise Zone Act, being 20 ILCS 655, and further affirms that:

(1) An area is qualified to become an enterprise zone which:

(1) Is a contiguous area, provided that a Zone Area may exclude wholly surrounded territory within its boundaries;

(2) Comprises a minimum of one-half square mile and not more than 12 square miles;

(3) Is entirely within a municipality; and

(4) Meets three or more of the following criteria:

(a) All or part of the local labor market area has had an annual average unemployment rate of at least 120% of the state's annual average unemployment rate for the most recent calendar year or the most recent fiscal year as reported by the Department of Employment Security;

(b) Designation will result in the development of substantial employment opportunities by creating or retaining a minimum aggregate of 1,000 full-time equivalent jobs due to an aggregate investment of $100,000,000 or more, and will help alleviate the effects of poverty and unemployment within the local labor market area;

(c) All or part of the local labor market area has a poverty rate of at least 20% according to the latest federal decennial census, 50% or more of children in the local labor market area participate in the federal free lunch program according to reported statistics from the State Board of Education, or 20% or more households in the local labor market area receive food stamps according to the latest federal decennial census;

(d) An abandoned coal mine or a brownfield (as defined in § 58.2 of the Environmental Protection Act) is located in the proposed Zone Area, or all or a portion of the proposed zone was declared a federal disaster area in the three years preceding the date of application;

(e) The local labor market area contains a presence of large employers that have downsized over the years, the labor market area has experienced plant closures in the five years prior to the date of application affecting more than 50 workers, or the local labor market area has experienced state or federal facility closures in the five years prior to the date of application affecting more than 50 workers;

(f) Based on data from Multiple Listing Service information or other suitable sources, the local labor market area contains a high floor vacancy rate of industrial or commercial properties, vacant or demolished commercial and industrial structures are prevalent in the local labor market area, or industrial structures in the local labor market area are not used because of age, deterioration, relocation of the former occupants, or cessation of operation;

(g) The applicant demonstrates a substantial plan for using the designation to improve the state and local government tax base, including income, sales and property taxes;

(h) Significant public infrastructure is present in the local labor market area in addition to a plan for infrastructure development and improvement;

(i) High schools or community colleges located within the local labor market area are engaged in ACT Work Keys, Manufacturing Skills Standard Certification or other industry-based credentials that prepare students for careers; or

(j) The change in equalized assessed valuation of industrial and/or commercial properties in the five years prior to the date of application is equal to or less than 50% of the state average change in equalized assessed valuation for industrial and/or commercial properties, as applicable for the same period of time.

(B) On 11-19-1984, the city conducted a public hearing within the Zone Area on the question of whether to create the zone, what local plans, tax incentives and other programs should be established in connection with the zone, and what the boundaries of the zone should be, and that public notice was given in at least one newspaper of general circulation within the Zone Area, not more than 20, nor less than five, days before the hearing.
(1960 Code, § 11-1-3)

§ 159.04 SALES TAX EXEMPTION.

Each retailer whose place of business is within the corporate limits of the city and who makes a sale of building materials to be incorporated into real estate located in the Zone Area by remodeling, rehabilitation or new construction, may file claims for credit or refund to recover the amount of tax paid under the Municipal Retailers' Occupation Tax Act, being 65 ILCS 5/8-11-1 et seq.; provided, however, that, such remodeling, rehabilitation or new construction is of the nature and scope for which a building permit is required and has been obtained. The incentive provided by this section shall commence the first day of the calendar month following the month in which the Enterprise Zone is designated and certified, and shall continue for the term of the Enterprise Zone.
(1960 Code, § 11-1-4)

§ 159.05 PROPERTY TAX EXEMPTION.

The city authorizes and directs the County Clerk to abate ad valorem taxes imposed upon real property, located within the Enterprise Zone Area, upon which new improvements have been constructed or upon which existing improvements have been renovated or rehabilitated, subject to the following conditions.

(A) Any abatement of taxes on any parcel shall not exceed the amount attributable to the construction of the improvements and the renovation or rehabilitation of existing improvements on such parcel.

(B) Such abatement shall be allowed only for commercial and industrial property which are not used for residential purposes located within the Zone Area.

(C) Such abatement shall be at the rate of: 50% of the value of the improvements, for the assessment year in which the improvements are made, and the four assessment years immediately following the year in which the improvements are made.

(D) Such abatement shall continue and be in full force as set forth in this section for any improvements which are completed within the term of the Enterprise Zone as specified in § 159.02 of this chapter.
(1960 Code, § 11-1-5) (Ord. 5013, passed 11-16-1992)

§ 159.06 ZONE ADMINISTRATOR.

(A) Each Zone Administrator designated under § 8 of this Act shall post a copy of the boundaries of the Enterprise Zone on its official Internet website and shall provide an electronic copy to the Department. The Department shall post each copy of the boundaries of an Enterprise Zone that it receives from a Zone Administrator on its official Internet website.

(B) The Zone Administrator shall collect and aggregate the following information:

(1) The estimated cost of each building project, broken down into labor and materials; and

(2) Within 60 days after the end of the project, the estimated cost of each building project, broken down into labor and materials.

(C) By April 1 of each year, each Zone Administrator shall file a copy of its fee schedule with the Department, and the Department shall post the fee schedule on its website. Zone Administrators shall charge no more than 0.5% of the cost of building materials of the project associated with the specific Enterprise Zone, with a maximum fee of no more than $50,000.
(1960 Code, § 11-1-7) (Ord. 4135, passed 12-31-1984)

§ 159.07 FEE SCHEDULE.

The fee schedule shall be no more than 0.5% of the estimated cost of building material of the project, associated with the expansion of the Enterprise Zone for a specific project, with a maximum fee of no more than $50,000.

CHAPTER 160: SPECIAL BUSINESS DISTRICTS

Section

160.01 Definitions
160.02 Findings
160.03 Route 15/S. Green Mount Road Business District Plan
160.04 Route 15/S. Green Mount Road Business District and Commission
160.05 Findings related to the Business District
160.06 Imposition of the Business District taxes

§ 160.01 DEFINITIONS.

As styled in the ordinance codified herein, all capitalized terms used in that ordinance shall be construed as defined in the Business District Act and the Business District Plan. (This chapter does not contain such stylization.)
(1960 Code, § 39-1-1) (Ord. 7343, passed 12-21-2009)

§ 160.02 FINDINGS.

The city hereby makes the following findings as supported by the Route 15/S. Green Mount Road Business District Plan.

(A) The Business District Plan constitutes a specific plan for a business district in the city.

(B) The designation of the Business District, as more specifically described in the Business District Plan, will assure opportunities for development and redevelopment, and attraction of quality commercial growth to the city.

(C) The Business District Plan and the Business District conform with the existing Comprehensive Plan for the city.

(D) The city's exercise of the powers provided in the Act is dedicated to the promotion of the public interest and to the enhancement of the tax base of the business district's and the city's use of the powers for the development and redevelopment of the Business District as provided in the Business District Plan is declared to be a public use essential to the public interest of the residents of the city.
(1960 Code, § 39-1-2) (Ord. 7343, passed 12-21-2009)

§ 160.03 ROUTE 15/S. GREEN MOUNT ROAD BUSINESS DISTRICT PLAN.

The Route 15/S. Green Mount Road Business District Plan is hereby approved in the form as filed with the City Clerk on 10-19-2009, a copy of which is attached to the ordinance codified herein and incorporated herein by this reference.
(1960 Code, § 39-1-3) (Ord. 7343, passed 12-21-2009)

§ 160.04 ROUTE 15/S. GREEN MOUNT ROAD BUSINESS DISTRICT AND COMMISSION.

The Route 15/S. Green Mount Road Business District is hereby established pursuant to the Business District Plan and the Business District Act. The City Council shall have and possess without limitation, such powers with respect to the Business District as authorized under the Business District Act and the Business District Plan.
(1960 Code, § 39-1-4) (Ord. 7343, passed 12-21-2009)

§ 160.05 FINDINGS RELATED TO THE BUSINESS DISTRICT.

(A) The city hereby finds the area included in the Business District to be a "blighted area" as such term is used under the Business District Act based on the facts as set forth in the Business District Plan. The Business District shall have such additional powers available to the Business District under the Business District Act as a result of the area in the Business District being a blighted area, including the power to impose a retailers' occupation tax and a service occupation tax in the business district for the planning, execution and implementation of the Business District Plan.

(B) The city hereby makes the following findings with respect to the property within the Business District pursuant to the Business District Act.

(1) The area to be designated as a Business District is contiguous.

(2) The Business District includes only parcels of real property directly and substantially benefitted by the Business District Plan.

(3) The Business District, in its entirety, is located within the city limits.

(4) The Business District is a blighted area; that, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use.

(5) The Business District, on the whole, has not been subject to growth and development through investment by private enterprises or would not reasonably be anticipated to be developed without the adoption of the Business District Plan.

(6) The Business District Plan conforms to the Comprehensive Plan for the development of the city as a whole, as determined by the City Council.

(C) The city hereby finds that the Route 15/S. Green Mount Road Business District Plan includes the following:

(1) A specific description of the proposed boundaries of the Business District, including a map illustrating the boundaries;

(2) A general description of each project proposed to be undertaken within the Business District, including a description of the approximate location of each project;

(3) The name of the proposed Business District;

(4) The estimated Business District costs;

(5) The anticipated source of funds to pay Business District costs;

(6) The anticipated type and terms of any obligations to be issued (the obligations); and

(7) The rate of any tax to be imposed pursuant to subsections (12) or (13) of § 11-74.3-3 of the Business District Act and the period of time for which the tax shall be imposed.
(1960 Code, § 39-1-5) (Ord. 7343, passed 12-21-2009)

§ 160.06 IMPOSITION OF THE BUSINESS DISTRICT TAXES.

(A) (1) A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of the state's government, at retail within the boundaries of the Route 15/S. Green Mount Road Business District at the rate of 1% of the gross receipts from such sales made in the course of such business while this chapter is in effect; and a tax is hereby imposed upon all persons engaged within the boundaries of the Route 15/S. Green Mount Road Business District in the business of making sales of service, at the rate of 1% of the selling price of all tangible personal property transferred by such serviceperson as an incident to a sale of service. This Business District retailers' occupation tax and this Business District service occupation tax shall not be applicable to the sale of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs,

medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes and needles used by diabetics.

(2) The imposition of these Business District taxes is in accordance with the provisions of subsections (B) and (C), respectively, of § 11-74.3-6 of the Illinois Municipal Code (65 ILCS 5/11-74.3-6).

(3) The city shall file with the Department of Revenue of the state a certified copy of this chapter, including the boundaries of the Route 15/S. Green Mount Road Business District, and all other documents required by the Business District Act for the administration, collection and enforcement by the Department of these Business District sales taxes.

(4) All amounts generated by the sales tax shall be collected and the tax shall be enforced by the Department of Revenue in the same manner as other retailers' occupation taxes and service occupation taxes imposed by the city. The proceeds of the sales tax shall be deposited by the city into a special fund held by the city entitled the Route 15/S. Green Mount Road Business District Tax Allocation Fund.

(B) (1) A hotel operator's occupation tax is hereby imposed upon all persons engaged in the business of renting, leasing or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate of 1% of the gross rental receipts from the renting, leasing or letting of hotel rooms within the business district, excluding, however, from gross rental receipts the proceeds of renting, leasing or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of § 13 of the Metropolitan Pier and Exposition Authority Act. Revenues from the hotel tax shall be applied to payment of the authorized expenditures of the Business District or to payment of bonds, notes or other obligations issued to fund such Business District costs.

(2) The imposition of this Business District tax is in accordance with the provisions of subsection (d) of § 11-74.3-6 of the Illinois Municipal Code (65 ILCS 5/11-74.3-6).

(3) The city shall administer, collect and enforce the hotel tax as provided in the Business District Act.

(4) The proceeds of the hotel tax shall be deposited by the city into a special fund held by the city entitled the Route 15/S. Green Mount Road Business District Tax Allocation Fund.

(C) The taxes hereby imposed under division (A) above, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the state. The Department of Revenue shall have full power to administer and enforce the provisions of this chapter.

(D) The Municipal Clerk is hereby directed to file a certified copy of this chapter with the state's Department of Revenue on or before April 1.

(E) This chapter shall take effect on July 1 next following the adoption and filing of this chapter with the Department of Revenue.
(1960 Code, § 39-1-6) (Ord. 7343, passed 12-21-2009)

CHAPTER 161: SUBDIVISIONS

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GENERAL PROVISIONS

§ 161.001 SUBDIVISION REGULATIONS.

Before any land is subdivided in the city and before a subdivision plat is approved by the City Council the person seeking to subdivide or seeking to obtain the approval of a subdivision plat shall comply with the rules and regulations set forth in this chapter.
(1960 Code, § 41-1-1) (Ord. 7128, passed 4-28-2008)

§ 161.002 DEFINITION.

As used in this chapter, a ***SUBDIVISION*** is the division within the jurisdiction of the City Plan Commission of a lot, tract or parcel of land into two or more lots or other divisions of land, for the purpose, whether immediate or future, of transfer of ownership or building development. A division of land for agricultural purposes, in parcels of more than ten acres, not involving any new street or easement of access is not a ***SUBDIVISION***.
(1960 Code, § 41-1-2) (Ord. 7128, passed 4-28-2008)

§ 161.003 CONFERENCE FOR SKETCH PLAT.

(A) *Intent and purpose.* The objective of this procedure is to provide an opportunity for the applicant (subdivider) and appropriate city committees to confer regarding the concept and basic elements

of the proposed development. This procedure is intended to provide the foundation for a clear understanding and line of communication between the applicant and the city concerning the applicant's development proposals and the city's subdivision development regulations and further serve to conserve time, effort and expense. By allowing the applicant an early opportunity to gain the city's input into the proposed development, this procedure should facilitate and expedite the formal subdivision review and approval process.

(B) *Discussion of requirements.* Prior to preparing and submitting the sketch plat for a subdivision, the applicant shall review the city's applicable codes and ordinances to determine the specific procedures and steps to prepare and submit a subdivision plat and plans for approval. The Comprehensive Plan of the city shall be reviewed by the subdivider to determine how his or her proposed plat will compliment the plan and development guidelines and policies. Requirements as to the general layout of streets and for reservations of land, street improvements, storm water drainage, water and sanitary sewer, community facilities and relationship to other developments in the immediate area shall be discussed and determined.

(C) *Application procedure and plat requirements.* Prior to preliminary plat submittal, an owner of the land, the developer or his or her representative shall file an application for approval of a sketch plat with the city's Plan Commission. The application shall be made on forms available from the city's Economic Development and Planning Department and shall be accompanied by a neat sketch plat (of sufficient scale) with at least the following information:

(1) Site boundaries, size and general description and location;

(2) Approximate subdivision lot boundaries and dimensions;

(3) Proposed layout of streets, lots and other features in relation to existing conditions including, but not limited to, sidewalks and open space, as provided in § 161.022(C) and (L) respectively, of this chapter;

(4) General site topography, U.S.G.S. datum (7.5 ft. quandrangle map acceptable);

(5) Major existing and proposed trees, tree masses and vegetation as well as existing buildings and structures (current aerial image acceptable);

(6) Existing land use of adjacent property;

(7) Existing and proposed zoning of property;

(8) Location and size of existing water lines and sanitary sewers that will serve the proposed project;

(9) Name and address of licensed professional engineer, surveyor that will be used in preparing the preliminary and final plat if known; and

(10) Any existing or proposed common open space and community facilities.

(D) *Review procedures and considerations*. Upon submission of an application for sketch plat approval, the Plan Commission, at its regular meeting, and in conjunction with appropriate city staff and department heads, shall meet to review and consider approval of the sketch plat before further work on the preliminary plat and engineering plans are initiated. There is no fee for the review and consideration of a sketch plat. The following steps and procedures shall apply.

(1) Upon receipt of an application for sketch plat approval, the Economic Development and Planning Department shall schedule the applicant on the agenda of the next Plan Commission meeting to review and consider the proposed subdivision development. The plat and application must be received by the city no later than two weeks before the Plan Commission meeting in which sketch plat approval is being sought.

(2) The Plan Commission shall consider the sketch plat to determine if the plat and proposed development conforms with the subdivision code and development guidelines and standards set forth. Particular attention should be paid to the width of streets, their relation to the topography of the land, water and fire protection, sewage disposal, drainage, lot sizes and arrangement, the further development of adjoining lands as yet unsubdivided and the requirements of the city's Master Plan and amendments as adopted.

(3) Comments and recommendations generated as a result of the Plan Commission's review shall be kept intact and filed along with the preliminary plat and subsequent submissions. Furthermore, the applicant shall be provided with a list of all comments and suggestions regarding the sketch plan and actions necessary to proceed with preparation of the preliminary plat.

(4) Said approval of the sketch plat by the Plan Commission shall constitute support to prepare and submit a preliminary plat.

(5) A preliminary plat will not be reviewed by the Development Review Committee unless a sketch plat is first approved by the Planning Commission.
(1960 Code, § 41-1-3) (Ord. 7128, passed 4-28-2008)

PRELIMINARY PLAT

§ 161.015 APPLICATION.

(A) An application for tentative approval of the preliminary plat, available from the city's Economic Development and Planning Department, together with 14 11-inch by 17-inch and four 24-inch by 36-inch sets of plans shall be submitted to the Economic Development and Planning Department no later than

five working days before the meeting of the first Thursday of each month, at which time staff will review the submitted preliminary plat. The Development Review Committee, on the second Thursday of each month, shall review the submitted plat with the developer and consulting engineer and shall act upon the preliminary plat. The Development Review Committee shall review the submitted application and preliminary plat and act in one of three ways:

(1) Recommend approval of plat and forward to Planning Commission;

(2) Recommend revisions be made and forward with revisions to Planning Commission; or

(3) Recommend revisions be made and be submitted to the Development Review Committee for a second review.

(B) The developer shall submit 24 11-inch by 17-inch copies of the preliminary plat and four 24-inch by 36-inch copies of the preliminary plat to the Economic Development and Planning Department at least two weeks prior to the Planning Commission meeting at which the plat will considered. The Planning Commission shall review the plat and recommend it be considered by the City Council if it sees fit.

(C) The developer shall submit 40 11-inch by 17-inch and two 24-inch by 36-inch sets of plans to the Economic Development and Planning Department for review by the City Council.

(D) (1) The fee for preliminary plat review shall be $25 per lot. Payment shall be made at the time preliminary plat is submitted to Development Review Committee for review. Plans will not be reviewed by staff until the preliminary plat fee is paid. If, at any time after the Development Review Committee meeting, the developer decides to withdraw the subdivision plans, he or she shall forfeit the preliminary plat fee.

(2) If, at any time, plans are resubmitted for the subdivision, a new fee shall be assessed, based on the most current subdivision design.

(E) If the developer is indebted to the city in any way, the city will not entertain the development proposal until all debts are paid in full.
(1960 Code, § 41-2-1) (Ord. 7128, passed 4-28-2008)

§ 161.016 FILING PLAT.

Before any subdivider or his or her agent contracts for the sale or offers to sell any subdivision a part of a subdivision of land which is laid out wholly or partly within the incorporated territory of the city or the jurisdiction of the Plan Commission, the subdivider or his or her agent shall follow the procedures set forth in this chapter.
(1960 Code, § 41-2-2) (Ord. 7128, passed 4-28-2008)

§ 161.017 VICINITY SKETCH.

A vicinity sketch or key map at a scale of not more than 400 feet to the inch shall be shown on or accompany the preliminary plat. This map shall show all existing subdivisions, streets and tract lines of acreage parcels together with the names of the record owners of parcels of land immediately adjoining the proposed subdivisions and between it and the nearest existing thoroughfares. It shall also show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring area. The area to be subdivided shall be outlined in red.
(1960 Code, § 41-2-3) (Ord. 7128, passed 4-28-2008)

§ 161.018 CONFORMANCE TO OFFICIAL PLANS.

All proposed subdivisions shall conform to the city, county or regional plan. Whenever a tract to be subdivided embraces any part of a thoroughfare, secondary thoroughfare, boulevard or parkway, so designated on the city, county or regional plan, such part of such proposed public way shall be platted by the subdivider in the location and of the width indicated on the city, county or regional plan.
(1960 Code, § 41-2-4) (Ord. 7128, passed 4-28-2008)

§ 161.019 SCALE.

The horizontal scale of a preliminary plat shall be 100 feet or less to the inch and the vertical scale 20 feet or less to the inch.
(1960 Code, § 41-2-5) (Ord. 7128, passed 4-28-2008)

§ 161.020 DETAIL OF PLAT.

The preliminary plat shall show:

(A) The proposed name of the subdivision;

(B) North point, scale, date, zoning, ward number, Aldermen of ward, school district(s) and Superintendent of School District;

(C) The names and address of the subdivider and of the engineer or surveyor, and data on any previous subdivisions, plats, special land usages, rights-of-way or easements in the area;

(D) The tract designation and other description according to the real estate records of the city or County Clerk and Recorder;

(E) The boundary line (accurate in scale) of the tract to be subdivided;

(F) Floodplain and wetlands. If subdivision falls outside of the floodplain, this should be noted. If there are no wetlands contained in the subject property, this should also be noted;

(G) Contours with intervals of five feet or less, referred to sea level datum as established by the United States Geological Survey;

(H) The names and boundaries of adjacent subdivisions or the names of record owners of adjoining parcels of land;

(I) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent structures and their existing use, railroad rights-of-way or other important features, such as section lines, political subdivision or corporation lines and school district boundaries;

(J) Existing sewers, water mains, culverts or other underground structures within the tract and immediately adjacent thereto with pipe sizes, grades and locations indicated;

(K) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of the public together with the purpose of conditions or limitations of such reservation, if any, including but not limited to outlots, detention and retention basins and open space;

(L) The layout and widths of proposed rights-of-way, streets, alleys and easements;

(M) The profile of each street with tentative grades;

(N) The cross-section of proposed streets showing the width of roadways, location and width of sidewalks, and the approximate location and minimum size of utility mains, conduits and poles. The developer shall construct all improvements in accordance with a *Standard Specification for Street and Sewer Construction*, to be prepared by the City Engineer and approved by the City Council;

(O) A plan of proposed sanitary, storm water, with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing minimum pipe sizes and approximate location of valves and fire hydrants, and street lighting;

(P) Names of all proposed streets;

(Q) The layout, numbers and approximate dimensions, and square footage of all proposed lots, including width of all lots at front building line;

(R) Phasing of proposed subdivision, including estimated times of completion for each phase; and

(S) There shall be no disclaimers on the preliminary plat (or improvement plans or final plat) that release liability regarding pre-existing easements, rights-of-way and the like. Further, the preliminary plat should graphically depict all encumbrances on the property proposed for subdividing.
(1960 Code, § 41-2-6) (Ord. 7128, passed 4-28-2008)

§ 161.021 SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH PRELIMINARY PLAT.

The following information shall be submitted in full with the preliminary plat. Omission of any of the following materials and/or information shall result in the Development Review Committee tabling the review of said subdivision until all materials are submitted.

(A) *Sketch plat.* The developer shall submit the sketch plat that was approved by the Planning Commission with the preliminary plat.

(B) *Comparative narrative.*

(1) The developer shall submit a narrative with the preliminary plat which compares the proposed subdivision to existing subdivisions within one-half mile. Said narrative should include information on street widths, size and types of homes, facade treatment of homes, lot sizes, landscaping and other amenities (i.e., community pool, walking trails, open space and the like).

(2) The narrative shall be taken into consideration by the Planning Commission and City Council when considering the preliminary plat for approval; generally, new subdivisions should meet or exceed the standards set forth in neighboring subdivisions.

(C) *Covenants, restrictions and by-laws.* The developer shall submit with the preliminary plat the covenants, restrictions and by-laws of the proposed subdivision for review. The covenants, restrictions and by-laws shall include language which states that the homeowners association is responsible for the maintenance of all outlots including detention and retention areas. The city may require a separate, acceptable written maintenance agreement in addition to any restrictive covenants for the subdivision with regard to the maintenance and safeguarding of all surface water retention, surface water detention and other surface water storage areas that are shown on the plat.

(D) *Environmental site assessment.* A Phase I environmental site assessment shall be submitted with the preliminary plat for each proposed subdivision.

(E) *Property owners notified.*

(1) The developer must submit, with the preliminary plat before the Planning Commission meeting, a detailed list of property owners within 300 feet of the proposed subdivision. The list shall include:

(a) Property owner's name;

(b) Site address;

(c) Site parcel number;

(d) Property owner's address;

(e) Mailing name; and

(f) Mailing address.

(2) City staff will send, by first class mail to all property owners within 300 feet, a notice of public hearing by the Planning Commission regarding the subject subdivision.

(F) *School district(s) notified.* The developer shall include on the preliminary plat the school district(s) in which the subdivision is located. The developer must also provide the city with the name and mailing address of the Superintendent(s). The city will notify the school districts by first class mail as described above in division (E) above.

(G) *Tree plan.* The developer shall submit, as part of the preliminary plat, a map showing the existing tree stock that is located on the land is proposed to be developed. The plan should show location, type and approximate size in trunk diameter of all trees. In densely wooded areas, the type and location of trees may not be required. The developer must also show on the plan which trees will be removed as part of the development process. Generally, as few trees as possible should be removed during the development process. If possible, the developer shall leave healthy trees in place on individual lots within the subdivision.

(H) *Landscaping plan.* The developer shall submit, as part of the preliminary plat, a landscape plan for the common areas of the subdivision. This landscape plan shall include areas such as medians and/or areas where monument signs are located.

(I) *Title report required.* A title report for all tracts of land within a proposed subdivision must be submitted with the preliminary plat. Further, proof of control of, or contract on, all subject property must be submitted with preliminary plat.

(J) *Traffic study required.* A traffic study shall be required for all residential and commercial subdivisions. The traffic study shall be submitted as part of the preliminary plat submittal. If improvements to roads outside of the subject subdivision are needed, said improvements shall be installed as required in § 161.022(T) of this chapter.
(1960 Code, § 41-2-7) (Ord. 7128, passed 4-28-2008)

§ 161.022 GENERAL DESIGN CRITERIA.

(A) *Street layout.*

(1) The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area. All proposed streets shall be in alignment with existing, planned or platted streets with which they are to connect, insofar as it is deemed advisable or advantageous by the Plan Commission.

(2) The street layout shall include minor streets of considerable continuity approximately parallel to and on each side of each main thoroughfare, boulevard or parkway.

(3) Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, or superhighway, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such streets and the railroad. Such distance shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.

(4) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

(5) Certain proposed streets shall be extended to the boundary line of the tract to be subdivided sufficiently to provide for normal circulation of traffic within the vicinity.

(6) Wherever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided and approved by the Plan Commission, the other portion shall be platted, if in conformity with best usages and future development.

(7) Alleys will be required in all business and industrial districts. Except where justified by extreme conditions, alleys will not be approved in residential districts.

(B) *Blocks.*

(1) The width of blocks shall be sufficient normally to allow two tiers of lots of appropriate depth.

(2) A utility way, not less than ten feet in width, shall be provided near the center and entirely across any block that is more than 600 feet long.

(C) *Sidewalks.* Sidewalks shall be provided as follows.

(1) (a) Public sidewalks shall be required for all subdivisions per the following schedule:

1. On at least one side of the street when the overall density of the subdivision is less than four dwelling units per gross acre; and

2. On both sides of the street when the overall density of the subdivision is greater than four dwelling unit per gross acre;

(b) Sidewalks shall be required along both sides of streets used for pedestrian access to public schools, parks, shopping and commercial areas and other public and semi-public places as deemed necessary by the Plan Commission.

(c) Sidewalks shall be provided on both sides of collector and arterial streets regardless of density provisions as cited above.

(2) The following construction requirements regarding the installation of required sidewalks shall be followed.

(a) Normally, sidewalks shall not be more than six inches from the property line. Crosswalks or pedestrian ways shall be not less than four feet wide. In commercial areas, the sidewalk shall be located as far as practical from the traffic lanes.

(b) Sidewalks adjacent to curbs shall not be less than six feet in width.

(c) Sidewalks shall have a minimum unobstructed width of four feet along residential streets and five feet along major collector streets and in commercial and industrial areas. All sidewalks shall be installed to comply with pertinent ADA (Americans with Disabilities Act, being 42 U.S.C. §§ 12101 et seq.) requirements.

(d) Every sidewalk shall be constructed of concrete at least four inches thickness with the exception that across driveways, the thickness shall be increased to six inches. Sidewalks shall have a minimum compression strength of 3,500 PSI after 28 days. The finished surface of all sidewalks shall have a lightly brushed texture. Control points shall be trowelled in at minimum six-foot intervals. Expansion joints shall be placed at driveway crossings, at both ends of the sidewalk and, in the event of excessively long runs, as determined by the City Engineer.

(e) No sidewalk shall be constructed at a grade steeper than 8% unless steps, and/or ramps, approved by the City Engineer, are provided. The cross slope shall not exceed 1:50.

(3) A developer may, with the concept plan, make written application for deletion of public sidewalks as may be required in the proposed subdivision, or submit an alternate sidewalk plan. The Plan Commission shall review the request for a sidewalk modification and submit its recommendation to the City Council along with its findings. Modification from the sidewalk requirements may be granted only in the following cases:

(a) Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make sidewalk installation and use impractical; and

(b) Where the subdivision designer/engineer has submitted for review a proposed sidewalk plan that provides for more direct and safer movement of pedestrian traffic.

(4) No certificate of compliance will be issued by the city or county until such time that sidewalks have been installed or included as part of the obligation of the builder/contractor or owner to complete.

(5) In the event that inclement weather prohibits sidewalk completion, a letter of credit, cash bond or funds placed in escrow at the time of closing would be provided to the city by the owner/purchaser.

(6) At such time that 90% of the lots (street frontage requiring sidewalks) have been developed with improvements (i.e., homes constructed) completed or sold, the developer will be required to complete the installation of the remaining sidewalks as required per the improvement plans as approved by the city.

(7) At such time that lots have been sold or conveyed by the developer, the owner will be required to complete the sidewalks within 24 months of the lot being conveyed or sooner if a building permit is secured.

(D) *Right-of-way widths.* Minimum right-of-way widths shall be as follows:

(1) Arterial thoroughfares, boulevards, and parkways, as indicated by the city, county or regional plan: not less than 80 feet;

(2) Secondary thoroughfares: 60 feet;

(3) Minor streets: 50 feet;

(4) Dead end streets: 50 feet. All dead end streets shall not be more than 500 feet long. All dead end streets shall terminate in a circular open space having a minimum radius at the outside of the pavement of at least 45 feet and a diameter at the outside of the right-of-way of at least 110 feet; and

(5) Alleys: 20 feet.

(E) *Roadway width.* Minimum roadway widths, back of curb to back of curb, shall be as follows:

(1) Thoroughfares, boulevards, parkways, secondary thoroughfares and minor streets: 30 feet;

(2) Dead end streets shall not be more than 500 feet long. All dead end streets shall terminate in a circular open space having a minimum radius at the outside of the pavement of at least 45 feet and a diameter at the outside of the right-of-way of at least 110 feet; and

(3) Alleys: 16 feet.

(F) *Grades.* Grades of streets and walks shall be as follows:

(1) Thoroughfares, boulevards, parkways and secondary thoroughfares: not greater than 7%;

(2) Minor streets and alleys: not greater than 10%; and

(3) Pedestrian ways or crosswalks: not greater than 10%, unless steps of an acceptable design are to be constructed.

(G) *Alignment and visibility.* Clear visibility, measured along the centerline, shall be provided for at least 300 feet on thoroughfares, boulevards and parkways; 200 feet on secondary thoroughfares; and at least 100 feet on minor streets.

(H) *Curves.* Minimum radii of curvature on the centerline shall be as follows:

(1) Thoroughfares, boulevards and parkways: 300 feet; (Note: Radii of considerably greater dimension should be used in most instances in the interest of public safety.)

(2) Secondary thoroughfares: 200 feet;

(3) Minor streets: 100 feet; and

(4) Between reversed curves, there shall always be a tangent at least 100 feet long.

(I) *Intersections.*

(1) At street and alley intersections, property line corners shall be rounded by an arc, the minimum radii of which shall be 25 feet and ten feet, respectively. In business districts, a chord may be substituted for such an arc.

(2) Street curb intersections shall be rounded by radii of at least 25 feet or by using the same radius points as the property line.

(J) *Lot areas.* The preliminary plat shall contain the statement that any lot transferred will have a minimum width and area substantially the same as those of the platted lots, and that only one principal building will be permitted on any such lot. Each lot created as part of a subdivision under the terms and conditions of this chapter shall be minimum of 10,000 square feet in area.

(K) *Lots.* The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall conform to the following.

(1) Lots for residential use shall meet all requirements set forth in the zoning classification applicable to the lots.

(2) Every lot shall abut on a street or on an officially approved cul-de-sac.

(3) Reversed frontage shall be avoided in blocks exclusively residential.

(4) Side lot lines shall be approximately at right angles to the street lines on which the lot faces.

(5) Flag lots shall not be allowed.

(L) *Open spaces.* Due consideration should be given to the allocation of suitable areas for parks and open space. Area shall be dedicated to the city, by means of recording of final plat, as follows.

(1) Ten percent of the gross area of a subdivision shall be dedicated to the city for public use.

(2) The city shall have the authority to specify the general location of open space within a subdivision so that said open space is in accordance with the Park Master Plan. The location of open space shall be discussed at the time the concept plan is submitted.

(3) Open space dedicated to the city must be of a quality that is suitable for parks. Land that is located in a floodplain, wetland area or located on a steep slope (35% or more) shall not be acceptable. Up to 50% of the required area to be dedicated may include woodlands, lakes, ponds and streams.

(4) If the dedication of land within a subdivision does not fit with the needs of the Park Master Plan (as determined by the Planning Commission), the developer shall be required to submit a payment in lieu of open space dedication (commonly known as "open space fee"). Such payment shall be made to the Park Improvement Fund and shall be equal to $15,000 per acre of open space that would be required under division (L)(1) above.

(5) Any open space fee shall be noted on the preliminary plat and made prior to the city approving the final plat of the subdivision.

(6) Creative interpretation of the requirements of this section (division (B) above) will be considered and encouraged, and as such, a combination of open space dedication and open space fee may be considered, only if the open space to be dedicated is in accordance with the Park Master Plan. In the case that the developer combines open space dedication and the open space fee, not more than 50% of the land that is dedicated may include wetlands, lakes, ponds and streams.

(7) The Planning Commission shall make a recommendation to the City Council as to whether the creative use of open space proposed is in general conformance with the Master Park Plan and whether the creative use of open space proposed should be accepted.

(8) If a subdivision is approved in phases, the payment shall be made before the final plat of each phase of the subdivision is approved by the City Council. In the case of dedication, and in the case that the subdivision is platted in phases, the developer shall post with the city a letter of credit equal to $15,000 per acre of open space to be dedicated before the final plat of each phase is approved by City Council, until all open space is dedicated. In the case of combined dedication and open space fee, the developer meet the requirement by following the procedures described previously in this division (L)(8).

(M) *Utility easements.* Easements shall be provided as follows:

(1) Fifteen feet wide, adjacent to all streets;

(2) Not less than ten feet in width on each side of all rear lot lines, and alongside lot lines where necessary for storm water drainage and/or municipal and public utilities and/or telecommunication; and

(3) A 20-foot easement shall be provided along the perimeter of the subdivision. Where a subdivision is adjacent to another subdivision or tract of land that could be subdivided in the future, the subdivider may provide an easement that is ten feet in width.

(N) *Subdivision and street names.* The proposed name of the subdivision and proposed street names shall be submitted to postal authorities and to County 9-1-1 Coordinator. Approval of said street names and subdivision name should be had before preliminary plat is submitted to the Planning Commission, so that said street names and subdivision name will not duplicate or too closely approximate, phonetically, the name of ay other subdivision or street under the jurisdiction of the city's post office.

(O) *Water lines.* Where a public water main is reasonably accessible, the subdivider shall make water available to each lot. Where a public water main is not reasonably accessible, the subdivider shall place on file with the Plan Commission, satisfactory evidence that proper arrangements have been made for the future installation of necessary mains and connections for each lot. All water lines shall conform to Illinois American Water Company standards.

(P) *Fire hydrants.* Fire hydrants shall be installed every 400 feet. In the case of a dead end street, fire hydrants shall be located at the throat of a cul-de-sac. Fire hydrants must be installed and operational prior to the acceptance of infrastructure and the issuance of any building permits (including building permits for display homes), as stated in Ord. 7076.

(Q) *Sewers.* Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sanitary sewer and provide a lateral for each lot, to extend the property line. Where a public sanitary sewer is not reasonably accessible, but where the plans for the sanitary sewer system of the district in which the subdivision is located have been prepared by a registered professional engineer, and approved by the state's Sanitary Water Board, the subdivider shall install sewers in conformity with such plans, although a connection with an existing main may not be immediately practicable. In such cases, and until such connection is made with the sewer system of the district, the subdivider shall provide for

the disposal of sanitary sewage by a type of treatment to be approved by the Board. See § 161.037 of this chapter for detailed sanitary sewer requirements.

(R) *Utilities.* All new utilities must be installed underground. A note addressing this shall be shown on the preliminary plat. If utilities cannot, within reason, be installed underground (i.e., cost prohibitive), the Planning Commission may approve a preliminary plat where utilities will be otherwise installed.

(S) *Improvements.* All improvements required under these rules shall be constructed according to the specifications of the Plan Commission and under the supervision of the City Engineer and to his or her satisfaction.

(T) *Off-site improvements.* All costs associated with off-site improvements shall be borne solely by the developer. All off-site improvements shall be planned and installed by the developer as part of the improvement plans for the subdivision. Off-site improvements must be accepted by the City Engineer and will be included in the performance bond and maintenance bond. If more than one subdivision in an area requires similar off-site improvements, a cost sharing agreement may be in the best interest of all parties involved. In this case, the agreement will be forwarded to the Planning Commission and the City Council for approval with the improvement plans.

(U) *Emergency notification system fee.* Every subdivision will be assessed a fee for the purchase and installation of emergency systems (items such as tornado sirens) for the city. The fee shall be equal to $50 per gross acre in the proposed subdivision. The fee shall be due before the final plat is approved by City Council. If a subdivision is approved in phases, the fee shall be broken down as such and will be due before the final plat of each phase is approved by City Council.

(V) *Third party inspection.* The developer, before the improvement plans are approved by City Council, shall provide to the city, 3% of the total estimated cost of infrastructure, as approved by the City Engineer and Planning Commission in the form of a cost estimate prepared by the project engineer, for the express purpose of the city retaining a recognized inspection firm and/or inspector to monitor and ensure proper installation of all public improvements.

(W) *Facade treatment regulations.* The Planning Commission and City Council shall have the ability to require specific facade treatments in order for the subdivision to be compatible with nearby subdivisions.
(1960 Code, § 41-2-8) (Ord. 7128, passed 4-28-2008)

§ 161.023 APPROVAL OF PRELIMINARY PLAT.

(A) *Tentative approval.* The Plan Commission shall review and consider all preliminary plats that are submitted for approval, only if the said preliminary plat has been filed with all required supplemental material as described in this chapter. A recommendation of the Plan Commission to the City Council

shall be made regarding accepting, rejecting or modifications that may be required to approve the preliminary plat. Tentative approval by the City Council is revocable and does not constitute acceptance of the plat of the proposed subdivision.

(B) *Action by the City Council.* If the Plan Commission recommends approval of a preliminary plat, the City Council shall either accept or reject said plat within 45 days after its next regularly scheduled meeting following the Plan Commission's action.

(C) *Disapproval of plat.* In the event that the City Council denies approval of the preliminary plat, the subdivider shall be notified in writing of the reasons for said denial. The plat shall not be resubmitted for approval until such time that the recommended changes or issues for said denial are addressed.

(D) *Time limit for preliminary plat.* Tentative approval will be effective for one year, unless upon a request filed with the Plan Commission with such recommendations presented to and approved by the City Council. If both improvement plans are not submitted within this time limit, the preliminary plat shall be null and void, and the applicant must resubmit the plat for tentative approval as a new subdivision, beginning with the sketch plat process.
(1960 Code, § 41-2-9) (Ord. 7128, passed 4-28-2008)

§ 161.024 VARIATION IN REGULATIONS.

(A) Where it can be shown that there are extraordinary hardships in the way of complete compliance with these regulations, the Plan Commission and City Council shall have the power to vary the regulations so that substantial justice may be done and public interest secured. No such variation shall have the effect of reducing the traffic capacity of any thoroughfare or secondary thoroughfare below that shown on the city, county or regional plan.

(B) The foregoing regulations concerning minor and local street widths, sizes of lots, block lengths and widths, and dead end streets may be modified by the Plan Commission in the case of a subdivision of a tract large enough to be developed as a community of not less than 40 acres in accordance with a well studied plan, properly safeguarded by restrictions, which, in the judgment of the Commission, adequately provides for circulation, light and air needs and recreational requirements of the maximum anticipated population.
(1960 Code, § 41-2-10) (Ord. 7128, passed 4-28-2008)

IMPROVEMENT PLANS

§ 161.035 FORM AND NUMBER OF COPIES.

(A) An application for approval of improvement plans available from the city's Economic Development and Planning Department, together with four 24-inch by 36-inch sets of plans and 14 11-

inch by 17-inch sets of plans to the Economic Development and Planning Department no later than five working days prior to the first Thursday of each month, at which time staff will review the submitted improvement plans. The Development Review Committee, on the second Thursday of each month, shall review the submitted plans with the developer and consulting engineer and shall act upon the preliminary plat. The Development Review Committee shall act in one of three ways:

(1) Recommend approval of plat and forward to Planning Commission;

(2) Recommend revisions be made and forward with revisions to the Planning Commission; or

(3) Recommend revisions be made and be submitted to the Development Review Committee for a second review.

(B) The developer shall submit four 24-inch by 36-inch sets of plans and 26 11-inch by 17-inch sets of plans to the Economic Development and Planning Department for review by the Planning Commission. The Planning Commission will review the plans, and if it sees fit, forward a recommendation to the City Council.

(C) The developer shall submit two 24-inch by 36-inch sets of plans and 40 11-inch by 17-inch sets of plans to the Economic Development and Planning Department for review by the City Council.
(1960 Code, § 41-3-1) (Ord. 7128, passed 4-28-2008)

§ 161.036 PERMIT TO BEGIN GRADING AND CONSTRUCTION.

(A) *Permit approval.* The City Engineer must approve a permit to begin grading and construction. Such application for permit shall be made by the developer to the Engineering Department on the application to install improvements, available in the City Engineer's office. Such application may be approved by the City Engineer only after the improvement plans are approved by City Council. Further, the application will be approved only after the proper form of assurance is accepted by the city. (See §§ 161.066 and 161.067 of this chapter.)

(B) *Permit display.* The approved application to install improvements must be prominently displayed at the entrance to the subdivision until all improvements are accepted by the city. In the case that a subdivision has multiple entrances, copies of the application must be prominently displayed at each entrance.
(1960 Code, § 41-3-2) (Ord. 7128, passed 4-28-2008)

§ 161.037 DETAIL OF PLANS.

Improvement plans shall include the following information:

(A) *Approved preliminary plat*;

(B) *Grading, excavation and embankment.*

(1) All excavation and construction of embankments shall be in accordance with the specifications. The embankment or fills shall be placed in six-inch layers and thoroughly compacted.

(2) The grades of all streets shall not be greater than 10%. Vertical curves shall be designed for a minimum 30 mph speed limit with a minimum stopping sight distance of 200 feet. Where curvilinear horizontal alignment is utilized, the minimum centerline radius shall be 100 feet.

(C) *Erosion control.* No building permit shall be issued unless the application therefore, particularly the items of information specified in division (C)(4) below demonstrates compliance with the principles and demonstrates compliance with the principles and standards set forth in division (C)(3) below.

(1) *Purpose.*

(a) The purpose of this division (C) is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling construction activities which disturb or break the topsoil or otherwise result in the movement of earth on land situated in the city.

(b) The soil erosion plan and sedimentation control plan, which must be prepared by the developer, shall be approved by the County Soil and Water Conservation District and submitted with final construction plans. The developer will be responsible for implementing and maintaining the plan until all improvements have been accepted by the city per applicable sections of this chapter. Should the developer fail to properly implement and maintain the plan, all inspections will be stopped, thereby effectively stopping all construction activities, until the developer corrects the infractions or pays the fee required by the city to have the situation corrected.

(2) *Exceptions.* The provisions of this division (C) shall not apply to the following construction activities:

(a) Excavation of below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of three acres;

(b) Agricultural use of land, including the implementation of conservation measures included in farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures; and

(c) Installation, renovation or replacement of a septic or aerobic system to serve an existing dwelling or structure.

(3) *Principles and standards.* No proposed construction shall be authorized unless the building permit application indicates that measures taken to control erosion and sedimentation will be adequate to assure that sediment or soil is not transported from the building site by any construction activities or by a storm event of 100-year frequency or less, and that the following principles will be applicable to all phases of any clearing, stripping, excavating, filling, grading, construction or other activities involving the disturbance of the natural terrain or vegetative ground cover.

(a) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible and natural contours should be followed as closely as possible.

(b) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses should be left undisturbed wherever possible.

(c) The smallest practical area of land should be exposed for the shortest practical time during development.

(d) Sediment basins, debris basis, desilting basins or silt traps or filters should be installed and maintained to remove sediment from run-off waters from land undergoing development.

(e) The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion and on evaluation of the risks, costs and benefits involved.

(f) In the design of the erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.

(g) Provisions should be made to accommodate the increased run-off caused by changed solid and surface conditions during and after development. Drainageways should be designed so that their final gradients and resultant velocities of discharges will not create additional erosion.

(h) Permanent vegetation shall be installed (or planted) in the soil covering an area of 25 feet back from the curb immediately (i.e., not more than 30 days) after construction of the street.

(i) Construction practices shall be such so that no sediment or soil is transported from building or development site onto adjacent sidewalks, curbs, streets or neighboring properties. Erosion control measures shall be designed in accordance with the standards and requirements contained in *Procedures and Standards for Soil Erosion and Sedimentation Control in Illinois*, adopted by the County Soil and Water Conservation District, and the I.E.P.A. *Standards and Specifications for Soil Erosion and Sediment Control*, which standards and requirements are hereby incorporated into this chapter by reference.

(4) *Information.* Each building or parking lot permit application shall be accompanied by a site plan as required in § 111.6 of the BOCA Building Code and include a description of all soil and erosion

and sedimentation control measures to be taken to meet the objectives of this chapter throughout all phases of construction including lot specific utility company work as well as permanently after completion of construction on the site. Each permit issued shall clearly state that the property owner has the ultimate responsibility for compliance with the provisions of this division (C). The permit application shall include the name and phone number of the person to be contacted by the Building Official in case of a problem under this section. Should the person fail to correct the problem satisfactorily to the Building Official within 12 hours, the official shall hire a contractor to perform the work. In such case, the property owner shall be responsible for any and all expenses incurred by the city. Should the Building Official deem the condition to be of such severity that immediate mitigation is necessary, he or she shall so advise the contact person and ensure that the hazard is removed. If immediate mitigation requires the Building Official to hire a contractor to perform the work, the property owner shall be responsible for any and all expenses incurred by the city.

(5) *Maintenance.* The maintenance of drainage easements, drainage ways and drainage systems shall be the responsibility of the lot owner or adjacent lot owners. No tree or structure shall be placed or erected in any easement for utility or drainage purposes and the proper authorities may have free access to and use the easements at any time.

(D) *Streets.* All streets shall be graded as hereinafter provided. All street construction shall follow guidelines outlined in the most recent edition of the state's Department of Transportation's *Standard Specifications for Roadway and Bridge Construction.*

(1) All new streets, which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth, and in a manner which will provide complete and adequate drainage of all streets, alleys and public grounds in the entire subdivision; including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public road or street which lies adjacent to the subdivision.

(2) In general, all such new streets within the subdivision and all work to be undertaken thereon shall be constructed according to the *Standard Specifications for Road and Bridge Construction*, adopted and amended by the state's Department of Transportation and the related highway standards, all of which are in effect at the time the subdivision is being constructed, except as provided herein.

(a) *Roadway and side slopes.* The roadway shall be considered to be that part of the improvement which lies between the property lines, and which roadway shall not be less than 50 feet in width and shall be constructed substantially in accordance with the typical cross-sections shown on standards attached to the ordinance codified herein; and turnarounds or cul-de-sacs at the end of dead-end streets shall be laid out and constructed substantially in accordance with Standard No. 5 attached to the ordinance codified herein. The roadway shall be seeded in accordance with *Standard Specifications*. The contractor and/or developer shall assume responsibility for maintaining the roadway, including the seeding, the removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities for a period one year after acceptance by the city. The contractor or developer

shall take immediate action for compliance upon notification by either the city or Engineer or the Superintendent of Streets or one of their representatives.

(b) *Alleys.* Alleys shall not be less than 20 feet in right-of-way width, of which not less than 16 feet in width shall be paved in accordance with standards and specifications herein provided; except that, such alleys shall not be required to have concrete curb and gutter.

(3) *Portland cement concrete pavement.* All rigid pavement shall consist of seven inches of unreinforced portland cement concrete on six inches of lime modified subgrade. If approved by the City Engineer, four inches of aggregate sub base may be used in lieu of six inches of lime modified subgrade.

(a) Longitudinal joints shall be constructed in accordance with the *Standard Specifications* and the illustrations included herein.

(b) Transverse joint spacing shall not exceed 15 feet and shall be constructed in accordance with the *Standard Specifications* and the illustrations included therein.

(c) Transverse construction joints shall be tied with #4 bars spaced at 12-inch centers 30 inches long and must be at least five feet from a contraction or expansion joint.

(d) All construction joints shall be sawn or tooled to provide sufficient reservoir for joint sealer.

(e) Pavement expansion joints shall have three-fourths inch diameter by 18 inches long, smooth dowel bars greased or fitted with end cap providing two-inch expansion placed 30 inches on center. Expansion joint material to be equivalent to "Homex-Plus" with bond breaker. After removal of top filler, joint to be sealed per (6).

(f) All joints shall be sealed with hot poured joint sealer, self-leveling polyurethane sealer, black color or other sealer approved by the City Engineer.

(4) *Bituminous concrete pavement.*

(a) All flexible pavement shall be constructed of two inches of bituminous concrete surface course Class I - Type 2 on four inches of bituminous base course on a six-inch lime modified subgrade, in accordance with the applicable provisions of the standard specifications.

(b) Alleys where permitted shall have not less than three inches of bituminous concrete surface, on eight inches of compacted base course and shall be constructed in accordance with the standards provided herein.

(5) *Combination concrete curb and gutter.* Combination concrete curb and gutter shall be built in accordance with the detail shown on Standard No. 2 and in accordance with the standard specifications.

(a) Curb and/or gutter may be constructed monolithically or separately in conjunction with the portland cement concrete pavement.

1. If constructed separately one-half inch round steel tie bars spaced at 30-inch centers will be required to tie the gutter flag to the PCC pavement.

2. Construction joint between curb and gutter and pavement shall be sawn or tooled sufficiently to provide reservoir for joint sealer.

3. All construction joints to be sealed with hot poured joint sealant, self-leveling polyurethane sealer black color or other sealer approved by the City Engineer.

(b) Contraction joints and expansion joints shall be installed in the curb and/or gutter, in prolongation with joints in adjacent PCC pavement.

1. Contraction joints, when sawed or template formed, shall be sealed in accordance with the *Standard Specifications*.

2. Expansion joint filler shall be equal to "Homex-Plus" with bond breaker. After removal of top filler, expansion joint shall be sealed as per construction joints.

3. A one and one-fourth inch diameter, 18-inch long smooth coated dowel bar, greased or fitted with end cap providing a minimum of two-inch expansion shall be placed in the gutter section at each expansion joint. (See Standard No. 6.)

(c) When curb and gutter is constructed adjacent to flexible pavement, a one-inch expansion joint shall be installed at points of curvature for short-radius curves and at construction joints.

1. Contraction joints shall be placed between expansion joints at distances not to exceed 25 feet and sealed in accordance with the *Standard Specifications*.

2. Expansion joints shall be per divisions (D)(5)(b)2. and (D)(5)(b)3.

(d) The flow line of any combination curb and/or gutter section shall have a fall of at least 0.3 of a foot per 100 lineal feet, except where vertical curves in the grade line of the street make these provisions inapplicable with respect to the curb and gutter.

(6) *Drainage and storm sewers.*

(a) In addition to the installation of curbs and gutters as required by division (D)(5) above, the subdivider shall make adequate provisions for the disposal of storm water throughout the entire subdivision.

(b) Facilities shall be provided to satisfactorily accommodate the surface run-off incident to the ten-year design storm by utilization of the "rational method" or the "SCS method" or both.

(c) Pipe culverts/storm sewer materials and construction shall conform to the applicable sections of the standard specifications, and shall be either reinforced concrete pipe meeting the requirements of AASHTOM 170, or precoated galvanized corrugated steel pipe meeting the requirements of AASHTOM245 and M246 sheet coated with polymer coating thickness of 0.010 in. (0.25 mm) on both surfaces, or aluminized steel Type 2 corrugated culvert pipe and aluminized steel Type 2 corrugated pipe arch meeting the requirements of AASHTOM274. Bands shall be precoated, the same as pipe culverts, and no metal pipe joints will be permitted under paved surfaces unless proposed lengths exceed 40 linear feet and are approved by the City Engineer.

(d) The minimum diameter for across road culverts shall be 15 inches.

(e) The minimum diameter for storm sewers shall be 12 inches.

(f) Minimum gradient shall be 0.3.

(7) *Inlets/catch basins.*

(a) Inlets shall be placed at locations required to handle the run-off within certain design controls and wherever necessary so that surface water is not carried across any street or intersection.

(b) Inlets/catch basins shall be constructed in accordance with Standard No. 3.

(c) Maximum permissible encroachment of water on the pavement shall be ten feet.

(8) *Improvements of a higher type.* The requirement above set forth, with respect to street drainage and surfacing, are to be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type, if he or she so desires.

(E) *Storm water.* Storm water management shall be required for all developments. Any person, firm, corporation or other entity proposing to construct buildings or develop land within the jurisdiction of the city shall prepare, for approval by the City Engineer, a Storm Water Management Plan that described the manner in which erosion, sediment and run-off resulting from the development will be controlled and managed. No building or construction permits or plat approval shall be issued by the City until the Storm Water Management Plan has been approved by the City Engineer as meeting the requirements of this chapter, or the requirement for such Storm Water Management Plan has been waived by the City Engineer. Downstream property owners, watercourses, channels or conduits shall not receive storm water run-off from proposed upstream developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped conditions, nor shall storm water run-off exceed the capacity of the natural drainage system.

(1) Storm water run-off resulting from a proposed development shall be detained on-site:

(a) By wet or dry bottom reservoirs;

(b) By underground reservoirs;

(c) On flat roofs, parking lots or streets; or

(d) By other detention methods approved by the City Engineer.

(2) For purpose of designing adequate on-site detention facilities, the Illinois State Water Survey rainfall data for this region shall be used.

(3) The following general design features shall apply for this chapter.

(a) *Detention basins.* Basins may be constructed to temporarily detain the storm water run-off so that the rate at which it is released is the same rate as before development. The following features shall be incorporated into the design of any detention basin:

1. Storage volume:

a. The volume of storage provided shall be sufficient to store flows both during and immediately after the maximum storm event which can be expected to occur every ten and 100 years.

b. After the storage volume has been determined as required above, a one-foot freeboard shall be added to the dam height.

2. Outlet control works:

a. Outlet works shall be designed to limit peak outflow rates from detention storage areas to or below peak flow rates that would have occurred prior to the proposed development.

b. Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation.

3. Concrete swale;

4. Spillway. Emergency spillways shall be provided to permit the safe passage of run-off generated from a 100-year storm.

5. Maximum depth. The maximum planned depth of storm water stored shall not normally exceed four feet.

6. Side slopes. The maximum side slopes for grassed basins shall not exceed one foot vertical for two feet horizontal (2:1 slope) for basins less than equal to four feet deep; for basins greater than four feet deep the maximum side slope shall not exceed 3:1.

7. Limits of ponding. In no case shall the limits of maximum ponding be closer than 30 feet horizontally from any building and less than two feet vertically below the lowest sill elevation.

8. Interior drainage. The basin bottom should be designed to drain expeditiously. If the bottom is to be grass, it should have a minimum slope of 1%.

9. Low flow channel. Small flows through the detention basin should be handled by paved ditches from inflow structure to outflow structure to minimize erosion.

10. Multi-purpose basins. If the detention basin is to have other uses, the design of the basin bottom should include underdrains to expedite drying of the bottom between run-off events.

11. Aesthetics. Designs should result in aesthetically pleasing configurations which will enhance public acceptability.

(b) *Retention ponds.* Retention ponds may also be used to temporarily detain the differential run-off from the development. In addition to the general design features enumerated above for detention basins, the following features should also be incorporated into the design of any retention pond.

1. *Normal pool depth.* In order to minimize weed growth, the normal pool depth should be four feet.

2. *Depth for fish.* If fish are to be kept in the pond, at least one-quarter of the area of the permanent pool should have a minimum depth of ten feet.

3. *Facilities for emptying.* In order to ease cleaning of the pond or shoreline maintenance, the pond design should include provisions for emptying the pond.

4. *Low flow bypass.* The design of any pond may include a low flow by-pass channel or pipeline to divert run-off that can be accommodated by downstream drainageways.

5. *Bank stabilization.* In order to minimize the effects of waves or ice, some type of bank stabilization such a rip-rap or concrete should be placed along the normal pool shoreline.

6. *Side slopes below normal pool.* The side slopes below the normal pool elevation may exceed the maximum side slope permitted above normal pool. The design shall, however, include provisions for a safety ledge having a depth of water not greater than three feet immediately adjacent to the shoreline.

(c) *Rooftop storage.* Detention storage may be met in total or in part by detention on roofs. Details of such design, which shall be included in the building permit application, shall include the depth the volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions. Direct connection of roof drains to sanitary sewers is prohibited.

(d) *Parking lot storage.* Paved parking lots may be designed to provide temporary detention storage of storm water on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters and depths of storage must be limited so as to prevent damage to parked vehicles.

(e) *Other detention methods.* All or a portion of the detention storage may also be provided in underground or surface detention facilities, to include basins, tanks or swales and the like.

(4) Designs of detention facilities shall incorporate safety features, particularly at outlets, on steep slopes and at any attractive nuisances to include, as necessary, fencing, hand rails, lighting, steps, grills, signs and other protective or warning devices so as to restrict access during critical periods and to afford some measure of safety to both authorized and unauthorized persons.

(5) The provisions of this subchapter shall be applicable in the following areas:

(a) Any residential development having a gross aggregate of five acres or more;

(b) Any residential development of less than five acres with a 50% impervious surface including roads, building, utility right-of-way and other improvements; or

(c) Any commercial, industrial, institutional or utility development having a gross aggregate area of one acre or more.

(6) The storm water detention facilities shall be built in conjunction with the storm sewer installation and be fully operational after the cleaning of vegetation.

(a) Silt and debris connected with early construction shall be removed periodically from the detention area to maintain full storage capacity.

(b) The maintenance responsibility of the detention area shall remain with the developer and/or contractor until final inspection and applicable escrows are released.

(c) Before final plat approval, the developer shall submit his or her commitment for future maintenance responsibility of the detention area.

(7) When applicable, the provisions of this division (E) shall be reviewed by the City Engineer to assure compliance.

(F) *Sanitary sewers.*

(1) *General requirements.* In order to promote unified development of sanitary sewers, faster and more efficient plan review and subsequent acceptance of sewers, the following guidelines shall be established and included on plans.

(a) Sewer line installation shall not commence until a water pollution control permit and complete set of plans have been approved by the Environmental Protection Agency of the state and the city and are on file in the office of the Director of Wastewater Plant and Sewer Lines.

(b) The contractor is responsible for contracting the Wastewater Division at least 48 hours prior to installing sanitary sewers, and before performing any sanitary sewer testing.

(c) The contractor will be required to jet and clean all storm and sanitary sewers that collect mud, debris, concrete, building supplies and the like while the work is under the responsibility of the contractor.

(d) All laterals shall be furnished with an air tight cap to facilitate air testing. The PVC lateral shall be extended four feet above the finished grade ground surface to allow relocation of the lateral in the future. The builder/developer is responsible for all capped service laterals throughout build out of the development. Broken laterals will be promptly repaired.

(e) The builder/developer is responsible for all manhole elevations throughout build out of the development. No manhole covers can be covered. Location signs for manholes to be provided by contractor.

(f) Disclaimer that neither the city accepts responsibility for the project design and/or construction of this project nor any other design consideration or standard utilized in this project. The permittee and the design engineer are responsible for meeting or exceeding all pertinent federal, state or local codes or standards both on and off the site.

(g) All traffic control shall be the responsibility of the contractor until the city accepts the project improvements. All warning signs, traffic-control signs and regulatory signs shall conform to the state's Department of Transportation *Manual on Uniform Traffic-Control Devices*.

(h) The contractor shall leave the site in a condition equal to pre-construction conditions. The contractor shall not disturb property outside of this area.

(i) All work and construction activities shall be confined to the right-of-way and easement, if applicable. The contractor shall not disturb property outside of this area. Should property outside the right-of-way be disturbed or damaged, the contractor shall be responsible for restoring the property to its original condition to the satisfaction of the property owner, with no additional compensation.

(j) A 15-foot minimum sewer easement will be required. However, wider easements may be required due to the depth of pipe and pipe diameters as determined by the city.

(k) At creek crossings or near creek embankments, contractor shall provide filter mat (as specified in IDOT standard specifications) and shall be installed in accordance with manufacturer's instructions. Rip rap shall also be provided and installed in accordance with IDOT *Standard Specifications*.

(l) The contractor shall be responsible for repair of all underground facilities, utilities and drain tile damaged during construction.

(m) The contractor shall supply submittals for all equipment and appurtenances to the Wastewater Director and City Engineer for approvals, three copies will be retained by the city.

(n) The contractor shall provide record drawings which shall be submitted to the Wastewater Department and City Engineer's office. Sewer connections shall be recorded by measuring the number of feet from the downstream manhole, and shall indicate the length of offset from the sanitary sewer main and depth of lateral at its terminus point. All structures shall have record elevations.

(o) Sewer tap permits will not be issued until after the underground plumbing inspection has passed. All rough-in plumbing above grade will be capped. Floor drains will be temporarily sealed with a screw-in type plug and commercial grade duct tape. Tap-ins will be rejected due to non-conformance with these requirements.

(2) *Specifications.*

(a) Sanitary sewer pipe material shall be ductile-iron or at a minimum SDR 26 PVC pipe meeting the requirement of the latest edition of the Illinois *Standard Specifications* for water and sewer main installation. Joint material for PVC pipe shall meet the requirements of ASTM D3212. Ductile-iron pipes shall have gray-iron or ductile-iron fittings as per the *Standard Specifications*. Lubricant shall be suitable for lubricating the joint components. It shall have no deteriorating effect on the gasket or pipe material and no detrimental effect on the quality of wastewater to be carried by the pipe.

(b) Sanitary sewer pipe bedding shall be Class A crushed gravel or stone conforming to IDOT Graduation CA-7 and shall be installed per ASTM 2321-83A.

(c) All sanitary sewer manholes shall be constructed of precast concrete and conform to ASTM castings ASTM A48-83 Class 35B, or ASTM A536-80 Grade 65-45-12 for ductile-iron. Cones and sections shall be substantially free from fractures, large or deep cracks and surface roughness. Joints shall be sealed with Ran-neck pre-molded joint sealer or equivalent. Sanitary sewer manhole lids shall have the word "Sanitary" cast in the face and be furnished with a concealed "Pick Hole". Sanitary sewer manhole frame and covers shall be Neenah R-1772 or equivalent. In areas subject to flooding, sanitary sewer manhole frame and covers shall be Neenah R-1915 bolt down lids. All sanitary sewer manholes located in or adjacent to drainage ways shall have the frames elevated to one foot above the 100-year water surface elevation.

(d) Manholes shall be constructed with a silica fume admixture specifically to prevent hydrogen sulfide corrosion of the pre-cast concrete. Submittals detailing the type of silica fume admixture and its suitability for this application shall be submitted to the Wastewater Director for approval. Rheomac SF-100TM and Rheobuild 1000TM or approved equals shall be used in the manufacture of the manhole component sections.

(e) Sewer pipe connections shall be flexible water tight connections conforming with ASTM C-923 "standard specifications for resilient connectors between reinforced concrete manhole structures and pipe". The pre-cast base section shall be monolithically constructed with a pre-cast invert to align all sewer pipes to the elevations as shown on the plans.

(f) If a gasketed connection does not exist, all connections to existing manholes shall be made by means of a mechanical cutting device. The device shall leave a round smooth hole, no larger than one-half inch greater than the outside diameter of the sanitary sewer pipe to be inserted. The cutting device shall also be capable of forming/cutting the necessary channel within the interior of the manhole. No pneumatic jack hammers, hand held saws or sledge hammers shall be allowed. The opening shall be sealed with a Link Seal or other approved mechanical device.

(g) When connections are to be made to existing structures, the contractor shall field verify the location and elevations of the structure prior to making the connection. The contractor shall notify the owner and engineer if the existing structures are found to be different than shown on the drawings.

(h) Protection of the water main from sanitary sewer mains is required and shall be made in accordance with latest edition of Title 25: Environmental Protection, Subtitle F: Public Water Supplies, Ch. 11: Environmental Protection Agency, § 653.119: Protection of Water Main and Water Service Lines. The water and sewer main as delineated on the drawings shall be constructed with a minimum of ten feet horizontal separation and one and one-half foot vertical separation.

(i) Steel casing pipe shall meet or exceed ASTM A-139, Grade B. Pipe joints shall be welded in accordance with AWWA C-206. The interior and exterior of the bore casing shall be coated with a minimum of one mil of bituminous asphaltic material.

(j) Casing spacers shall be Model CCS as manufactured by Cascade Waterworks MFG of Yorkville, IL or prior approved equal. Carrier pipe shall be inserted within a casings 30 inches in diameter or larger, with six-foot spacing; also, a spacer shall be placed so at to support the carrier within two feet of the end of the casing pipe.

(k) Rubber end seals shall be installed at ends of the casing. Cascade Waterworks MFG of Yorkville, IL or approved equal shall manufacture seals.

(3) *Testing.*

(a) A visual inspection, including lamping, shall be made of all gravity flow lines; and all obstructions shall be removed. Any sewer showing less than one-half the cross sectional area of the pipe

between adjacent manholes or other undue deviation from line and grade shall be considered as unsatisfactory and shall be repaired by the contractor without additional compensation.

(b) Testing of sanitary sewers for acceptability shall be conducted by the exfiltration by air testing technique. The contractor shall be required to test all gravity sewer mains. All testing shall be in conformance with the air testing techniques as specified in the latest edition of the state's *Standard Specifications for Water and Sewer Main Construction*. The city requires that pressure "hold" in the pipe for double the time limit listed in the *Standard Specifications*.

(c) The gravity sewer lines (excluding service laterals) shall be tested for excess deflection by pulling a mandrel through the pipe from manhole to manhole.

1. The outside diameter of the test mandrel shall be equal to 95% of the original inside diameter of the pipe being used. The individual lines to be tested shall be so tested no sooner than 30 days after they have been installed. Wherever possible and practical, the testing shall initiate at the downstream lines and proceed towards the upstream lines.

2. Where deflection is found to be in excess of 5% of the original pipe diameter, the contractor shall excavate to the point of excess deflection and carefully compact around the point where excess deflection was found. The line shall be retested for deflection. However, should be deflected pipe fail to return to the original size (inside diameter) after the corrective measures, the line shall be replaced. The entire system shall be tested. Deflection testing and possible repair and replacement, as stated above, shall be incidental to the construction of sewer pipe; and no additional compensation will be provided. Any repaired sections will require video inspection at contractors cost.

(d) Upon request from the Wastewater Director, an approved company shall televise all sanitary sewer mains. An electronic video copy denoting the manhole number, distance between laterals and manholes shall be depicted on the video. The manhole number on the video shall be the manhole number shown on the plans for the development and the corresponding city designated manhole number. A report in eight and one-half inch by 11-inch format shall be submitted detailing the results of the video. The video and the report shall identify all observed construction deficiencies, pipe material flaws and the like. The report and a copy of the video shall be submitted to the office of the Wastewater Director.

(e) Vacuum testing of manholes shall conform to ASTM C-1244-93 standard method for concrete sewer manholes by negative air pressure. All sanitary sewer manholes shall be vacuum tested. Manholes that fail this test will be excavated, cleaned and all joints shall be wrapped on the outside with nine-inch RUB'R-NEK concrete joint wrap or equivalent.

(f) A copy of all testing results, showing a minimum of the initial test pressure, final test pressure, the duration of the test, fail or pass, and mandril results shall be submitted to the Wastewater Director prior to final acceptance of the development. The test results shall be certified by a licensed engineer.

(g) All tests shall be conducted in the presence of a representative of the city. Twenty-four hours' notice shall be given prior to commencing any tests.

(4) *Lift station/force main requirements.*

(a) All subdivision developers will make every attempt to plan and design sanitary sewage systems for gravity flow to the city's existing sewage system.

(b) If gravity flow is not possible, a sewage pumping station will be required and must be built to the city's sewage pump station specifications on file at the Wastewater Division Office. Pump station design and specifications will be strictly enforced.

(c) All work, installation, procedures, materials, testing and the like for sanitary sewer shall conform to the *Standard Specifications* (water, storm and sanitary). Sanitary sewer force mains shall be polyvinyl chloride (PVC) sewer pipe conforming to ASTM D-2241 with an SDR-26 and joints conforming to ASTM 3132. Tracer wire will be buried with all force main pipe.

(d) Ductile-Iron flanged pipe shall conform to ANSI/AWWA A21.10/C151 Class 52. The coating shall be applied to the outside of all pipes, unless otherwise noted. The inside coating shall be lined with 40 mil nominal dry film of "Protecto 401" or "Polybond Plus". The weight, class or nominal thickness, and casting period shall be shown on each pipe. Joints shall be in conformance with ANSI/AWWA B16.1/C110.

(e) Sanitary sewer force main pipe bedding shall be Class A crushed gravel or stone, conforming to IDOT Graduation CA-7, and shall be installed per ASTM 2321-89.

(f) The contractor shall keep existing sewer facilities in operation during construction of the proposed facilities.

(g) When connections are to be made to existing structures, the contractor shall field verify the location and elevations of the structure prior to making the connection. The contractor shall notify the owner and engineer if the existing structures are found to be different than shown on the drawings.

(h) Protection of the water main from sanitary sewer is required and shall be made in accordance with the latest edition of Title 35: Environmental Protection, Subtitle F Public Water Supplies, Ch. 11: Environmental Protection Agency, § 653.119: Protection of Water Main and Water Service Lines. The water and sewer main as delineated on the drawings shall be constructed with a minimum of ten feet horizontal separation and one and one-half foot vertical separation.

(i) The force main shall be hydrostatic pressure tested at a pressure of 50 PSI and a leakage test shall be performed both in accordance § 41-2.13, Pressure Testing of Water Mains, of the state's *Standard Specification for Water and Sewer Main Construction*.

(j) Tracer wire shall be THWN Soft Drawn No. 12 Copper and shall be connected to all valves and brought up, looped and fastened at the top for accessibility. Tracer wire shall be extended up all valve pits and boxes and fastened to the side of the pit or box to insure that the tracer wire will not become tangled around the valve wrench and broken.

(k) Splicing kits will be used for all splices in the tracer wire. For splices that will be buried or exposed to water 3M DBY/DBR Direct Bury Splice Kits shall be used. #M Scotchlok R splicing kits will be installed at dry locations.

(l) Contractor shall perform a conductivity test on the tracer wire after installation by the direction of the city. All testing is to be observed by the city.

(m) Should the tracer wire not pass testing, the contractor shall make the necessary repairs without additional compensation for the tracer wire to pass the test.

(5) *Submittals.* The following are additional requirements:

(a) Construction plans. The above shall contain complete information on connection to the existing sewer system, sizes, slopes, proposed rim and invert elevations, topography, right-of-way, existing easements, proposed easements and a visual representation of the 100-year flood elevation;

(b) Two additional sets, above the number you wish returned, of the EPA permit application. Applications must be signed by permittee, and signed and sealed by the design engineer; and

(c) Two CD-ROMs containing drawing files of the following in the latest Auto CAD and PDF formats (to be verified with city prior to submission):

1. Boundary, lot lines, sewers, rights-of-way and easements;

2. Sewer plan and profiles; and

3. Provide state plane coordinates of two points on the development.

(6) *Construction.*

(a) The permittee shall notify the City Wastewater Division of the date and schedule of construction.

(b) Proper dewatering of the sewer trench is the responsibility of the contractor. Dewatering into the city's sewer system is strictly forbidden. Connection(s) to the city's existing sewer system will be plugged and set over manholes will not be broken open until all sewers have been installed, inspected and approved.

(c) The city requires that the permittee retain a qualified licensed professional engineer to observe the sewer construction periodically, to determine conformance with plans and specifications.

(7) *Acceptance.* Prior to accepting the sanitary sewers, the following items shall be completed/submitted.

(a) All, air, mandrel, video inspection and manhole tests completed and results submitted. These must be sealed by a professional engineer. All lines must be jet cleaned prior to tests.

(b) If applicable, sewer pumping stations must be operational. All testing and start up reports must have passed, be certified by the pump manufacturer and design engineer, and on file at the office of the Wastewater Director.

(c) A notarized certification, to be delivered to the office of the Director of Wastewater Plant and Sewer Lines, by the installing contractor that he or she has installed all the sewers and treatment facilities in accordance with the permits, plans as stated in Section 1 of this code.

(d) Upon completion of the project as shown on the approved plans, submission of two 25-inch by 36-inch and three 11-inch by 17-inch record drawings (as-builts) showing constructed manhole invert elevations and exact locations of manholes, service laterals and tee/wye locations referenced to downstream manhole. Size and type of pipe shall also be on the drawings. All data provided shall be geographically referenced to the Illinois State Plane West (US Feet) coordinate system. Furthermore, all data shall be provided in a format compatible with the city's GIS system. Acceptable formats include .DWG's, shape files and geo-databases. If possible, multiple formats shall be provided to the city.

(e) Upon completion of the project after all required testing has been done, a final inspection will be made by city personnel. The final inspection will not be conducted until "Record" plans are submitted. Final inspection will be made at the requests of the owner. Defects noted must be corrected and a reinspection made before acceptance. Improvements found not as depicted on the submitted "Record" plans shall be rejected.

(f) After all defects, if any were noted during final inspection, have been corrected and prior to any sewer permits being issued, a maintenance bond in an amount equal to 50% of the construction cost shall be filed with the City Clerk. The bond shall be for a period of three years, commencing on the date of final inspection or reinspection if necessary, and shall cover all defects in materials and workmanship. The bond shall be binding on the developer or the contractor.

(g) All easements gathered by the permittee(s), across private property that is not contained within their development, shall be assigned/conveyed to the city by the permittee(s) free and clear of any and all liens and encumbrances without cost to the city.

(h) At the time of acceptance of the sewer extension, title to it shall be transferred and conveyed to the city, by the permittee(s) free and clear of any and all liens and encumbrances, without cost the city. Upon expiration of the permittee's maintenance bond (three years after acceptance of the sewers), the city shall assume all costs of maintenance and repair of such extension.

(i) No sewer tap permits will be allowed until all applicable requirements have been completed and a letter of acceptance has been received from the Director of Sewer Plants and Sewer Lines.

(G) *Monument sign.* The developer shall be required to submit with the improvement plans, detailed construction plans for ay and all signs for the subdivision. Said plans shall include location map, sign construction plan, landscaping and lighting details.

(H) *Street lights.* The developer shall submit with improvement plans a play detailing photometrics of the streetlights proposed. The plan should include location of street lights and detail showing the type of light and pole to be installed, as well as a photometrics plan.

(I) *Street signs.* Aluminum street signs must be installed by and at the expense of developers of subdivisions in accordance with the size and standards of street signs now in use or hereafter used in the city or ornamental street signs only as approved by City Council.

(J) *Traffic control.* All traffic-control devices, including stop lights, stop signs and the like, shall be installed at the expense of the developer, in accordance with the size and standards now in use or hereafter used in the city or ornamental street signs only as approved by City Council.

(K) *Street entrance.* Permission must be first obtained from the City Engineer for the entrance or connection of a new street or public way to any existing street or public way.

(L) *Culverts.* The size, location and grade of culverts, where necessary, shall be determined by the City Engineer; provided, however, that, nothing less than a 12-inch culvert shall be installed.

(M) *Drainage easements.*

(1) Easements for the purpose of draining surface water from public streets and across shall be provided. Drainage through these easements shall be over paved or tiled surface ways or in culvert/storm sewer systems, place at the proper grade to facilitate the flow of water; provided, development of a site cannot begin until a soil erosion and sedimentation control plan has been prepared by the developer and approved by the County Soil and Water Conservation District. This shall be a condition of improvement plan approval. The developer will be responsible for implementing and maintaining the plan until all improvements have been accepted by the city per applicable sections of this chapter.

(2) The provisions of the section shall not apply to the following construction activities:

(a) Excavation of below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of three acres; and

(b) Agricultural use of land, including the implementation of conservation measures included in farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.

(N) *Electronic copy.* The developer shall provide to the City Engineer as-built drawings (mylar and electronic) for all sanitary sewer systems, storm sewer systems, and water distribution systems. Said as-built drawings will be required to be submitted before the City Council approves the final plat. If the

developer files a performance bond in order to approve the final plat prior to acceptance and dedication of improvements, the drawings shall be submitted prior to the city's acceptance of improvements.

(O) *Maintenance during construction.* During construction of the improvements, the developer and his or her contractors will not be allowed to let mud accumulate on street or let grass or weeds grow taller than eight inches. (See § 93.021 of this code of ordinances.)

(P) *Construction entrance staging area.* For each phase of construction, the improvement plans must show the area of the subdivision on which construction equipment will be stored. The improvement plans must also show, or describe, the ingress/egress plan for construction equipment. Construction entrances that have the least impact on neighboring properties should be used whenever possible. (1960 Code, § 41-3-3) (Ord. 7128, passed 4-28-2008)

FINAL PLAT

§ 161.050 FORM AND NUMBER OF COPIES.

(A) An application for approval of the final plat, available from the city's Economic Development and Planning Department, together with 14 11-inch by 17-inch copies and four 24-inch by 36-inch sets of the final plat to the Economic Development and Planning Department no later than five working days before the meeting of the first Thursday of each month, at which time staff will review the submitted preliminary plat. The Development Review Committee, on the second Thursday of each month, shall review the submitted plat with the developer and consulting engineer and shall act upon the final plat. The Development Review Committee shall review the submitted final plat and act in one of three ways:

(1) Recommend approval of plat and forward to Planning Commission;

(2) Recommend revisions be made and forward to Planning Commission; or

(3) Recommend revisions be made and be submitted to the Development Review Committee for a second review.

(B) (1) The developer shall submit 24 11-inch by 17-inch copies of the final plat and four 24-inch by 36-inch copies of the final plat to the Economic Development to the Economic Development and Planning Department at least two weeks prior to the Planning Commission meeting at which the plat will be considered.

(2) The Planning Commission shall review the plat and recommend it be considered by City Council if it sees fit.

(C) The developer shall submit 40 11-inch by 17-inch copies and two full size copies of the final plat to the Economic Development and Planning Department for review by the City Council. (1960 Code, § 41-4-1) (Ord. 7128, passed 4-28-2008)

§ 161.051 SCALE AND DETAIL OF PLAT.

The final plat shall be drawn to the scale of one inch equal to 100 feet or less and shall show:

(A) The boundary lines with accurate distances and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract;

(B) Bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county or section lines accurately tied to the lines of the subdivision by distances and bearings;

(C) An accurate location of the subdivision in reference to the real estate records of the county;

(D) Street and alley names;

(E) The length of all arcs, radii, internal angles, points of curvature, length and bearing of the tangents;

(F) All easements for rights-of-way provided for public services or utilities and any limitations of the easements;

(G) All lot numbers and lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines;

(H) The accurate location, material and approximate size of all monuments;

(I) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon;

(J) Setback building lines;

(K) Private restrictions;

(L) Boundaries of each type of use restriction;

(M) Other private restrictions for each definitely restricted section of the subdivision;

(N) Proposed name of the subdivision;

(O) Name and address of the subdivider;

(P) North point, scale and date;

(Q) Certification of any application filed with the City Council for sewers and water extensions required under these rules, signed by the City Clerk;

(R) Certification by a registered professional civil surveyor to the effect that the plan represents a survey to the effect that the plan represents a survey made by him or her and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown;

(S) Each plat shall provide for easements as indicated in § 161.022(M) of this chapter to service all the lots of said subdivision with utilities and any other municipal services. Easements of greater width may be required before final approval of a plat will be given when said easements are necessary; and

(T) All final plats shall provide adequate easements for storm water drainage along any natural drainage channel and in such other location as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivisions.

(1) Locations and minimum widths of such easements shall be determined by the City Engineer.

(2) The maintenance of these drainage easements and their drainage systems shall be the responsibility of the lot owner or adjacent lot owners and shall be so stated in all types of conveyances.

(3) No tree or structure shall be placed or erected in any easement for utility or drainage purposes and the proper authorities may have fee access to and use the easements at any time.
(1960 Code, § 41-4-3) (Ord. 7128, passed 4-28-2008)

§ 161.052 STREET DEDICATION.

The approval of the final plat by the Plan Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street, or other proposed public way or space shown on the plat.
(1960 Code, § 41-4-4) (Ord. 7128, passed 4-28-2008)

§ 161.053 RECORDING PLAT.

Approval of the final plat by the Plan Commission shall be null and void if the plat is not recorded within 30 days after the date of City Council approval, unless application for an extension of time is made in writing to the Commission during the 30-day period and granted.
(1960 Code, § 41-4-5) (Ord. 7128, passed 4-28-2008)

ASSURANCE OF COMPLETION

§ 161.065 FINAL PLAT APPROVAL.

The City Council shall not approve any final plat of a subdivision within the city limits (and, hence, said final plat shall not be entitled to recording) until:

(A) All improvements required in the approved preliminary plat and improvement plans have been completed by the subdivider/developer, and inspected and accepted by the City Engineer; or

(B) Street addresses have been assigned to the lots on the plat by the County 9-1-1 Office and said plat has been signed off by the Coordinator of the County 9-1-1 Office approving said street addresses.
(1960 Code, § 41-5-1) (Ord. 7128, passed 4-28-2008)

§ 161.066 FORMS OF ASSURANCE.

The required legal assurance for the installation of infrastructure shall be a performance bond. Every performance bond may be reviewed by the City Attorney. Each performance bond shall be posted with the City Clerk.
(1960 Code, § 41-5-2) (Ord. 7128, passed 4-28-2008)

§ 161.067 AMOUNT OF BOND.

The amount of the performance bond shall be equal to 110% of the estimated cost of the infrastructure that remains to be installed. The amount shall be estimated by the developer or his or her engineer and submitted with the improvement plans to the City Engineer and the Planning Commission for review and approval.
(1960 Code, § 41-5-3) (Ord. 7128, passed 4-28-2008)

§ 161.068 ELIGIBLE SURETIES.

(A) No person shall be eligible to act as a surety unless he or she has been approved by the City Treasurer.

(B) The Treasurer shall conduct spot audits of all sureties.

(C) Any surety who fails to perform shall be ineligible to act as a surety for any subdivision improvements within the city's jurisdiction for a period of two years.
(1960 Code, § 41-5-4) (Ord. 7128, passed 4-28-2008)

§ 161.069 TERM OF ASSURANCE, EXTENSION.

(A) The initial term of any performance bond or escrow agreement shall not exceed two years.

(B) If all the required improvements have not been completed by the end of the two-year period, the City Engineer may either extend said bond/escrow agreement for one year or may proceed as provided in § 161.070 of this chapter.
(1960 Code, § 41-5-5) (Ord. 7128, passed 4-28-2008)

§ 161.070 RELEASE OF BOND/ESCROW DEPOSIT.

The performance bond/escrow deposit shall not be released until:

(A) The City Engineer has determined that all required improvements have been satisfactorily completed; and

(B) Said improvements have been accepted by the City Engineer and any other agency having jurisdiction.
(1960 Code, § 41-5-6) (Ord. 7128, passed 4-28-2008)

§ 161.071 FAILURE TO COMPLETE IMPROVEMENTS.

(A) If all the required improvements have not been completed by the end of the two-year period or three-year period, in the case of an extension, the City Engineer shall:

(1) Require the surety to perform on the bond and to pay to the city an amount equal to the cost of completing the required improvements (as estimated by the City Engineer) or the amount of the bond not heretofore released, whichever is less;

(2) Order the City Treasurer to retain all escrowed funds needed to complete all the required improvements, and to return the balance if any of such funds to the subdivider/developer; or

(3) Require the subdivider/developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

(B) If the surety fails to perform on the bond or the escrow agent fails to remit within 30 days after written request, the City Engineer shall direct the City Attorney to take immediate action to require performance.
(1960 Code, § 41-5-7) (Ord. 7128, passed 4-28-2008)

§ 161.072 MAINTENANCE GUARANTEE.

(A) Subsequent to completion and prior to final acceptance, the subdivider/developer shall furnish the Planning Commission with a statement, signed and sealed by a professional engineer, licensed in the state, stating that all improvements have been done per city standards. The subdivider/developer shall also post a maintenance bond or irrevocable letter of credit with the City Clerk in a form approved by the City Attorney, prior to final acceptance.

(B) The bond shall be in an amount determined by the City Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of three years.

(C) If, at any time during the guarantee period, the improvements are found to be defective, they shall be repaired or replaced at the subdivider's expense.

(D) The subdivider's/developer's maintenance bond or irrevocable letter of credit will only be released upon final inspection of any repairs deemed necessary by the City Engineer.

(E) It shall be the subdivider's/developer's responsibility to request a final inspection 60 days and not later than 30 days before the end of the guarantee period. Maintenance bond or irrevocable letter of credit expirations terms shall specifically state that assurances will be in effect until officially released by the City Engineer in writing.

(F) (1) Any acts of maintenance on street improvements by the city shall not be construed as acceptance by the city.

(2) ***ACTS OF MAINTENANCE*** include, but are not limited to, the following:

(a) Snow removal;

(b) Payment of energy charges on street lights; and

(c) Installation and repair of street signs.

(G) (1) Should the developer choose to purchase materials using the city tax exemption number, the professional engineer, required under this section, who certifies the improvements and the developer, shall certify that all materials purchased using the city tax exemption number were either for roadway and storm water systems incorporated into the right-of-way dedicated to the city or for sanitary sewer systems lines and manholes which will be maintained by the city.

(2) The developer shall also furnish the city with copies of all material delivery tickets for which the tax exemption number was used.
(1960 Code, § 41-5-8) (Ord. 7128, passed 4-28-2008)

DOCUMENTATION REQUIRED

§ 161.085 ELECTRONIC COPY.

The developer shall be required to submit electronic copies of work approved during the subdivision process. The following sections describe what type of information is required during which stage of the platting process.
(1960 Code, § 41-6-1) (Ord. 7128, passed 4-28-2008)

§ 161.086 FORMAT.

All electronic documentation required to be submitted shall be submitted on a CD or DVD in AutoCAD 2000i format. All layers shall be tied to the State Plane Coordinate System NAD 1983.
(1960 Code, § 41-6-2) (Ord. 7128, passed 4-28-2008)

§ 161.087 PAPER COPIES.

Paper copies of plats and plans are required as described below.
(1960 Code, § 41-6-3) (Ord. 7128, passed 4-28-2008)

§ 161.088 PRELIMINARY PLAT.

The developer shall provide to the Economic Development and Planning Department an electronic copy of the preliminary plat. Further, the developer shall provide one 24-inch by 36-inch copy of the preliminary plat to the Economic Development and Planning Department with the electronic copy. Such information shall be submitted to the Economic Development and Planning Department before the preliminary plat is approved by City Council.
(1960 Code, § 41-6-4) (Ord. 7128, passed 4-28-2008)

§ 161.089 AS-BUILTS.

The developer shall provide to the Economic Development and Planning Department an electronic copy of as builts for improvements such as storm sewer, sanitary sewer and streets. Further, the developer shall provide the Economic Development and Planning Department one paper copy of as builts. Such information shall be provided after improvements are accepted by the city, but before the City Council approves the final plat. Additionally, the developer shall be required to provide sanitary sewer information to the Waste Water Division as described in § 161.037(F)(5) of this chapter.
(1960 Code, § 41-6-5) (Ord. 7128, passed 4-28-2008)

§ 161.090 FINAL PLAT.

The developer shall provide a CD which contains an electronic copy of the final plat. The developer shall also submit one 24-inch by 36-inch laminated paper copy of the recorded final plat.
(1960 Code, § 41-6-6) (Ord. 7128, passed 4-28-2008)

CHAPTER 162: ZONING

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GENERAL PROVISIONS

§ 162.001 PURPOSE.

(A) In accordance with state law (65 ILCS 5/11-13-1 et seq.), this chapter regulates structures and land uses in order to preserve, protect and promote the public health, safety and welfare through implementation of the city's Comprehensive Plan.

(B) More specifically, this chapter is intended to assist in achieving the following objectives:

(1) To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;

(2) To protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and to gradually eliminate non-conforming uses and structures;

(3) To conserve and increase the value of taxable property throughout the city;

(4) To ensure the provision of adequate light, air and privacy for the occupants of all buildings;

(5) To protect property from damage caused by fire, flooding, poorly-controlled storm water run-off and adverse soil and topographical conditions;

(6) To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;

(7) To guide the provision of water mains, sanitary sewers, storm water sewers and other utilities and services, and to reduce the initial costs and future maintenance expenses thereof;

(8) To provide for the efficient administration and fair enforcement of all the regulations set forth herein; and

(9) To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments and the like.
(1960 Code, § 60-1-1)

§ 162.002 JURISDICTION.

This chapter shall be applicable within the corporate limits of the city.
(1960 Code, § 60-1-2)

§ 162.003 INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.

Every provision of this chapter shall be construed liberally in favor of the city, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this chapter differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction or covenant, the more stringent requirement shall prevail.
(1960 Code, § 60-1-3)

§ 162.004 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this chapter.

(B) Any suit brought against any officer, board member, agent or employee of the city, as a result of any act required or permitted in the discharge of his or her duties under this chapter, shall be defended by the Municipal Attorney until the final determination of the legal proceedings.
(1960 Code, § 60-1-4)
Statutory reference:
Local Governmental and Governmental Employees Tort Immunity Act, see 745 ILCS 10/1-101

§ 162.005 CONSTRUCTION OF TERMS.

In construing the intended meaning of terminology used in this chapter, the following rules shall be observed.

(A) Words and phrases shall have the meanings respectively ascribed to them in § 162.006 of this chapter unless the context clearly indicates otherwise; terms not defined in § 162.006 of this chapter shall have their standard English dictionary meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory; the term "may" is discretionary.

(F) The term "the city" shall mean the City of Belleville, Illinois.

(G) The words "lot", "parcel", "tract" and "site" shall be synonymous. (See definition of "plot".)

(H) The words "extend", "enlarge" and "expand" shall be synonymous. (See definition of "enlarge".)

(I) The words "abutting", "adjacent" and "contiguous" shall be synonymous. (See definition of "abutting".)

(J) All distances shall be measured to the nearest integral foot.

(K) References to sections shall be deemed to include all divisions within that section; but a reference to a particular division designates only that division.

(L) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.
(1960 Code, § 60-2-1)

§ 162.006 DEFINITIONS.

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

ABUTS. Having a common lot line or district line (excluding streets, alleys or public rights-of-way).

ACCESS WAY. A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

ACCESSORY USE. Any structure or use that is:

(1) Subordinate in size or purpose to the principal structure or use which it serves;

(2) Necessary or contributing to the comfort and convenience of the occupants or the principal structure or use served; and

(3) Located on the same lot as the principal structure or use served.

ADMINISTRATOR. The official appointed by the Mayor of the city with the advice and consent of Council to administer this chapter or his or her representative. (Synonymous with ***ZONING ADMINISTRATOR***.)

AGRICULTURE. Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, viticulture or animal/poultry husbandry.

The term ***AGRICULTURE*** encompasses the farmhouse and accessory uses and structures customarily incidental to agricultural activities.

AISLE. A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

ALLEY. A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

ALTER. To change the size, shape or use of a structure.

AMENDMENT. A change in the provisions of this chapter (including those portions incorporated by reference), properly effected in accordance with state law and the procedures set forth herein.

ATTACHED. As applied to buildings, having a common wall and/or a common roof.

BASEMENT. A story having one-half or more of its height below average level of the adjoining ground.

BLOCK. An area of land entirely bounded by streets, highways, barriers or ways (except alleys, pedestrian ways or exterior boundaries of a subdivision unless exterior boundary is a street, highway or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or corporate boundary lines.

BOARD OF APPEALS. The Board of Zoning Appeals of the city.

BUFFER STRIP. An area of land, undeveloped except for landscaping, fences and the like, used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

BUILDING. Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

BUILDING HEIGHT. The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, towers, cooling towers and similar projections shall not be included in calculating ***BUILDING HEIGHT***.

BUILDING LINE. The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way.

BULK. Any one or any combination of the following structural or site design characteristics:

(1) Size or height of structure;

(2) Location of exterior walls at all levels in relation to lot lines, streets or other structures;

(3) Lot area; and/or

(4) Yards or setbacks.

CERTIFICATE OF ZONING COMPLIANCE, INITIAL. A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this chapter and may, therefore, proceed.

CERTIFICATE OF ZONING COMPLIANCE, FINAL. A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this chapter and may, therefore, be occupied or used.

CLINIC. An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

CLUB/LODGE. A non-profit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COMMERCIAL USE/ESTABLISHMENT. Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

COMMUNITY RESIDENCE. A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. ***COMMUNITY RESIDENCE*** does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease. (See definition of ***LARGE COMMUNITY RESIDENCE*** and ***SMALL COMMUNITY RESIDENCE.***)

COMPREHENSIVE PLAN. The plan or any portion thereof adopted by the city to guide and coordinate the physical and economic development of the community. The ***COMPREHENSIVE PLAN*** includes, but is not limited to, plans and programs regarding the location, character and extent of highways; bridges; public buildings or uses; utilities; schools; residential, commercial or industrial land uses; parks; drainage facilities; and the like.

CONFORMING. In compliance with the applicable provisions of this chapter.

CONVENIENCE SHOP. Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple-family complex, mobile home park or similar development.

CORRECTIVE ACTION ORDER. A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this chapter.

DAY CARE CENTER. See ***NURSERY SCHOOL.***

DETACHED. As applied to buildings, surrounded by yards on the same lot as the building.

DEVELOP. To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

DIMENSIONS. Refers to both lot depth and lot width.

DISTRICT, ZONING. A portion of the territory of the city wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this chapter.

DORMITORY. A building owned by an accredited school, college or university and devoted exclusively to living facilities in which each person residing in each living unit is a duly-registered student in the accredited school, college or university which the building owns. The living facilities for such building shall be designed with sleeping rooms for use by 16 or more students; provided that, there is at least 150 square feet of floor space for the first student-occupant thereof and at least 100 additional square feet of floor space for every additional student-occupant.

DRIVEWAY. A minor way commonly providing vehicular access to a garage or off-street parking area.

DWELLING. A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels or other accommodations for the transient public.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof containing three or more dwelling units built to comply with the adopted building codes of the city.

DWELLING, SINGLE-FAMILY. A detached dwelling containing one dwelling unit and intended for the occupancy of one family built to comply with the adopted building codes of the city. Does not include a mobile home. (See definition of ***MOBILE HOME.***)

DWELLING, TWO-FAMILY. A dwelling containing two dwelling units built to comply with the adopted building codes of the city.

DWELLING UNIT. One or more rooms designed or used as living quarters by one family. A ***DWELLING UNIT*** always includes a bathroom and a kitchen.

EASEMENT. A right to use another person's real property for certain limited purposes.

ENCLOSED. As applied to a building, covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

ENLARGE. To increase the size (floor area, height and the like) of an existing principal structure or accessory use, or to devote more land to an existing use.

ERECT. To build, construct.

ESTABLISHMENTS. Either of the following:

(1) An institutional, business, commercial or industrial activity that is the sole occupant of one or more buildings; or

(2) An institutional, business, commercial or industrial activity that occupies a portion of a building, such that:

(a) The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

(b) The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

EXISTING. Actually constructed or in operation on the effective date of this chapter.

FAMILY. Either:

(1) Two or more persons, each related to the other by blood, marriage or adoption, together with usual domestic servants and not more than one bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a related family); or

(B) Three or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family). For purposes of this chapter, however, an ***UNRELATED FAMILY*** shall not include persons living together in a community residence or nursing home.

FENCE. A hedge, structure or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates. An enclosure about a field or other space, or about any object; especially an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within.

FLOOD ELEVATION, REGULATORY. The elevation of the most severe flood that, on the basis of Corps of Engineer's data, may be expected to occur once every 100 years.

FLOODPLAIN AREA. The area adjacent to a watercourse and its tributaries having an elevation equal to or lower than the regulatory flood elevation.

FLOOD AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. ***GROSS FLOOR AREA*** includes basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; and enclosed porches.

FRONTAGE. The lineal extent of the front (street-side) of a lot.

GREENHOUSE. See ***NURSERY.***

HALFWAY HOUSE. A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are present at all times residents are present for the following purposes:

(1) To help them recuperate from the effects of drugs or alcohol addiction;

(2) To help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to, prerelease, workrelease and probationary programs;

(3) To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or

(4) To provide temporary shelter for persons who are victims of domestic abuse.

HANDICAP. A physical, mental or intellectual impairment or a combination thereof which substantially limits one or more of such person's major life activities, which is likely to continue for a significant amount of time or indefinitely and results in functional limitations in three or more of the following areas of major life activities: self-care, receptive or expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency, but such term does not include past or current use of or addiction to a controlled substance, alcohol or a person with communicable diseases. Further, ***HANDICAP*** does not include a person who has committed a criminal offense.

HEREAFTER. Any time after the effective date of this chapter.

HOME FOR THE AGED. A facility, however named, which is designed, staffed and equipped for the care of elderly individuals who are not in need of hospital or nursing care, but who are in need of assistance with everyday activities of living in a protected environment.

HOME OCCUPATION. Any business, profession or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this chapter.

HOSPITAL. An institution devoted, on an around-the-clock basis, to the maintenance and operation of facilities for the diagnosis, treatment or care of members of the general public suffering from disease, injury or other abnormal physical conditions.

HOTEL or ***MOTEL.*** A building providing transient lodging accommodations to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services and recreational facilities.

INDUSTRIAL PARK. A tract of land which is planned as a whole for use by businesses, who will own or control individual lots within the development tract; and who, by virtue of such unified planning and development, may receive greater amenities and/or lower individual development costs than would normally be available through the development of individual separate lots. An ***INDUSTRIAL PARK*** may contain one type of use or a variety of uses within its zoning class.

INTENSIFY. To increase the level or degree of.

INTERSECTION. The point at which two or more public rights-of-way (generally, streets) meet.

JUNK YARD. A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling or handling waste or scrap materials. Such scrap materials include vehicles, machinery and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags and rubber tires. A lot on which three or more inoperable vehicles are stored shall be deemed a ***JUNK YARD***. A ***JUNK YARD*** includes an automobile wrecking yard.

KENNEL. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals, which consist of more than three dogs, cats or other domestic animals over four months of age are kept.

LARGE COMMUNITY RESIDENCE. A community residence serving six to 15 persons with handicaps. All ***LARGE COMMUNITY RESIDENCES*** shall comply with Use Group I-1 of the BOCA Code.

LOADING SPACE. An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT. A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A ***LOT*** may or may not coincide with a "lot of record".

LOT, CORNER. A lot having at least two adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

LOT, THROUGH. A lot having a pair of approximately parallel lot lines that abut two approximately parallel streets. Both such lot lines shall be deemed front lot lines.

LOT AREA. The area of a horizontal plane bounded by the front, side and rear lines of a lot.

LOT COVERAGE. The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH. The average horizontal distance between the front lot line and the rear lot line of a lot.

LOT LINE, FRONT. The lot boundary abutting the street.

LOT LINE, REAR. An interior lot line which is most distant from and most nearly parallel to the front lot line.

LOT LINE, SIDE. Any boundary of a lot which is not a front lot line or a rear lot line.

LOT SIZE REQUIREMENTS. Refers to the lot area, width and depth requirements of the applicable district.

LOT WIDTH. The mean horizontal width of a lot measured at right angles to the side lot lines.

MAINTENANCE. The routine upkeep of a structure, premises or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure in sound condition.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis in accordance with the National Manufactured Home Construction and Safety Standards (HUD Code), and designed to be used as a dwelling unit by one family with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

MATERIALLY. As applied to the impact of one thing on another, significantly or substantially.

METAL BUILDING. Any building in which any exterior wall surface is clad in metal or steel (excluding roofs).

MOBILE HOME. A structure designed for habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frames, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons; the term ***MOBILE HOME*** shall also include manufactured houses constructed after 6-30-1976, in accordance with the Federal National Manufactured Housing Construction and Safety Standards Act of 1974. It is further provided that for the purpose of this chapter, the definition of ***MOBILE HOME*** shall include any portable

structure used as an office; except that, it shall not include a temporary portable structure at a construction site; provided further that, if a temporary construction site structure remains at a construction site for over one year, permission to remain thereafter must be obtained from the Building and Zoning Commissioner. As defined in this chapter, a ***MOBILE HOME*** differs from a modular home in that it does not meet the adopted building code for the city. (See definition of ***MODULAR, PRECUT OR PREFAB HOME***.)

MOBILE HOME PARK. A tract of land or two or more contiguous tracts of land upon which contains sites with the necessary utilities for five or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tract of land from common licensure as a ***MOBILE HOME PARK*** if they are maintained and operated jointly. As specified in this chapter, any newly developed ***MOBILE HOME PARK*** shall contain a parcel of land not less than ten acres in area in single ownership control.

MODULAR HOME. A substantially constructed factory-fabricated home built in one or more sections transported to a building site, mounted on a permanent foundation and designed for residential use as a single-family dwelling unit. At a minimum, a ***MODULAR HOME*** must meet the requirements of the state's Department of Public Health being distinguished by a yellow seal in the shape of the state placed on the electrical panel box of the unit. For units manufactured in Indiana under a reciprocal agreement, the Indiana seal satisfies this requirement. (See ***PREFABRICATED/SECTIONAL HOME***.)

NON-CONFORMING. As applied to a lot, structure or use:

(1) Lawfully existing on the effective date of this chapter; but

(2) Not in compliance with the applicable provisions thereof.

NUISANCE. Any thing, condition or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

NURSERY. A tract of land on which trees, shrubs and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

NURSERY SCHOOL. An establishment for the part-time care and/or instruction at any time of day of four or more unrelated children of pre-elementary school age.

NURSING HOME. A licensed public or private home or substitute which provides maintenance, personal care and nursing for three or more persons who by reason of physical illness or infirmity are incapable of maintaining a private, independent residence.

OFFICE. Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

OUTDOOR RESTAURANT/DINING ESTABLISHMENT. Any portion of a food establishment or eating place located on a public sidewalk or public open-space that provides waiter or waitress service and is unenclosed and open to the general public; the facility being properly licensed as a food establishment in the county and meet the requirements as set forth in § 162.400 of this chapter.

OVERLAY DISTRICT. A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as flooding and the like.

PARKING AREA/LOT, OFF-STREET. Land that is improved in accordance with this chapter and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An ***OFF-STREET PARKING AREA***, depending on the circumstances of its use, may be either a principal use or an accessory use.

PARKING SPACE, OFF-STREET. An area at least 19 feet long and nine feet wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

PERMITTED USE. Any use which is or may be lawfully established in a particular district(s); provided, it conforms with all the requirements applicable to said district(s).

PERSON. Any individual, firm, association, organization or corporate body.

PLANNED UNIT DEVELOPMENT. A tract of land which is planned as a whole for development under single ownership or control in accordance with this chapter, and which, by virtue of such unified planning and development, provides greater amenities, convenience or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A ***PLANNED UNIT DEVELOPMENT*** may contain one type of use or a variety of uses.

PLANNING COMMISSION. The Planning Commission of the city.

PLOT. A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

PREFABRICATED/SECTIONAL HOME. A partially constructed factory fabricated premanufactured home which will be substantially assembled on-site, utilizing premanufactured component parts and when fully assembled meets or exceeds the building codes of the city.

PREMISES. A lot and all the structures and uses thereon.

PRINCIPAL BUILDING/STRUCTURE/USE. The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

PROPERTY LINE. See ***LOT LINE***.

RECONSTRUCT. As applied to non-conforming structures, to rebuild after partial or total destruction.

REFUSE. Garbage (food wastes) and trash, but not sewage or industrial wastes.

RELOCATE. To move to another portion of a lot or to a different lot.

REPAIR. To restore to sound condition, but not to reconstruct.

RESTRICTIVE. Tending to keep within prescribed limits.

RETAIL. Refers to the sale of goods or services directly to the consumer rather than to another business.

RIGHT-OF-WAY, PUBLIC. A strip of land which the owner/subdivider has dedicated to the city or to another unit of government for streets and alleys.

ROOMING HOUSE. A building in which sleeping quarters (but not meals or cooking facilities) are provided by pre-arrangement for compensation on a weekly or longer basis for three or more persons who are not members of the keeper's family. For the purpose of this chapter, the term ***ROOMING HOUSE*** shall also mean boarding house and a ***ROOMING HOUSE*** shall not include a community residence or nursing home.

SANITARY LANDFILL. A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the state's Environmental Protection Agency. At a ***SANITARY LANDFILL***, the refuse is periodically covered with topsoil.

SCREENING. Trees, shrubs, walls, solid fences and the like used as a means of visual and noise control.

SERVICE USE/ESTABLISHMENT. Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

SETBACK. The minimum horizontal distance between a lot line and the nearest portion of a building.

SETBACK LINE. See ***BUILDING LINE***.

SMALL COMMUNITY RESIDENCE. A community residence serving five or fewer persons with handicaps in a family-like atmosphere. All ***SMALL COMMUNITY RESIDENCES*** shall comply with Use Group R-2 of the BOCA Code.

SPECIAL USE. A use that has unusual operational, physical or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. ***SPECIAL USES*** commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

SPECIAL USE PERMIT. A permit issued in accordance with the provisions of this chapter to regulate development of a special use.

STABLE. A structure situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

STOP ORDER. A type of corrective action order used by the Administrator to halt work in progress that is in violation of this chapter.

STREET. A public or private way for motor vehicle travel. The term ***STREET*** includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian use only.

STRINGENT. Binding, exacting.

STRUCTURE. Anything constructed, assembled or erected on the ground, or attached to something having a fixed location on the ground. All buildings are ***STRUCTURES***, but not all ***STRUCTURES*** are buildings.

STRUCTURE, TEMPORARY. Any structure that is not attached to a permanent foundation.

STUDENT. An individual who is enrolled or has been accepted to an undergraduate or graduate degree program at an accredited university, college, community college or technical college, and is enrolled in the upcoming or current session, or was enrolled in the previous term, or is on a scheduled term break or summer break from the institution.

STUDENT DWELLING UNIT. A one-, two- or multi-family dwelling in which more than three, but less than 16, unrelated students live. The maximum number of students living in a ***STUDENT DWELLING UNIT*** shall be determined by the city's Housing Department and shall be based on the city's current adopted codes.

TEMPORARY USE PERMIT. A permit issued in accordance with the provisions of this chapter and valid for not more than one year, which allows the occupation of a temporary structure or the operation of a temporary enterprise.

TOPOGRAPHY. The relief features or surface configuration of an area.

USE. The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied or maintained.

USE-VARIANCE. A type of amendment (not variance) that allows a use in a district where said use would not be allowed under existing provisions of this chapter.

USED CAR LOT. A lot where second-hand automobiles are purchased, displayed, exchanged and sold.

VARIANCE. A relaxation of the strict application of the lot size, setbacks or other bulk requirements applicable to a particular lot or structure.

YARD. Open space that is unobstructed, except as specifically permitted in this chapter and that is located on the same lot as the principal building.

YARD, FRONT. A yard which is bounded by the side lot lines, front lot lines and the building line.

YARD, REAR. A yard which is bounded by side lot lines, rear lot lines and the rear yard line.

YARD, SIDE. A yard which is bounded by the rear yard line, front yard line, side yard line and side lot line.

YARD LINE. A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

ZONING MAP. The map(s) and any amendments thereto designating zoning districts and incorporated into this chapter by reference.
(1960 Code, § 60-2-2) (Ord. 4059, passed 4-16-1984; Ord. 4094, passed 9-4-1984; Ord. 4674, passed 9-18-1989; Ord. 4770, passed 9-4-1990; Ord. 5256, passed 5-2-1994; Ord. 5231, passed 3-7-1994; Ord. 5428, passed 5-15-1995; Ord. 5451, passed 10-11-1995; Ord. 5548, passed 4-1-1996; Ord. 5786, passed 8-18-1997; Ord. 7174, passed 8-18-2008; Ord. 7198, passed 12-1-2008; Ord. 7219, passed 1-20-2009; Ord. 7634, passed 10-15-2012; Ord. 7817, passed 11-3-2014)

GENERAL ZONING REGULATIONS

§ 162.020 ESTABLISHMENT OF DISTRICTS.

In order to implement the regulatory scheme of this chapter so as to achieve the objectives enumerated at § 162.001 of this chapter, this entire city is hereby divided into the following zoning districts:

Designation	*District*	*Minimum Area**
A-1	Single-Family Residence	5 acres
A-2	Two-Family Residence	5 acres

Designation	*District*	*Minimum Area**
A-2A	Single-Family Residence	5 acres
AGR	Agricultural/Rural	10 acres
B-1	Multi-Family Residence	5 acres
C-1	Light Commercial	10 acres
C-2	Heavy Commercial	10 acres
C-3	Commercial	10 acres
C-4	Commercial	10 acres
C-5	Planned Commercial	10 acres
D-1	Light Industry	10 acres
D-2	Heavy Industry	10 acres
FP	Floodplain Overlay	None
HP	Historic Preservation Overlay	None
MH-1	Mobile Home Residence	10 acres
MH-2	Mobile Home Park	10 acres

NOTES TO TABLE:
* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. This requirement relates only to the creation of new zone districts. Expansion of existing zone districts shall be exempt from this provision provided the expansion area is contiguous to the existing zone district.

(1960 Code, § 60-3-1) (Ord. 5314, passed 9-19-1994)

§ 162.021 ZONING MAP AND DISTRICT BOUNDARIES.

The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the city. This official map, including all notations and other information thereon, is hereby made a part of this chapter by reference. The official zoning map shall be kept on file in the Administrator's office.
(1960 Code, § 60-3-2)

§ 162.022 ANNUAL PUBLICATION.

(A) In accordance with state law (65 ILCS 5/11-13-19), the Administrator shall publish the zoning map of the city not later than March 31 of each year.

(B) However, no map shall be published for any calendar year during which there have been no changes in zoning districts or regulations.
(1960 Code, § 60-3-3)

§ 162.023 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.

In determining with precision what territory is actually included within any zoning district, the Zoning Administrator shall apply the following rules.

(A) Where a district boundary, as indicated on the zoning map, approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

(1) Centerline of any street, alley or highway of such centerline;

(2) Lot line such lot line;

(3) Railroad tracks right-of-way line of such tracks;

(4) Stream center of such stream; and

(5) Section lines, quarter section lines, quarter-quarter section lines, survey lines such lines.

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) The regulatory flood elevation at any point in question shall determine where the floodplain overlay district boundary is located on the land.
(1960 Code, § 60-3-4)

§ 162.024 ANNEXED TERRITORY.

(A) Whenever any territory is annexed into the city, the City Council shall determine its zone district classification. Before determining such classification the Council shall fix a time for and hold a public hearing upon the proposed annexation agreement or amendment, and shall give notice not more than 30, nor less than 15, days before the date fixed for the hearing. This notice shall be published at least once in one or more newspapers published in the city. After such hearing, the agreement or amendment may be modified before execution thereof. The annexation agreement or amendment shall be executed by the Mayor and attested by the City Clerk only after such hearing and upon the adoption

of a resolution or ordinance directing such execution, which resolution or ordinance must be passed by a vote of two-thirds of the corporate authorities then holding office.

(B) Territory proposed to be annexed that is used exclusively for single-family residential use shall automatically be reclassified to "A-1(L)" exempt from the public hearing requirement. Furthermore, territory proposed to be annexed that is used predominately for agricultural, horticultural and like uses shall automatically be reclassified to "AG" exempt from the public hearing requirement. Neither the provisions of §§ 162.535 through 162.539, 162.550 through 162.555, 162.570 through 162.575 and 162.590 through 162.595 of this chapter, nor the public hearing or notice provisions of any ordinance, shall apply when the City Council classifies the land with the annexation or consolidation ordinances provided for above.
(1960 Code, § 60-3-5) (Ord. 6673, passed 8-2-2004)

§ 162.025 GENERAL PROHIBITION.

No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed, except in conformity with the provisions of this chapter. Similarly, no lot or part thereof shall be used, occupied or developed, except in conformity with the provisions of this chapter.
(1960 Code, § 60-3-6) Penalty, see § 162.999

§ 162.026 UNLISTED USES PROHIBITED.

Whenever any use is not specifically listed as permitted or special within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Council finds that the unlisted use is similar to and compatible with the listed uses, it may allow such use by amending this chapter in accordance with § 162.590 of this chapter. The Council's decision shall become a permanent public record and any unlisted use that they approve shall thereafter have the same status as listed uses.
(1960 Code, § 60-3-7) Penalty, see § 162.999

§ 162.027 EMERGENCY AND TEMPORARY OCCUPANCY OF STRUCTURES.

No temporary structure (including travel-trailers or mobile homes) shall be used or occupied for any residential, commercial or industrial use except as specifically permitted or required by this chapter. However, the City Council may, upon application therefor, permit the use of such temporary structure for such reasonable time, for such use, and subject to such conditions as the Council deems to be compatible with the character of the area in which the structure is located, and in compliance with reasonable consideration of the general health, safety and welfare.
(1960 Code, § 60-3-8) Penalty, see § 162.999

§ 162.028 MEETING MINIMUM REQUIREMENTS.

Except as specifically provided otherwise elsewhere in this chapter, every lot must meet the minimum area, minimum dimensions and minimum setbacks requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot.
(1960 Code, § 60-3-9) Penalty, see § 162.999

§ 162.029 ACCESS REQUIRED.

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to, a public street or a private street that conforms to the standards set forth in Ch. 161 of this code of ordinances.
(1960 Code, § 60-3-10) Penalty, see § 162.999

§ 162.030 FRONT SETBACKS - CORNER/THROUGH LOTS.

Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements. The side yard shall be equal to one-half of the front setback on corner and/or through lots.
(1960 Code, § 60-3-11) (Ord. 3758, passed 12-29-1980) Penalty, see § 162.999

§ 162.031 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS.

Except as specifically provided otherwise, in all residential and commercial zoning districts, where over 50% of the lots on one side of a street between intersections (that is, in one block) are developed with buildings that do not meet the minimum front yard setback area, then a front yard setback that conforms with the established building line in that block may be permitted.
(1960 Code, § 60-3-12)

§ 162.032 INTRUSIONS INTO YARDS.

To the extent indicated below, the following feature of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

Feature	*Maximum Intrusion*
Cornices, chimneys, planters or similar architectural features	2 feet
Fire escapes	4 feet

(1960 Code, § 60-3-14)

§ 162.033 EXCEPTIONS TO HEIGHT LIMITS.

(A) *Necessary appurtenances.* Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the city.

(B) *Intersections.* On corner lots, in the triangular portion of land bounded by the street lines of such corner lots and a line joining the two points, each of which is on one street line and 30 feet from the point of intersection, no obstruction, whether natural or human-made, shall intrude into the air space that is between two feet and ten feet above the level of the adjacent street.
(1960 Code, § 60-3-15) Penalty, see § 162.999

§ 162.034 ACCESSORY USES.

(A) ***ACCESSORY USE*** means any structure or use which if:

(1) Subordinate in size or purpose to the principal structure or use which it serves;

(2) Necessary or contributing to the comfort and convenience of the occupants (whether individuals or a commercial enterprise) of the principal structure or use served; and

(3) Located on the same lot as the principal structure or use served.

(B) A building permit is needed for all detached accessory buildings with a floor plan area that exceeds 100 square foot. A building permit is also required to install more than one detached accessory structure for a floor plan area that does not exceed 100 square foot.
(1960 Code, § 60-3-16) (Ord. 6789, passed 11-7-2005) Penalty, see § 162.999

§ 162.035 PERMITTED ACCESSORY USES.

Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:

(A) Accessory to the principal structure or use that is allowed in that zoning district as of right (permitted use) or by virtue of the fact that a special use permit has been granted; and

(B) In compliance with the restrictions set forth in § 162.036 of this chapter.
(1960 Code, § 60-3-17)

§ 162.036 ACCESSORY USE RESTRICTIONS.

(A) *Height.* No accessory use shall be higher than:

(1) Fifteen feet in any residential district; or

(2) Twenty-five feet in any other zoning district.

(B) *Setbacks.* No accessory use in any zoning district shall be located in any part of any front yard, nor closer than five feet to any side or rear yard.

(C) *Percentage of lot coverage.* In any residential district, all buildings including accessory buildings shall not cover more than 40% of the lot area.

(D) *Use as dwelling.* Use of any accessory structure as a dwelling is strictly prohibited throughout the zoning jurisdiction of the city.

(E) *Garages and carports.* Unattached garages, carports or storage sheds may come within two feet of side or rear property lines. The roof line shall govern the two-foot set back.
(1960 Code, § 60-3-18) (Ord. 3973, passed 8-1-1983) Penalty, see § 162.999

§ 162.037 DEGREE OF RESTRICTIVENESS.

MORE RESTRICTIVENESS USES as employed in this chapter means the following:

(A) Those uses first permitted in the "A-1" District are the most restrictive; and

(B) All other uses are less restrictive in the order of restrictiveness, beginning with the most restrictive as follows: "A-1A", "A-2", "B-1", "MH-1", "MH-2", "C-1", "C-2", "C-3", "C-4", "C-5", "D-1" and "D-2".
(1960 Code, § 60-3-19)

PLANNED UNIT DEVELOPMENT

§ 162.050 PLANNED UNIT DEVELOPMENTS.

(A) As used in this chapter, the term ***PLANNED UNIT DEVELOPMENT (PUD)*** means a development wherein, in accordance with an approved development plan:

(1) Common open space is reserved;

(2) Various housing types and other structures and uses may be mixed; and/or

(3) Overall average density does not exceed the usual zoning district limit.

(B) This chapter authorizes development of PUDs and establishes PUD procedures in order to achieve the objectives enumerated in § 162.001 of this chapter and the following additional objectives:

(1) To provide a regulatory mechanism whereby the city can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the city's issuance of the necessary zoning, subdivision and/or building permits;

(2) To permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;

(3) To preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;

(4) To encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;

(5) To ensure the provision of usable common open space in planned developments and to spur installation of various amenities therein; and

(6) To facilitate the economical installation of standard streets, sewers, utilities and other improvements.
(1960 Code, § 60-4-1)

§ 162.051 COMPLIANCE WITH ORDINANCES GENERALLY REQUIRED.

Important: except as specifically provided otherwise in this section, planned unit developments, including all structures and uses therein, shall, at a minimum be built in conformity with all applicable codes and ordinances, including this chapter and Ch. 150, 151, 152, 155 and 161 of this code of ordinances.
(1960 Code, § 60-4-2)

§ 162.052 DISTRICTS WHERE ALLOWED.

Planned unit developments may be built in any zoning district, but only upon the issuance of a special use permit.
(1960 Code, § 60-4-3)

§ 162.053 PERMISSIBLE DEVIATIONS FROM CODE REQUIREMENTS.

(A) *General.* The planned unit development concept is intended to afford both the developer and the city considerable flexibility in formulating development proposals. Consequently, to the extent

indicated in this section, PUDs may deviate from generally applicable ordinance requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(B) *Mixed uses.* PUDs may include all types of residential structures and any other uses approved by the Council; provided that, in approving such mixed uses, the Council may attach any conditions necessary to protect the public welfare.

(C) *Lot and structure requirements.* In PUDs, the Council may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. ***LOT AND STRUCTURE REQUIREMENTS*** means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(D) *Accessory uses.* In PUDs, the Council may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(E) *Location of parking/loading spaces.* By permission of the Council, off-street parking and loading spaces in PUDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per §§ 162.435 through 162.456 of this chapter.
(1960 Code, § 60-4-4)

§ 162.054 PUD PROCEDURES.

(A) *General.* Every applicant for PUD approval shall comply with the procedural requirements of this subsection. The required procedures are as follows:

(1) Filing development plan with the Administrator;

(2) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan;

(3) Review of the development plan by the Zoning Board of Appeals;

(4) Public hearing by the Board of Appeals as per the requirement of §§ 162.515 through 162.520 of this chapter;

(5) Recommendation by the Zoning Board of Appeals to the City Council regarding approval/rejection of the development plan; and

(6) Action by City Council on the development plan.

(B) *Application, information required.* Every applicant for approval of a PUD development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below.

(1) *Written documents.*

(a) Legal description of the total site proposed for development;

(b) Names and addresses of all owners of property within or adjacent to the proposed PUD;

(c) Statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

(d) Development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;

(e) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units and the like;

(f) Data indicating:

1. Total number and type of proposed dwelling units;

2. Gross and net acreage of parcel;

3. Acreage of gross and usable open space; and

4. Area of any commercial uses.

(2) *Graphic materials.*

(a) Existing site conditions, including contours at ten-foot intervals and locations of watercourses, floodplains, unique natural features and wooded areas;

(b) Proposed lot lines and plot designs;

(c) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;

(d) Location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses;

(e) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership, public or private, should be included where appropriate);

(f) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;

(g) Existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines;

(h) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;

(i) Enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas; and

(j) Any additional information required by the city to evaluate the character and impact of the proposed PUD.

(C) *Advisory report, criteria considered.* The Zoning Board of Appeals shall submit to the Council a written advisory report concerning acceptance/rejection of the development plan. In deciding what its advice should be, the Zoning Board of Appeals shall consider the following criteria:

(1) The extent to which the proposed development is consistent with the city's Comprehensive Plan and with the purposes of this chapter and of all other applicable codes and ordinances;

(2) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;

(3) Whether the proposed design of the PUD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features and so forth;

(4) The compatibility of the proposed PUD with adjacent properties and surrounding area; and

(5) Any other reasonable criteria that the Zoning Board of Appeals may devise.

(D) *Decision by Council.* After the Zoning Board of Appeals has submitted its advisory report, the Council, by resolution, either approve or disapprove the PUD development plan. The Council shall not approve any PUD development unless:

(1) The developer has posted a performance bond or deposited funds in escrow in the amount of the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(2) The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(3) The proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under § 162.053 of this chapter shall not be deemed non-compliance.)
(1960 Code, § 60-4-5)

§ 162.055 CHANGES IN APPROVED PLANS.

No changes shall be made to any approved PUD development plan, except as follows.

(A) Minor changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B) All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the Council.

(C) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the development plan.
(1960 Code, § 60-4-6) Penalty, see § 162.999

§ 162.056 FAILURE TO BEGIN DEVELOPMENT.

(A) (1) If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon the written notice to the applicant from the Council and shall be of no further effect.

(2) However, in its discretion and for good cause, the Council may extend for a reasonable time the period for the beginning of construction.

(B) If a final development plan lapses, as per this section:

(1) The special use permit shall be automatically revoked;

(2) Any building permits shall automatically become null and void; and

(3) All regulations applicable before the PUD was approved shall automatically be in full effect.
(1960 Code, § 60-4-7)

§ 162.057 MUNICIPAL EXEMPTION.

The city, in conjunction with any existing or proposed city development, shall be exempt from all of the provisions of this chapter. (This is applicable to § 162.056 of this chapter.)
(1960 Code, § 60-4-8)

INDUSTRIAL PARKS

§ 162.070 TERM.

As used in this chapter, the term ***INDUSTRIAL PARK*** means a development wherein, in accordance with an approved development plan, various individual businesses, both industrial and commercial, will coexist and share in the costs of providing utilities and services to the development.
(1960 Code, § 60-5-1) (Ord. 4674, passed 9-18-1989)

§ 162.071 PURPOSE.

This chapter authorizes the development of industrial parks and establishes procedures in order to achieve the objectives enumerated in § 162.001 of this chapter and the following additional objectives:

(A) To provide a regulatory mechanism whereby the city can be assured that upon completion, approved development projects will substantially conform to the plans which constitute the basis for the city's issuance of necessary zoning, subdivision and/or building permits;

(B) To permit development of a wide variety of structures and uses in a single comprehensive planned project;

(C) To encourage innovative site layouts and coordinated architectural treatment of different structures;

(D) To ensure the provision of various amenities serving all residents within the industrial park;

(E) To facilitate the economical installation of standard streets, sewers, utilities and other improvements; and

(F) To assure that common standards of appearance, landscaping, loading and storage, signage and waste management will be followed by all residents within the industrial park.
(1960 Code, § 60-5-2) (Ord. 4674, passed 9-18-1989)

§ 162.072 COMPLIANCE WITH CODES GENERALLY REQUIRED.

Important: except as specifically provided otherwise in this section, industrial parks, including all structures and uses therein, shall, at a minimum, be built in conformity with all applicable codes and ordinances including, but not limited to, this chapter, Ch. 150, 151, 152, 155 and 161 of this code of ordinances.
(1960 Code, § 60-5-3) (Ord. 4674, passed 9-18-1989) Penalty, see § 162.999

§ 162.073 DISTRICTS WHERE ALLOWED.

Industrial parks may be built in zoning districts C-1, C-2, C-3, C-4, C-5, D-1 and D-2, but only upon the issuance of special use permit.
(1960 Code, § 60-5-4) (Ord. 4674, passed 9-18-1989)

§ 162.074 ADDITIONAL REQUIREMENTS.

Industrial parks constructed under special use permits under this chapter shall comply with the following additional regulations which shall take precedence if in conflict with other provisions of this chapter.

(A) *Building lines.* No building or structure shall be erected closer than 75 feet to the front lot line.

(B) *Loading docks.* Truck loading docks shall be constructed only on the side or rear of any building or structure, and the traffic area shall be paved. Truck loading docks shall be located so as to accommodate all trucks and trailers without requiring maneuvering or protrusion into any public street during the time of loading and unloading.

(C) *Outdoor storage.* All raw materials and finished goods must be stored within the developer's structure. Whenever temporary, open storage of any type of material, goods, equipment or supplies is necessary, such open storage shall be contained within a fenced area at least six feet in height, and so constructed to prevent the storage items from being seen from any public road.

(D) *Signage.* No billboards or advertising signs other than those identifying the name, business and primary product being produced on that land shall be permitted. All signs shall comply with Ch. 155 of this code of ordinances.

(E) *Waste and refuse.* No waste material or refuse shall be dumped on or permitted to remain on any part of the property outside of the buildings constructed thereon.

(F) *Landscaping and grounds maintenance.* All unpaved land between the front of the building and the front property line shall be landscaped. All landscaped and grass areas shall be maintained at all times

by the developer or assignee in a clean, presentable and safe condition. The developer or assignee of the property shall be fully responsible at all times for the removal of undergrowth, debris, rubbish, trash, excessive dirt, industrial waste, garbage or any other unsightly materials.

(G) *Fencing and screening.* All fencing and screening, for security or other purposes, shall be attractive in appearance and shall be of an all metal, industrial type of galvanized or non-ferrous material. No fence, masonry wall, hedge or mass planting shall be permitted to extend beyond the building set back lines set forth above.
(1960 Code, § 60-5-5) (Ord. 4674, passed 9-18-1989) Penalty, see § 162.999

§ 162.075 INDUSTRIAL PARK PROCEDURES.

(A) *General.* Every applicant for Industrial Park approval shall comply with the procedural requirements of this section. The required procedures are as follows:

(1) Filing development plan with the Administrator;

(2) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan;

(3) Review of the development plan by the Zoning Board of Appeals;

(4) Public hearing by the Zoning Board of Appeals as per the requirement of §§ 162.515 through 162.520 of this chapter;

(5) Recommendation by the Zoning Board of Appeals to the City Council regarding approval/rejection of the development plan; and

(6) Action by City Council on the development plan.

(B) *Application, information required.* Every applicant applying for approval of an industrial park development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below.

(1) *Written documents.*

(a) Legal description of the total site proposed for development;

(b) Names and addresses of all owners of property within or adjacent to the proposed industrial park;

(c) Statement of the planning objectives to be achieved by the industrial park through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

(d) Development schedule indicating the approximate date when construction can be expected to begin and be completed; and

(e) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the industrial park.

(2) *Graphic materials.*

(a) Existing site conditions including contours at ten-foot intervals and locations of watercourses, floodplains, unique natural features and wooded areas;

(b) Proposed lot lines and plot designs;

(c) Location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, school sites and similar public and semi-public uses;

(d) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership, public or private, should be included where appropriate);

(e) Existing and proposed pedestrian circulations system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;

(f) Existing and proposed utility systems including sanitary sewers, storm sewer and water, electric, gas and telephone lines;

(g) General landscape plans indicating the treatment of both private and common open spaces and the location of required buffer stipes;

(h) Enough information on land areas adjacent to the proposed industrial park to indicate the relationships between the proposed development and existing and proposed adjacent areas; and

(i) Any additional information required by the city to evaluate the character and impact of the proposed industrial park.

(C) *Advisory report, criteria considered.* The Zoning Board of Appeals shall submit to the Council a written advisory report concerning acceptance/rejection of the development plan. In deciding what its advice should be, the Zoning Board of Appeals shall consider the following criteria:

(1) The extent to which the proposed development is consistent with the city's Comprehensive Plan and with the purposes of this section and of all other applicable codes and ordinances;

(2) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;

(3) Whether the proposed design of the industrial park makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading;

(4) The compatibility of the proposed industrial park with adjacent properties and surrounding area; and

(5) Any other reasonable criteria that the Zoning Board of Appeals may devise.

(D) *Decision by Council.* After the Zoning Board of Appeals has submitted its advisory report, the Council, by resolution, either approves or disapproves the industrial park development plan. The Council shall not approve any development plan unless:

(1) The developer has posted a performance bond or deposited funds in escrow in the amount the City Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(2) The City Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(3) The proposed industrial park, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under § 162.399(D) shall not be deemed non-compliance.)
(1960 Code, § 60-5-6) (Ord. 4674, passed 9-18-1989)

§ 162.076 CHANGES IN APPROVED PLANS.

(A) No changes shall be made to any approved industrial park development plan, except as follows:

(1) Minor changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved; and

(2) All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the Council.

(B) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the development plan.
(1960 Code, § 60-5-7) (Ord. 4674, passed 9-18-1989)

§ 162.077 FAILURE TO BEGIN DEVELOPMENT.

(A) If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon written notice to the applicant from the Council and shall be of no further effect. However, in its discretion and for good cause, the Council may extend for a reasonable time the period for the beginning of construction.

(B) If a final development plan lapses, as per this section:

(1) The special use permit shall be automatically revoked;

(2) Any building permits shall automatically become null and void; and

(3) All regulations applicable before the industrial park was approved shall automatically be in full effect.

(1960 Code, § 60-5-8) (Ord. 4674, passed 9-18-1989)

"A-1" SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.090 PURPOSE.

The "A-1" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.

(1960 Code, § 60-6-1)

§ 162.091 ONE PRINCIPAL BUILDING ON ONE LOT.

In the "A-1" District, only one principal building shall be erected on any lot.

(1960 Code, § 60-6-2)

§ 162.092 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "A-1" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	10,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	48 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	5 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-3) (Ord. 7130, passed 5-6-2008)

§ 162.093 PERMITTED USES.

(A) Detached single-family dwellings;

(B) Home occupations as permitted in accordance with § 162.394 of this chapter; and

(C) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.
(1960 Code, § 60-6-4) (Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998)

§ 162.094 SPECIAL USES.

(A) Bed and breakfast establishments;

(B) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(C) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the

neighborhood, would not create an institutional setting, and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(D) Metal buildings larger than 150 square feet in area;

(E) Planned unit developments;

(F) Modular homes; and

(G) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.
(1960 Code, § 60-6-5) (Ord. 5039, passed - -; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008)

"A-1A" SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.105 PURPOSE.

The "A-1A" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.
(1960 Code, § 60-6-8)

§ 162.106 ONE PRINCIPAL BUILDING ON ONE LOT.

In the "A-1A" District, only one principal building shall be erected on any lot.
(1960 Code, § 60-6-9)

§ 162.107 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "A-1A" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	10,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	80 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	10 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-10)

§ 162.108 PERMITTED USES.

(A) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(B) Home occupations as permitted in accordance with § 162.394 of this chapter; and

(C) Detached single-family dwellings.

(1960 Code, § 60-6-11) (Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998)

§ 162.109 SPECIAL USES.

(A) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(B) Planned unit developments;

(C) Metal buildings larger than 150 square feet in area;

(D) Modular homes;

(E) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(F) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.
(1960 Code, § 60-6-12) (Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008)

"A-1(H)" SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.120 PURPOSE.

The "A-1(H)" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.
(1960 Code, § 60-6-13.1)

§ 162.121 ONE PRINCIPAL BUILDING ON ONE LOT.

In the "A-1(H)" District, only one principal building shall be erected on any lot.
(1960 Code, § 60-6-13.2)

§ 162.122 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "A-1(H)" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	7,500 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	60 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line if one story	7.5 ft.
From side lot line if two story	9 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-13.3)

§ 162.123 PERMITTED USES.

(A) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(B) Home occupations as permitted in accordance with § 162.394 of this chapter; and

(C) Detached single-family dwellings.
(1960 Code, § 60-6-13.4)

§ 162.124 SPECIAL USES.

(A) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(B) Planned unit developments;

(C) Modular homes;

(D) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(E) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.
(1960 Code, § 60-6-13.5)

"A-1(M)" SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.135 PURPOSE.

The "A-1(M)" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.
(1960 Code, § 60-6-13.6)

§ 162.136 ONE PRINCIPAL BUILDING ON ONE LOT.

In the "A-1(M)" District, only one principal building shall be erected on any lot.
(1960 Code, § 60-6-13.7)

§ 162.137 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "A-1(M)" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%

Minimum lot area	8,750 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	70 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line if one story	10 ft.
From side lot line if two story	12.5 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-13.8)

§ 162.138 PERMITTED USES.

(A) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(B) Home occupations as permitted in accordance with § 162.394 of this chapter; and

(C) Detached single-family dwellings.
(1960 Code, § 60-6-13.9)

§ 162.139 SPECIAL USES.

(A) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(B) Planned unit developments;

(C) Metal buildings larger than 150 square feet in area;

(D) Modular homes;

(E) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(F) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.
(1960 Code, § 60-6-13.10) (Ord. 7174, passed 8-18-2008)

"A-1(L)" SINGLE-FAMILY RESIDENCE DISTRICT

§ 162.150 PURPOSE.

The "A-1(L)" Single-Family District is established to stabilize and conserve existing neighborhoods that predominantly consist of single-family dwellings. This district is also intended to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential development.
(1960 Code, § 60-6-13.11)

§ 162.151 ONE PRINCIPAL BUILDING ON ONE LOT.

In the "A-1(L)" District, only one principal building shall be erected on any lot.
(1960 Code, § 60-6-13.12)

§ 162.152 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "A-1(L)" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%

Minimum lot area	10,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	80 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line if one story	12 ft.
From side lot line if two story	14 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-13.13)

§ 162.153 PERMITTED USES.

(A) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(B) Home occupations as permitted in accordance with § 162.394 of this chapter; and

(C) Detached single-family dwellings.
(1960 Code, § 60-6-13.14)

§ 162.154 SPECIAL USES.

(A) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(B) Planned unit developments;

(C) Metal buildings larger than 150 square feet in area;

(D) Modular homes;

(E) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(F) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.
(1960 Code, § 60-6-13.15) (Ord. 7174, passed 8-18-2008)

"A-2" TWO-FAMILY RESIDENCE DISTRICT

§ 162.165 PURPOSE.

The "A-2" Two-Family Residence is established to stabilize and conserve and promote the development of areas suitable for two-family dwellings and other similar uses.
(1960 Code, § 60-6-15)

§ 162.166 ONE PRINCIPAL BUILDING ON ONE LOT.

In the "A-2" District, only one principal building shall be erected on any lot.
(1960 Code, § 60-6-16)

§ 162.167 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "A-2" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%
Minimum lot area	12,000 sq. ft.

Minimum lot depth	100 ft.
Minimum lot width	48 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	5 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-17) (Ord. 7174, passed 8-18-2008)

§ 162.168 PERMITTED USES.

(A) Dwelling houses, each occupied by not more than two families;

(B) Playgrounds, parks;

(C) Cemeteries;

(D) Churches;

(E) Public libraries or museums;

(F) Public or private schools;

(G) Day nurseries;

(H) Home occupations as permitted in accordance with § 162.394 of this chapter;

(I) Homes for the aged;

(J) Modular homes;

(K) Municipal buildings and swimming pools;

(L) Nursing homes;

(M) Nursery school;

(N) Prefabricated/sectional homes; and

(O) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.
(1960 Code, § 60-6-18) (Ord. 4059, passed - -; Ord. 4705, passed - -; Ord. 5256, passed 5-2-1994; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998)

§ 162.169 SPECIAL USES.

(A) Bed and breakfast establishments;

(B) Dormitory;

(C) Halfway house provided that it is not less than 1,320 feet from another halfway house or community residence, and said distance shall be measured in a straight line from property lines;

(D) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(E) Metal buildings larger than 150 square feet in area;

(F) Planned unit developments;

(G) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(H) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting and its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(I) Student dwelling unit.

(1960 Code, § 60-6-19) (Ord. 5039, passed - -; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008; Ord. 7278, passed 6-15-2009; Ord. 7634, passed 10-15-2012)

"B-1" MULTI-FAMILY RESIDENCE DISTRICT

§ 162.180 PURPOSE.

The "B-1" Multi-Family Residence District is established to stabilize, conserve and promote the development of areas suitable for multi-family dwelling and other similar uses.

(1960 Code, § 60-6-22)

§ 162.181 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "B-1" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	40%
Minimum lot area	16,000 sq. ft. or 4,000 sq. ft. per dwelling unit, whichever is greater
Minimum lot depth	100 ft.
Minimum lot width	50 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	10 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-23) (Ord. 7174, passed 8-18-2008)

§ 162.182 PERMITTED USES.

(A) Condominiums;

(B) Home occupations as permitted in accordance with § 162.394 of this chapter;

(C) Large community residences of up to 15 persons; provided:

(1) They are located not less than 660 feet from another community residence, whether large or small, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(D) Modular homes;

(E) Multi-family dwellings;

(F) Prefabricated/sectional homes;

(G) Row houses;

(H) Small community residence; provided:

(1) They are located not less than 660 feet from another community residence, said distance shall be measured in a straight line from property lines; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(I) Single-family dwellings and modular homes;

(J) Two-family dwellings; and

(K) All other uses permitted in the "A-2" District.
(1960 Code, § 60-6-24) (Ord. 5256, passed 5-2-1994; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998)

§ 162.183 SPECIAL USES.

(A) Bed and breakfast establishments;

(B) Dormitory;

(C) Metal buildings larger than 150 square feet in area;

(D) Modular homes;

(E) Planned unit developments;

(F) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(G) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(H) Student dwelling unit; and

(I) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.
(1960 Code, § 60-6-25) (Ord. 5039, passed - -; Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008; Ord. 7634, passed 10-15-2012)

"MH-1" MOBILE HOME RESIDENCE DISTRICT

§ 162.195 PURPOSE.

The "MH-1" Mobile Home Residence District is established to provide areas where mobile homes can be permanently placed upon individual lots within the city.
(1960 Code, § 60-6-28)

§ 162.196 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "MH-1" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	30%

Minimum lot area	6,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	50 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	5 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-29)

§ 162.197 PERMITTED USES.

(A) Mobile homes; provided, they are permanently fixed to the ground and comply with the following regulations.

(1) The foundation shall extend into the ground below the frost line so as to attach and become part of the real estate. Materials such as concrete, mortared block or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation.

(2) As an alternate to division (A)(1) above, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the mobile home. In either divisions (A)(1) above or this division (B), the specifications for foundations found in § 156.26(L) of this code of ordinances.

(3) To complete the immobilization, wheels, tongue and hitch must be permanently removed. Wheels must be removed in such a manner that they may not be easily replaced. Therefore, either the axle would have to be removed or at least the lug bolts holding the wheels to the axle removed. The tongue and hitch must be removed by either removing the tongue and hitch from the frame or removing the bolts holding the tongue and hitch to the frame.

(4) Each mobile home shall be skirted with fire-resistant material or have a built up perimeter foundation of either concrete, mortared block or mortared brick to the lower edge of the mobile home. Skirting shall be equipped with an inspection door at least 24 inches wide to allow access to the underside of the mobile home. Built up perimeter foundations shall provide an access to the underside of the mobile home either by an inspection door of at least 24 inches wide or a scuttle hole door through the floor of the mobile home.

(5) Each mobile home shall be affixed to its foundation by means of an anchor capable of withstanding a verticle tension force of 4,800 pounds without failure at each corner of the mobile home or its components for double or triple wides.

(6) Each mobile home shall further be affixed to its foundation by means of one set of frame ties (attached to the frame beneath the home to prevent its sliding downwind off its supports) for every ten feet of length of the home; and, where the mobile home is 12 feet or less in width, at least two sets of over-the-top ties positioned not more than five feet from each end of the home to prevent overturning.

(7) For those homes which are so constructed to be placed upon a perimeter foundation, they may be affixed by means of anchor bolts imbedded into the foundation as specified in the city's building codes.

(B) Home occupations as permitted in accordance with § 162.394 of this chapter.
(1960 Code, § 60-6-3) (Ord. 5326, passed 10-3-1994)

§ 162.198 SPECIAL USES.

(A) Home occupations other than those specifically permitted in accordance with § 162.394 of this chapter;

(B) Metal buildings larger than 150 square feet in area;

(C) Planned unit developments;

(D) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(E) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.
(1960 Code, § 60-6-31) (Ord. 5326, passed 10-3-1994; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008)

"MH-2" MOBILE HOME PARK DISTRICT

§ 162.210 PURPOSE.

The "MH-2" Mobile Home Park District is intended to provide areas where mobile homes located within mobile home parks may be located within the city.
(1960 Code, § 60-6-34)

§ 162.211 LOT AND BUILDING REQUIREMENTS.

Every mobile home constructed in an "MH-2" Mobile Home District shall conform to the applicable requirements of Ch. 156 of this chapter.
(1960 Code, § 60-6-35)

§ 162.212 PERMITTED USES.

Mobile homes located within mobile home parks.
(1960 Code, § 60-6-36)

§ 162.213 IMMOBILIZATION PROHIBITED.

Hereafter, it shall be unlawful to immobilize (i.e., to permanently remove the wheels, tongue and hitch from a mobile home, and/or place any mobile home on a permanent foundation) any mobile home in the city, except in the MH-1 and MH-2 Districts.
(1960 Code, § 60-6-37) Penalty, see § 162.999

§ 162.214 SPECIAL USES.

(A) Small community residences located less than 600 feet from another community residence, or an unlicensed small community residence;

(B) Large community residences with over ten persons located within 600 feet from another community residence, or an unlicensed large community residence; and

(C) Metal accessory buildings larger than 150 square feet in area.
(1960 Code, § 60-6-38) (Ord. 4770, passed - -; Ord. 7174, passed 8-18-2008)

§ 162.215 SUPPLEMENTARY RESTRICTIONS.

(A) No mobile home shall be placed on a lot in the city other than a mobile home site in an approved mobile home park.

(B) No mobile home park shall be licensed, constructed or operated, except in a "MH-2" Zone District.

(C) Mobile home parks shall be subject to the following requirements.

(1) The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the mobile home park is situated.

(a) A mobile home park shall be located on a tract of land not less than ten acres in area, with minimum width and depth dimensions of 200 feet.

(b) Any building structure or mobile home shall be located at least 25 feet from any front lot line or any side lot line adjacent to a street and 15 feet from any rear lot line and at least five feet from any other lot line.

(2) No building or structure within the mobile home park will exceed the height of 35 feet.

(3) (a) There shall be provided, within the boundaries of the mobile home park site, not less than one and one-half off-street parking spaces for each mobile home space.

(b) The mobile home park site shall have direct access to a public street or highway by an access way of at least 30 feet in width.

(c) Each mobile home space shall abut on a driveway or access way, at least 24 feet wide, with unobstructed access to a public street. Each mobile home space shall be located within 100 feet of such driveway or access way. Appropriate turn around space, sufficient in size to accommodate emergency vehicles, shall be provided at the terminus of any dead-end access ways in the mobile home park.

(4) (a) The minimum individual area, width and depth requirements for mobile home spaces shall be as follows:

	Area	*Width*	*Depth*
Individual mobile home space	4,000 sq. ft.	40 ft.	80 ft.

(b) Spaces shall be arranged and mobile homes parked in such manner that there is an open space of at least 15 feet by 30 feet at the rear of and as a part of each mobile home space; except that:

where a common recreation area is provided that contains at least 100 square feet for each mobile home space, with a minimum total area of 5,000 square feet and the minimum width and depth dimension of 100 feet, the individual mobile home space may have the following minimum area, width and depth dimensions:

	Area	*Width*	*Depth*
Individual mobile home space	3,500 sq. ft.	40 ft.	70 ft.

(5) Only single-family residential uses and uses accessory thereto shall be permitted in a mobile home park.

(6) The location for and development of any mobile home park shall have a compatible relationship to the established street system and shall be such as to oppose no greater traffic burden on streets than the streets can reasonably bear.

(7) All access drives and parking areas shall be paved or otherwise surfaced with an all-weather, dust-proof material and graded so as to drain off all surface water to storm water inlets.

(8) A ten-foot landscaped buffer shall be provided for the side, rear and front yards of the park. In lieu of the landscaped buffer, a five-foot high wall or opaque wooden fence.

(9) No portion of any mobile home park may be located outside the city's limits.

(D) (1) Mobile Home Park Districts shall be created by the City Council upon application and only after public hearing before the Zoning Board of Appeals which shall then issue a written advisory report to the City Council recommending approval or denial of the application for a Mobile Home Park District. The Zoning Board of Appeals shall apply the standards set forth in this subchapter in rendering its said advisory report and shall include in its advisory report findings and the reasons therefor.

(2) A Mobile Home Park District shall not be created unless it substantially complies with the specific requirements herein set forth. In determining whether a specific tract of land shall be designated as a Mobile Home Park District, the City Council shall take into consideration, in addition to the specific requirements herein set forth, the following factors:

(a) The existing uses and zoning of nearby property;

(b) The extent to which property values are diminished by the particular zoning restrictions;

(c) The extent to which the destruction of property values by the subject property promotes the health, safety, morals or general welfare of the public;

(d) The relative gain to the public as compared to the hardship imposed on the individual property owner;

(e) The suitability of the subject property for the zoned purposes;

(f) The length of time the property has been vacant as zoned, considered in the context of land development in the area and vicinity of the subject property;

(g) Compatibility with the city's overall zoning plan; and

(h) Community need for the proposed mobile home park.

(9) In designating a tract of land as a Mobile Home Park District, the City Council may impose conditions for the reasonable protection of the immediate neighborhood or the city from any adverse affects of the mobile home park.

(E) The temporary parking of an individual mobile home is permitted subject to the following regulations.

(1) Emergency or temporary stopping of a mobile home shall be allowed on any street, alley or highway for not longer than two hours, subject to any further prohibitions, regulations or limitations imposed by the traffic regulations or laws for such street, alley or highway.

(2) An individual mobile home may be parked outside the public right-of-way, as not otherwise prohibited, for a period of 72 hours; provided that, no such mobile home is parked nearer than 25 feet to any right-of-way line abutting a public street.

(F) A mobile home may be parked for inspection and sale on any lawful automobile or trailer or mobile home sales lot.

(G) Nowhere in the city shall any mobile home be permitted to be permanently fixed to the ground in a manner that would prevent its removal; provided, however, that, this section shall not apply to mobile homes so situated or permanently fixed as of the date of the passage of this subchapter. (1960 Code, § 60-6-39) (Ord. 3355, passed 4-19-1976)

§ 162.216 MOBILE HOME SITES AND SPACING.

(A) All existing mobile home parks constructed before 10-18-1993 shall not be required to meet the specific zoning provisions and regulations as specified in § 162.215 of this chapter with regard to minimum lot size, minimum yard dimensions and minimum area for individual mobile home spaces.

(B) The following requirements however for such existing mobile home parks shall be complied with.

(1) Each mobile home spaces shall have a minimum area of 2,100 square feet.

(2) No mobile home shall be parked or permanently erected closer than five feet to the side lot lines of a park, or closer than ten feet to a public street, alley or building. Each individual site/space shall abut or face on a private or public driveway or roadway. There shall be an open space of at least ten feet adjacent to the sides of every mobile home and at least five feet adjacent to the ends of every mobile home.

(3) All mobile home sites, irrespective of shape, shall have a minimum frontage of 25 linear feet.

(1960 Code, § 60-6-40) (Ord. 5428, passed 5-15-1995) Penalty, see § 162.999

"C-1" LIGHT COMMERCIAL DISTRICT

§ 162.230 PURPOSE.

The "C-1" Light Commercial District is established to conserve and promote the development of:

(A) Office related commercial areas; or

(B) Existing residential areas.

(1960 Code, § 60-6-41)

§ 162.231 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "C-1" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	40%
Minimum lot area	6,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	50 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.

From side lot line	10 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-42)

§ 162.232 PERMITTED USES.

(A) Bed and breakfast establishments;

(B) Funeral home or mortuary;

(C) Offices as follows: that of doctor, dentist, insurance sales, real estate sales, engineering, law, tax consultants, architects and accountants; and

(D) Single-family dwellings; provided, they meet all the requirements of the "A-1" District.
(1960 Code, § 60-6-43) (Ord. 5039, passed - -; Ord. 6739, passed 5-16-2005)

§ 162.233 SPECIAL USES.

(A) Dormitory;

(B) Industrial parks;

(C) Metal buildings larger than 150 square feet in area;

(D) Student dwelling unit;

(E) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(F) Nursing home;

(G) Planned unit developments; and

(H) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.
(1960 Code, § 60-6-44) (Ord. 4674, passed - -; Ord. 5831, passed 1-5-1998; Ord. 7174, passed 8-18-2008; Ord. 7634, passed 10-15-2012)

"C-2" HEAVY COMMERCIAL DISTRICT

§ 162.245 PURPOSE.

The "C-2" Heavy Commercial District is established to promote the development of a wide range of commercial and related uses.
(1960 Code, § 60-6-47)

§ 162.246 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "C-2" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	100 ft.
Maximum percentage of lot building coverage	75%
Minimum lot area	6,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	50 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side and rear lot line	None (except when abutting an "A" District, a 5-foot setback shall be required)

(1960 Code, § 60-6-48)

§ 162.247 PERMITTED USES.

(A) Amusement and recreation: armory, assembly hall, bowling alley, dance hall, pool and billiards, theater, skating rink or other social, sport or recreation center operated as a business; provided, the building in which it is operated is sufficiently sound-insulated to effectively confine the noise to the premises;

(B) Automotive services; public garages; service stations; service garages; automobile laundry; provided, the premises are located not less than 50 feet from a residence district; parking lot; lot for the sale of new motor vehicles or trailers;

(C) Bed and breakfast establishments;

(D) Business offices of all types including office buildings, banks, business colleges and private trade schools;

(E) Eating places of all types;

(F) Funeral home or mortuary;

(G) Hospitals;

(H) Motels and hotels;

(I) Not-for-profit lodges and clubs;

(J) Office as follows: that of doctor, dentist, insurance sales, real estate sales, engineering, law, tax consultants, architects and accountants;

(K) Sale of apparel of all kinds;

(L) Sale of foods and beverages of all kinds, including sale for consumption on the premises;

(M) Sale of furniture and household goods, including furniture and accessory furniture storage;

(N) Sale of general merchandise, including sales in department stores;

(O) Sale of other goods and merchandise;

(P) Service establishments of all types;

(Q) Single-family dwellings; provided, they meet all the requirements of the "A-1" District; and

(R) Any other building, use or service similar to the uses herein listed in the types of services or goods sold.
(1960 Code, § 60-6-49) (Ord. 5039, passed - -; Ord. 6739, passed 5-16-2005)

§ 162.248 SPECIAL USES.

(A) Animal shelters, boarding and hospitals;

(B) Convenience stores;

(C) Establishments that hold a Class A, B or C liquor license;

(D) Exterior commercial amusement and recreational uses such as go-cart tracks, batting cages, water slides, beer gardens and the like;

(E) Industrial park;

(F) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(G) Metal buildings larger than 150 square feet in area;

(H) Multi-family dwellings;

(I) Outdoor restaurants/dining establishments;

(J) Pawnbrokers;

(K) Small community residences located less than 660 feet from any other community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a certificate of zoning compliance is applied for and received.

(L) Used motor vehicle sales; and

(M) Wholesale businesses, storage buildings, storage sheds and warehouses.
(1960 Code, § 60-6-50) (Ord. 4674, passed - -; Ord. 5196, passed 1-3-1994; Ord. 5548, passed 4-1-1996; Ord. 5831, passed 1-5-1998; Ord. 6075, passed 1-3-2000; Ord. 6131, passed 5-1-2000; Ord. 6264, passed 2-5-2000; Ord. 7174, passed 8-18-2008; Ord. 7752, passed 3-3-2014)

"C-3" COMMERCIAL DISTRICT

§ 162.260 PURPOSE.

The "C-3" Commercial District is established to conserve and promote the exclusive development of office related commercial areas.
(1960 Code, § 60-6-53)

§ 162.261 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "C-3" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	40%
Minimum lot area	10,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	75 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	10 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-54)

§ 162.262 PERMITTED USES.

(A) Accessory buildings, land uses, and activities, customarily associated with any of the uses permitted in the "C-1" and "C-2" Zoning Districts;

(B) Bed and breakfast establishments;

(C) Business, professional and technical schools and universities;

(D) Business and professional offices;

(E) Financial institutions;

(F) Office buildings, public and private offices; and

(G) Professional and scientific laboratories and research facilities.
(1960 Code, § 60-6-55) (Ord. 7652, passed 12-10-2012)

§ 162.263 SPECIAL USES.

(A) Establishments that hold a Class A, B or C liquor license;

(B) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(C) Metal buildings larger than 150 square feet in area;

(D) Planned unit developments; and

(E) Small community residences located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.
(1960 Code, § 60-6-56) (Ord. 5831, passed 1-5-1998; Ord. 6264, passed 2-5-2000; Ord. 7174, passed 8-18-2008)

"C-4" COMMERCIAL DISTRICT

§ 162.275 PURPOSE.

The "C-4" Commercial District is established to promote the exclusive development of a wide range of commercial related uses.
(1960 Code, § 60-6-60)

§ 162.276 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "C-4" District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	35 ft.
Maximum percentage of lot building coverage	50%
Minimum lot area	10,000 sq. ft.
Minimum lot depth	100 ft.
Minimum lot width	75 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side and rear lot line	None (except when abutting an "A" District, a 5-foot setback shall be required)

(1960 Code, § 60-6-61) (Ord. 4960, passed 9-15-1992)

§ 162.277 PERMITTED USES.

(A) Amusement and recreation: armory, assembly hall, bowling alley, dance hall, pool and billiards, theater, skating rink or other social, sport or recreation center operated as a business within a building which is sufficiently sound-insulated to effectively confine the noise to the premises;

(B) Automotive services; public garages; service stations; service garages; automobile laundry; provided, the premises are located not less than 50 feet from a residence district; parking lot; lot for the sale of new motor vehicles or trailers;

(C) Bed and breakfast establishments;

(D) Eating places of all types;

(E) Funeral homes and mortuaries;

(F) Motels and hotels;

(G) Not-for-profit lodges and clubs;

(H) Sale of apparel of all kinds;

(I) Sale of foods and beverages of all kinds, including sale for consumption on the premises;

(J) Sale of furniture and household goods;

(K) Sale of general merchandise;

(L) Sale of other goods and merchandise; and

(M) Service establishments of all types.
(1960 Code, § 60-6-62) (Ord. 4960, passed 6-15-1992; Ord. 5039, passed - -)

§ 162.278 SPECIAL USES.

(A) Animal shelters, boarding and hospitals;

(B) Convenience stores;

(C) Establishments that hold a Class A, B or C liquor license;

(D) Exterior amusement and recreational uses such as go-cart tracks, batting cages, water slides and the like;

(E) Home for the aged;

(F) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(G) Metal buildings larger than 150 square feet in area;

(H) Multi-family dwellings;

(I) Nursing homes;

(J) Outdoor restaurants/dining establishments;

(K) Planned unit developments;

(L) Small community residences located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(M) Used motor vehicle sales; and

(N) Wholesale businesses, storage buildings, storage sheds and warehouses.
(1960 Code, § 60-6-63) (Ord. 4960, passed 6-15-1992; Ord. 5196, passed 1-3-1994; Ord. 5548, passed 4-1-1996; Ord. 5831, passed 1-5-1998; Ord. 6075, passed 1-3-2000; Ord. 6131, passed 5-1-2000; Ord. 6264, passed 2-5-2000; Ord. 7174, passed 8-18-2008)

"C-5" PLANNED COMMERCIAL DISTRICT

§ 162.290 PURPOSE.

The "C-5" Planned Commercial District is established to:

(A) Facilitate the development of large tracts of land;

(B) Promote commercial development into comprehensively planned projects; and

(C) Encourage innovative site layouts and coordinated architectural treatment of commercial uses and structures.
(1960 Code, § 60-6-66)

§ 162.291 LOT AND BUILDING REQUIREMENTS.

The "C-5" Planned Commercial District is intended to afford both the developer and the city considerable flexibility in formulating lot and building requirements. All lot and building requirements must be reviewed and approved as per § 162.293 of this chapter.
(1960 Code, § 60-6-67)

§ 162.292 PERMITTED USES.

All permitted uses identified in the "C-3" and "C-4" Zoning Districts.
(1960 Code, § 60-6-68)

§ 162.293 REVIEW PROCEDURES.

(A) Every applicant for a Planned Commercial District approval shall comply with the procedural requirements of this section.

(B) The required procedures are as follows:

(1) Filing development plan with the Administrator including the specifying of permitted uses and required information as per § 162.292 of this chapter;

(2) Provision by the developer of adequate assurances for the completion of required improvements as per the development plan;

(3) Review of the development plan by the City Plan Commission before the public hearing;

(4) Public hearing by the Board of Appeals as per the requirement of §§ 162.515 through 162.520 of this chapter;

(5) Recommendation by the Zoning Board of Appeals to the City Council regarding approval/rejection of the development plan; and

(6) Action by City Council on the development plan.

(C) Upon approval by the City Council, the Development Plan shall be recorded at the County Building. All development within the development area shall be according to the Development Plan. Any changes in the development, as determined by the Zoning Administrator, shall require review and approval by the City Council.
(1960 Code, § 60-6-69)

LIGHT INDUSTRY DISTRICT

§ 162.305 PURPOSE.

The Light Industry District is intended to provide for areas where light industry and warehouses may locate without detriment to the remainder of the community.
(1960 Code, § 60-6-71) (Ord. 7352, passed 2-16-2010)

§ 162.306 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in a Light Industry District shall conform to the applicable requirements indicated in tabular form below:

Maximum building height	100 ft.
Maximum percentage of lot building coverage	75%
Minimum lot area	None
Minimum lot depth	None
Minimum lot width	None
Minimum setbacks	
From front lot line	25 ft.
From side lot line	25 ft.
From rear lot line	25 ft.

(1960 Code, § 60-6-72) (Ord. 7352, passed 2-16-2010)

§ 162.307 PERMITTED USES.

(A) Any building, use or service similar to the uses herein listed in the type of services or goods sold, in the number of persons or cars to be attracted to the premises or in the effect upon adjacent areas in more restricted use districts;

(B) Commercial office;

(C) Call center;

(D) Foundry casting light-weight non-ferrous metal not causing noxious fumes or odor;

(E) Machine shop, or other metal-working shop, excluding drop hammers and other noise-producing machine-operated tools;

(F) Manufacture, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials: aluminum, bond, cellophane, canvas, cloth, cork, feather, felt, fibre, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, rubber, tin, tobacco, wood (excluding saw mill), tars and paint not involving a boiling process;

(G) Manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products, except the rendering or refining of fats and oils;

(H) Manufacture and maintenance of billboards and commercial advertising structures;

(I) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, kiln fired only by electricity or gas;

(J) Planing mill;

(K) Stove or stove polish manufacturers;

(L) Wholesale business, storage buildings, warehouses and yards; and

(M) Any accessory use customarily incident to a use authorized by this section.
(1960 Code, § 60-6-73) (Ord. 7787, passed 7-7-2014)

§ 162.308 SPECIAL USES.

(A) Convenience stores;

(B) Establishments that hold a Class A, B or C liquor license;

(C) Industrial parks;

(D) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(E) Multi-family dwellings;

(F) Planned unit developments;

(G) Small community residences located more or less than 660 feet from another community residence;

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(H) Used car lots.
(1960 Code, § 60-6-74) (Ord. 4094, passed - -; Ord. 4674, passed - -; Ord. 5831, passed 1-5-1998; Ord. 6075, passed 1-3-2000; Ord. 6131, passed 5-1-2000; Ord. 6264, passed 2-5-2000)

HEAVY INDUSTRY DISTRICT

§ 162.320 PURPOSE.

The Heavy Industry District is the least restrictive zoning district in the city. It is intended to provide for areas where heavy and other similar industry may be located without detriment to the remainder of the community.
(1960 Code, § 60-6-80) (Ord. 7352, passed 2-16-2010)

§ 162.321 LOT AND BUILDING REQUIREMENTS.

All the requirements of the Heavy Industry District shall be the same as the Light Industry District with the exception of permitted uses.
(1960 Code, § 60-6-81) (Ord. 7352, passed 2-16-2010)

§ 162.322 PERMITTED USES.

(A) Junk yards;

(B) All buildings and uses, except as limited and restricted in this section and elsewhere in this chapter; provided that, such buildings and uses conform to any other applicable statutes, ordinances, rules and regulations; and

(C) Any use permitted in the Light Industry District.
(1960 Code, § 60-6-82) (Ord. 7352, passed 2-16-2010)

§ 162.323 SPECIAL USES.

(A) Convenience stores;

(B) Establishments that hold a Class A, B or C liquor license;

(C) Industrial parks;

(D) Large community residences whether located more or less than 660 feet from another community residence:

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood or, if not a residential neighborhood, the general character of the neighborhood, would not create an institutional setting, or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special permit is applied for and received.

(E) Multi-family dwellings;

(F) Planned unit developments;

(G) Small community residences located more or less than 660 feet from another community residence;

(1) The City Council finds that the cumulative effect of such use would not alter the residential character of the neighborhood, would not create an institutional setting or its operation would not create an adverse effect on surrounding properties; and

(2) Prior to occupancy, a special use permit is applied for and received.

(H) Used car lots.
(1960 Code, § 60-6-83) (Ord. 4094, passed - -; Ord. 4674, passed - -; Ord. 5831, passed 1-5-1998; Ord. 6075, passed 1-3-2000; Ord. 6131, passed 5-1-2000; Ord. 6264, passed 2-5-2000)

FLOODPLAIN DISTRICT

§ 162.335 "FP" FLOODPLAIN OVERLAY DISTRICT.

(A) The "FP" Floodplain Overlay District delineates areas subject to periodic flooding in the city. In the absence of flood protection measures, these areas are subject to periodic flooding which may result in injury to or loss of life or property, disruption of private and governmental services, impairment of the municipal tax base and the need for extraordinary relief measures.

(B) The regulations of this section are intended to restrict permitted development in floodplains to:

(1) Uses which inherently have low flood damage potential; and

(2) Other uses allowed in the primary zoning districts provided appropriate protective measures have been taken.
(1960 Code, § 60-6-85)

§ 162.336 PERMITTED USES, SPECIAL USES.

(A) This overlay district has no effect on the classification, whether permitted, special or prohibited, of uses in the primary zoning districts.

(B) Rather, this overlay district imposes additional restrictions on both permitted and special uses.
(1960 Code, § 60-6-86)

§ 162.337 ADDITIONAL RESTRICTIONS.

(A) All uses, whether permitted or special, that are located in the area covered by the "FP" Overlay District shall not only meet all the applicable requirements of the primary district, but shall also be adequately protected against flood damage.

(B) To assure such protection, the Administrator, following consultation with technically qualified persons, may require as necessary:

(1) Anchorage or addition of weight to structures to resist flotation;

(2) Installation of water-tight doors and bulkheads;

(3) Use of special paints, membranes or mortars so as to reduce seepage through walls;

(4) Installation of pumps to lower water levels in structures or to relieve external foundation wall flood pressure;

(5) Reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;

(6) Installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm run-off into structures;

(7) Location of electrical equipment and appliances above the level of the regulatory flood elevation;

(8) Location of storage facilities for chemicals, explosives, flammable liquids, toxic substances and the like above the regulatory flood elevation;

(9) Filling and earth-moving to raise the level of the proposed building site above the regulatory flood elevation; and/or

(10) Any other reasonable flood protection measures.

(C) In no case shall the Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of flood water leaving the lot in question.
(1960 Code, § 60-6-87)

HISTORIC DISTRICT

§ 162.350 "HP" HISTORIC PRESERVATION OVERLAY DISTRICT.

The "HP" Historic Preservation Overlay District is intended to preserve and protect the historically or architecturally worthy buildings, structures, sites, monuments and neighborhoods.
(1960 Code, § 60-6-89)

§ 162.351 PERMITTED USES, SPECIAL USES.

This overlay district has no effect on the classification, whether permitted, special or prohibited, of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.
(1960 Code, § 60-6-90)

§ 162.352 ADDITIONAL RESTRICTIONS.

All uses, whether permitted or special, that are located in the area covered by the "HP" Overlay District shall not only meet all the applicable requirements of the primary district, but shall also meet the requirements set forth herein.
(1960 Code, § 60-6-91)

§ 162.353 PURPOSE.

The purpose of the Historic District is to promote the educational, cultural, economic and general welfare of the community by providing for preservation and continued utilization of areas, places, buildings, structures and other objects having special historical, community or aesthetic interest value.
(1960 Code, § 60-6-92)

§ 162.354 RELATIONSHIP TO ZONING DISTRICTS.

The Historic District regulations as provided herein for areas within said districts are intended to preserve and protect the historically or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of the areas designated. In all zoning districts lying within the boundaries of the Historic District, the regulations for both the zoning district and the Historic District shall apply.
(1960 Code, § 60-6-93) (Ord. 3256, passed 10-22-1974)

§ 162.355 BOUNDARIES.

The boundaries of the Historic District shall be established by the City Council, and shall be indicated on the official zoning map of the city.
(1960 Code, § 60-6-94)

§ 162.356 DESIGNATION.

(A) No area shall be designated as part of the Historic District until there shall have been due notice given to persons owning property therein, and a public hearing held on the merits of such designation. The Historic Preservation Commission may, on its own motion or upon petition, conduct a preliminary and informal investigation of areas within the city considered to have buildings, structures, areas, places or other objects having special historical, community or aesthetic interest or value. The Commission shall establish preliminary boundaries for areas considered to have such interest or value, and set a time and place for a public hearing on the merits of designating the defined area as a Historic District. The Commission shall then cause notice to be sent to all owners of record of property within the defined area

not less than 15 days, nor more than 30 days, prior to the date of hearing. The notice shall set forth the boundaries of the area under consideration, the reasons it is being considered for designation as a Historic District, a statement that use of the property will be restricted if it is included in the Historic District, and the date, time and place of the public hearing. Notice of such hearing shall also be given to the Building and Zoning Official, the Chairperson of the City Plan Commission, the Chairperson of the Zoning Board of Appeals, the City Attorney, the City Engineer, each of the Aldermen and the Mayor as well as to any interested parties who shall file with the Secretary of the Historic Preservation Commission a request to receive such notices. A copy of the notice shall be mailed to each tenant of property within the proposed district in cases where the Commission has reason to believe the occupant of property is not the owner of record of the property.

(B) The hearings shall be conducted by the Historic Preservation Commission, and all interested persons shall be given the opportunity to be heard, in person, by counsel or by correspondence. The Commission shall make such record or notes of the hearing as the Chairperson shall deem sufficient. After hearing testimony, the Commission shall make its recommendations to the City Council if it finds that all or any part of the area described in the hearing notice meets the criteria of the Historic District. The City Council shall, within 30 days of receiving the recommendations of the Historic Preservation Commission, either accept or reject the recommendations. If the recommendations are accepted, the Council shall, by ordinance, establish the boundaries of the District and make it subject to the provisions of this section.
(1960 Code, § 60-6-95)

§ 162.357 ACTS PROHIBITED.

It shall be unlawful to demolish, move or substantially change the exterior appearance of any building within the Historic District without having first obtained a Design Review Request for such action, and said certificate is required in addition to the building permit required by Ch. 150 of this code of ordinances.
(1960 Code, § 60-6-96) (Ord. 5370, passed 1-17-1995) Penalty, see § 162.999

§ 162.358 DESIGN REVIEW REQUEST REQUIRED.

A Design Review Request issued by the Building and Zoning Official after approval by the Historic Preservation Commission. shall be required before a permit is issued for any of the following:

(A) Demolition of a building or structure within the Historic District;

(B) Moving a building or structure out of, into or within the Historic District;

(C) Material change in the exterior appearance of existing buildings or structures within the Historic District by additions, reconstruction, alteration or maintenance involving unreasonable exterior color change, if subject to view from a public street;

(D) Any new construction within the Historic District subject to view from a public street; and

(E) Demolition, construction or material change of any street, sidewalk, fence, wall, sign or ornamentation within the Historic District, if subject to view from a public street.
(1960 Code, § 60-6-97) (Ord. 5370, passed 1-17-1995)

§ 162.359 APPLICATION FOR DESIGN REVIEW REQUEST.

(A) All applications for a design review request shall be made to the office of the City Clerk, on forms to be provided by the City Clerk. Detailed drawings, plans or specifications shall not be required, but each application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes or new construction as are reasonably required by the Building and Zoning Official and Historic Preservation Commission to make a decision. No fee shall be required for application for a design review request. The City Clerk shall submit all applications to the Building and Zoning Official in the same manner as applications for building permits.

(B) The Building and Zoning Official shall review all applications for building permit, and if any building permit application is received for work to be done on property within the Historic District and no application for design review request is submitted, the Building and Zoning Official shall defer any action on the application for building permit, and notify the applicant that an application for design review request should be submitted. No building permit shall be issued for work to be done within the Historic District unless a design review request has been issued for the same work.
(1960 Code, § 60-6-98) (Ord. 5370, passed 1-17-1995)

§ 162.360 ACTION ON APPLICATION.

(A) The Building and Zoning Official shall, within two working days, transmit all applications for design review request to the Chairperson of the Historic Preservation Commission. The Historic Preservation Commission shall, within 30 days after receipt of the application, either direct the Building and Zoning Official to issue the design review request, or schedule a public hearing on the application. Such public hearing shall be held within 40 days of the date the application is received by the Commission. Notice of the hearing shall be given to the applicant, the Building and Zoning Official, the City Attorney, the Mayor, the Aldermen representing the ward in which the property is located and any interested parties who shall file with the Secretary of the Historic Preservation Commission a request to receive such notices. The Chairperson shall conduct the hearing, and the Commission shall receive oral or written testimony from all interested persons.

(B) The applicant or any other party may be represented by counsel. The Secretary shall make such record or notes of the hearing as the Chairperson shall deem sufficient. The Commission shall vote, announce its decision, within 14 days after the conclusion of the public hearing, unless the time is

extended by mutual agreement between the Commission and the applicant. In case of disapproval of the erection, reconstruction, alteration or demolition of a building or structure, the Commission shall briefly state its reasons therefor in writing and it may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, color, location or other elements of appearance of the building or structure involved. In cases of disapproval accompanied by recommendations, the applicant may again be heard before the Commission if, within 90 days, he or she amends his or her application to conform with the recommendations. The Commission shall not again hear the subject matter of any application which has been denied for a period of one year, except in cases where an applicant appears within 90 days with amended application, as provided above.
(1960 Code, § 60-6-99)

§ 162.361 MATTERS TO BE CONSIDERED.

(A) The Historic Preservation Commission shall not consider interior arrangement or features not subject to any public view, and shall not make any requirements, except for the purpose of preventing developments incongruous to the aesthetic and historic aspects of the surroundings.

(B) The Commission shall consider the following in passing on the appropriateness of exterior architectural features:

(1) All exterior architectural features, which are subject to public view from a public street or sidewalk, including any signs, fences, outbuildings, paving and substantial grading of soil levels;

(2) General design and arrangement;

(3) Texture, material and color;

(4) The relation of the factors in divisions (B)(1), (B)(2) and (B)(3) above to similar features of buildings and structures in the immediate surroundings;

(5) The extent to which the building or structure would be harmonious with or incongruous to the aesthetic, cultural or historic nature of the surroundings;

(6) The extent to which the building or structure will promote the general welfare of the city and its citizens;

(7) The extent to which the buildings or structures exterior architectural features comply with the current *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, as shall be published from time to time by the Secretary of the Interior, U.S. Department of the Interior, National Park Service Preservation Assistance Division, Washington, D.C.; and

(8) The *Historic Preservation Design Guidelines and Policies/Procedures Manual* and amendment(s).

(1960 Code, § 60-6-100) (Ord. 5327, passed 10-3-1994; Ord. 5370, passed 1-17-1995; Ord. 6445, passed 7-15-2002)

"AGR" AGRICULTURAL/RURAL DISTRICT

§ 162.375 PURPOSE.

(A) The "AGR" Agricultural/Rural District is established to protect predominately agricultural land from intense and disorderly development.

(B) Territory located on the periphery of the corporate limits is generally agricultural/undeveloped or sparsely developed. As such areas are annexed to the city, it is the intent of this district to preserve and maintain the present land uses until such time that proper infrastructure can be extended to adequately serve such property to accommodate orderly development.

(1960 Code, § 60-6-101)

§ 162.376 LOT AND BUILDING REQUIREMENTS.

Every principal building erected in any "AGR" District shall conform to the applicable requirements as outlined as follows:

Maximum building height	35 ft.*
Minimum lot area	10 acres
Minimum lot depth	500 ft.
Minimum lot width	400 ft. (at established building line)
Minimum setbacks	
From front lot line	25 ft.
From side lot line	25 ft.
From rear lot line	50 ft.
NOTES TO TABLE: * Except silos, barns and farm-related structures	

(1960 Code, § 60-6-102)

§ 162.377 PERMITTED USES.

(A) Accessory buildings, land uses and activities customarily associated with any of the above uses;

(B) Agricultural and farming related uses, including the production of crops and/or livestock; livestock shall not be penned within 200 feet of a residential district;

(C) Cemeteries/mausoleums;

(D) Detached single-family residences; one by right, plus one for each additional 40 acres;

(E) Essential governmental or public utility services;

(F) Farm implement dealers; however, not assembly type uses;

(G) Hunting and fishing and game preserves;

(H) Nurseries, commercial greenhouses and related uses;

(I) Open air non-commercial recreational uses including parks and playgrounds;

(J) Radio and transmission towers; provided that, such facilities comply with all applicable clear zones as established by FAA; and

(K) Sale of farm produce which is produced on the premises.
(1960 Code, § 60-6-103)

§ 162.378 SPECIAL USES.

(A) Animal hospitals and veterinary offices;

(B) Bed and breakfast establishments;

(C) Churches and other places of worship;

(D) Commercial kennels and stables;

(E) Commercial recreational and amusement facilities;

(F) Country clubs and golf courses;

(G) Hospitals, nursing homes and the like;

(H) Livestock depots and sales yards; and

(I) Schools and other educational facilities be it public or private.
(1960 Code, § 60-6-104) (Ord. 5314, passed 9-19-1994)

SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES

§ 162.390 APPLICABILITY OF SUBCHAPTER.

This subchapter establishes lot and structure requirements, design standards and use limitations for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit; but, if more stringent regulations are applicable in any particular district, such regulations shall prevail.
(1960 Code, § 60-7-1)

§ 162.391 DRIVE-IN THEATERS.

(A) The movie screen of every drive-in theater shall be located at least 100 feet from all street right-of-way lines and all lot lines, and at least 500 feet from the boundary of any residential district. The projection surface of the movie screen shall not be visible from any major traffic street.

(B) Speakers shall be limited to the type designed to be heard by the occupants of one car only.

(C) Entrances and exits shall connect only to major traffic streets and shall not be located closer than 100 feet to any intersection of public streets.

(D) Stacking (waiting) area for at least 25 automobiles shall be provided near the main entrance to prevent traffic tie-ups on adjacent streets.
(1960 Code, § 60-7-2) Penalty, see § 162.999

§ 162.392 FENCES, WALLS.

(A) No barbed wire or electrically-charged fence below eight feet in height shall be erected or maintained anywhere in the city.

(B) No fence, wall or other obstruction shall be erected within any public right-of-way, except by written permission of the Zoning Administrator.

(C) No fence, wall or other obstruction shall be erected in violation of the Illinois Drainage Code, (70 ILCS 605/2-1).

(D) Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections. (See § 162.033 of this chapter.)

(E) Whenever the rear property line of any "C-2", "C-3", "C-4", "C-5", "D-1" and "D-2" (commercial or industrial) use abuts a residentially zoned district, a six-foot high privacy fence along the abutting property shall be required.

(F) Notwithstanding any provision in this section, no fence in the city shall be more than six feet in height. In the event that one wishes to erect a fence greater than six feet in height, such person shall present an application for a variance with the city.
(1960 Code, § 60-7-3) (Ord. 5625, passed 9-16-1996) Penalty, see § 162.999

§ 162.393 GREENHOUSES, NURSERIES.

(A) No fertilizer, compost, manure or other odor-or-dust-producing substance shall be stored closer than 100 feet to any lot line.

(B) Greenhouse heating plants shall be situated in an enclosed structure, and shall not be closer than 50 feet to any lot line.
(1960 Code, § 60-7-4) Penalty, see § 162.999

§ 162.394 HOME OCCUPATIONS.

(A) *Intent and purpose.* The conduct of certain types of business activity in residential units may be permitted under provisions of this section. It is, therefore, the intent of this section to:

(1) Ensure the compatibility of home occupations with other uses permitted in the residential districts;

(2) Maintain and preserve the character of residential neighborhoods; and

(3) Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

(B) *Definition.* A ***HOME OCCUPATION*** means an accessory use of a dwelling unit for gainful employment which is:

(1) Clearly incidental and subordinate to the use of the dwelling unit as a residence;

(2) Carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling;

(3) Located in a residential zoned district;

(4) Is conducted clearly as a secondary use of the premises with no exterior evidence of a business being conducted from the premises; and

(5) Is conducted solely by the occupants of the dwelling unit.

(C) *Permitted home occupations.* The following uses shall generally be considered as allowable home occupations; provided, the requirements as set forth are in compliance:

(1) Dressmakers, seamstresses, tailors;

(2) Teachers/tutoring; provided that, instructions shall be limited to five students at a time;

(3) Artists, sculptors, authors and composers;

(4) Home crafts for sale off premises;

(5) Office facilities for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions;

(6) Office facility for a salesperson, sales representative or manufacturer's representative provided that no transactions are made in person on the premises;

(7) Telephone solicitation and answering service;

(8) Computer programming, typing and word processing services;

(9) Radio, television, phonograph and small appliance repair;

(10) Day care for up to three children; and

(11) Mail order business; provided, no merchandise shall be displayed on the premises.

(D) *Prohibited home occupations.*

(1) The following uses shall be generally prohibited as home occupations:

(a) Barber shops and beauty parlors;

(b) Animal hospitals and veterinary uses (including care, grooming or boarding);

(c) Funeral homes and mortuaries;

(d) Restaurants and cafés;

(e) Stables or kennels;

(f) Vehicle repair or maintenance for other than the personal convenience of and any vehicles owned or leased by the occupants;

(g) Antique stores and furniture sales;

(h) General contracting, carpentry, masonry, plumbing, painting or other related work;

(i) Medical or dental office and laboratory; and

(j) Retail sales of any type directly from the premises.

(2) Those uses that are generally considered as prohibited as home occupations may be permitted only as a variance authorized in accordance with provisions of § 162.026 of this chapter.

(E) *General provisions/performance criteria.* Any business use within a dwelling unit in a residential zoned district shall be permitted by right; provided, the following criteria are fully complied with.

(1) The use shall be conducted entirely within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.

(2) The home occupation is to be conducted only by members of the immediate family residing in the dwelling unit, and no others may be employed.

(3) There shall be no storage of equipment, vehicles or supplied associated with the home occupation outside the dwelling or accessory building on the premises.

(4) There shall be no display of products visible in any manner from outside of the dwelling unit.

(5) There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.

(6) The total area used for a home occupation shall not exceed 25% of the gross floor area of the dwelling or 300 square feet whichever is less.

(7) A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.

(8) A home occupation shall have adequate parking spaces available to compensate for additional parking needs generated.

(9) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property.

(10) There shall be no advertising, display or other indications of a home occupation on the premises besides one flush-mounted sign, not over two square feet in area. The sign may only show the name of occupant and type of occupation. The sign shall not be illuminated.

(11) There shall not be conducted on the premises the business of selling stocks of merchandise, supplied or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.

(F) *Application requirements.* An application for a home occupation permit shall be made to the Building and Zoning Office on forms provided by the Department which shall be completed and accompanied by appropriate fee as established by resolution of the City Council. The Department will render a decision and notify the applicant in writing within 15 calendar days of the date the application was received. In cases where the Department considers the application not within the scope of the home occupation criteria, the application shall be denied.

(G) *Appeals.* The decision of the Department concerning approval or revocation shall be final unless a written appeal is filed with the Zoning Board of Appeals in accordance with provisions of §§ 162.550 through 162.555 of this chapter.

(H) *Inspections.* Home occupation applicants shall permit a reasonable inspection of the premises by the Department to determine compliance with this chapter. Any home occupation that is found to be in non-compliance with provisions of this chapter shall be advised and permit be revoked.
(1960 Code, § 60-7-5) (Ord. 5326, passed 10-3-1994) Penalty, see § 162.999

§ 162.395 HOSPITALS, NURSING HOMES.

(A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of 200 feet and a minimum area of five acres.

(B) The lot on which any nursing home is situated shall have a minimum width and depth of 200 feet, and a minimum area of two acres.

(C) The principal building of any hospital, sanitarium or nursing home shall be located at least 25 feet from all lot lines.
(1960 Code, § 60-7-6) Penalty, see § 162.999

§ 162.396 JUNK YARDS.

(A) No part of any junk yard, which includes any lot on which three or more inoperable vehicles are stored, shall be located closer than 500 feet to the boundary of any residential district.

(B) All vehicles, parts and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence or closely-planted shrubbery at least ten feet high and of sufficient density to block the view from adjacent property.
(1960 Code, § 60-7-7) Penalty, see § 162.999

§ 162.397 KENNELS.

(A) The lot on which any kennel is situated shall have a minimum area of three acres.

(B) Every kennel shall be located at least 200 feet from the nearest dwelling, and at least 100 feet from any lot line.
(1960 Code, § 60-7-8) Penalty, see § 162.999

§ 162.398 SWIMMING POOLS.

(A) No swimming pool, whether public or private, shall be located in any front yard.

(B) Every swimming pool that is more than two feet deep shall be enclosed by a wall or fence at least four feet in height. The passage through such wall or fence shall be equipped with a gate.
(1960 Code, § 60-7-9) Penalty, see § 162.999

§ 162.399 STORM WATER MANAGEMENT REQUIREMENTS.

(A) Any person, firm, corporation or other entity proposing to construct buildings or develop land within the jurisdiction of the city shall prepare, for approval by the City Engineer, a Storm Water Management Plan that described the manner in which erosion, sediment and run-off resulting from the development will be controlled and managed. No building or construction permits or plat approval shall be issued by the city until the Storm Water Management Plan has been approved by the City Engineer as meeting the requirements of this section, or the requirement for such Storm Water Management Plan has been waived by the City Engineer. Downstream property owners, watercourses, channels or conduits shall not receive storm water run-off from proposed upstream developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped conditions, nor shall storm water run-off exceed the capacity of the natural drainage system.

(B) Storm water run-off resulting from a proposed development shall be detained on-site:

(1) By wet or dry bottom reservoirs;

(2) By underground reservoirs;

(3) On flat roofs, parking lots or streets; or

(4) By other detention methods approved by the City Engineer.

(C) For purposes of designing adequate on-site detention facilities, the Illinois State Water Survey rainfall data for this region shall be used.

(D) (1) *Detention basins.* Basins may be constructed to temporarily detain the storm water run-off so that the rate at which it is released is the same rate as before development. The following features shall be incorporated into the design of any detention basin.

(a) *Storage volume.* The volume of storage provided shall be sufficient to store flows both during and immediately after the maximum storm event which can be expected to occur once every ten and 100 years.

(b) *Outlet control works.*

1. Outlet works shall be designed to limit peak outflow rates from detention storage areas to or below peak flow rates that would have occurred prior to the proposed development.

2. Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation.

(c) *Spillway.* Emergency spillways shall be provided to permit the safe passage of run-off generated from a 100-year storm.

(d) *Maximum depth.* The maximum planned depth of storm waters stored shall not normally exceed four feet.

(e) *Side slopes.* The maximum side slopes for grassed basins shall not exceed one foot vertical for two feet horizontal (2:1 slope) for basins less than or equal to four feet deep; for basins greater than four feet deep the maximum side slope shall not exceed 3:1.

(f) *Limits of ponding.* In no case shall the limits of maximum ponding be closer than 30 feet horizontally from any building and less than two feet vertically below the lowest sill elevation.

(g) *Interior drainage.* The basin bottom should be designed to drain expeditiously. If the bottom is to be grass, it should have a minimum slope of 1%.

(h) *Low flow channel.* Small flows through the detention basin should be handled by paved ditches from inflow structure to outflow structure to minimize erosion.

(i) *Multipurpose basins.* If the detention basin is to have other uses, the design of the basin bottom should include underdrains to expedite drying of the bottom between run-off events.

(j) *Aesthetics.* Designs should result in aesthetically pleasing configurations which will enhance public acceptability.

(2) *Detention ponds.* Detention ponds may also be used to temporarily detain the differential run-off from the development. In addition to the general design features enumerated above for detention basins, the following features should also be incorporated into the design of any detention pond.

(a) *Normal pool depth.* In order to minimize weed growth, the normal pool depth should be four feet minimum.

(b) *Depth for fish.* If fish are to be kept in the pond, at least one-quarter of the area of the permanent pool should have a minimum depth of ten feet.

(c) *Facilities for emptying.* In order to ease cleaning of the pond or shoreline maintenance, the pond design should include provisions for emptying the pond.

(d) *Low flow by pass.* The design of any pond may include a low flow by-pass channel or pipeline to divert run-off that can be accommodated by downstream drainageways.

(e) *Bank stabilization.* In order to minimize the effects of waves or ice, some type of bank stabilization such as rip-rap or concrete should be placed along the normal pool shoreline.

(f) *Side slopes below normal pool.* The side slopes below the normal pool elevation may exceed the maximum side slope permitted above normal pool. The design shall, however, include provisions for a safety ledge having a depth of water not greater than three feet immediately adjacent to the shoreline.

(3) *Rooftop storage.* Detention storage may be met in total or in part by detention on roofs. Details of such design, which shall be included in the building permit application, shall include the depth and volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions. Direct connection of roof drains to sanitary sewers is prohibited.

(4) *Parking lot storage.* Paved parking lots may be designed to provide temporary detention storage of storm water on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters and depths of storage must be limited so as to prevent damage to parked vehicles.

(5) *Other detention methods*. All or a portion of the detention storage may also be provided in underground or surface detention facilities, to include basins, tanks or swales and the like.

(E) Designs of detention facilities shall incorporate safety features, particularly at outlets, on steep slopes and at any attractive nuisances to include, as necessary, fencing, hand rails, lighting, steps, grills, signs and other protective or warning devices so as to restrict access during critical periods and to afford some measure of safety to both authorized and unauthorized persons.

(F) The provisions of this section shall be applicable in the following areas:

(1) Any residential development having a gross aggregate of five acres or more;

(2) Any residential development of less than five acres with a 50% impervious surface including roads, building, utility right-of-way and other improvements; or

(3) Any commercial, industrial, institutional or utility development having a gross aggregate area of one acre or more.

(G) The storm water detention facilities must be built in conjunction with the storm water installation and be fully operational after the clearing of vegetation.

(1) Silt and debris connected with early construction shall be removed periodically from the detention area to maintain full storage capacity.

(2) The maintenance responsibility of the detention area shall remain with the developer and/or contractor until final inspection and applicable escrows are released.

(3) Before a certificate of occupancy is issued, the developer shall submit his or her commitment for future maintenance responsibility of the detention area.

(H) When applicable, the provisions of this section shall be reviewed by the City Engineer to assure compliance.
(1960 Code, § 60-7-10) (Ord. 4632, passed 6-5-1989) Penalty, see § 162.999

§ 162.400 OUTDOOR RESTAURANTS AND DINING ESTABLISHMENTS.

(A) Outdoor restaurants and dining establishments as defined shall be permitted as a special use in the zoning districts as specified.

(B) The following regulations and requirements must be complied with before a business license as required by the city can be issued.

(1) Tables and seating shall be portable and must be secured at the end of each business day. The outdoor seating area shall be permitted only during the normal hours of operation of the restaurant.

(2) Placement of tables, seating and equipment shall be restricted to the front of the business and contiguous property and shall not obstruct or impede pedestrian traffic. An unobstructed walkway in conformance with the U.S. Access Board's Public Right-of-Way Accessibility Guidelines shall be maintained at all times.

(3) No signs or other graphics shall be displayed other than what is permitted under the Ch. 155 of this code of ordinances; provided, however, this division (B)(3) shall not apply to table umbrellas containing graphics.

(4) The outside installation and use of a television and/or other video equipment shall be permitted only with the prior written approval of the Zoning Administrator.

(5) The outside installation and use of floral or other temporary decorative pieces on city property shall be permitted only with the prior written approval of the Zoning Administrator.

(6) Provisions shall be made for adequate litter and trash control including providing for and maintaining of trash receptacles. The outdoor seating area shall be kept clean and free of debris at all times.

(7) The seating shall not obstruct any entryway or exit of the building or adjacent building(s).

(8) Alcoholic beverages shall only be permitted to be served or consumed in the designated outdoor seating area in accordance with the outdoor areas provisions in § 121.12(B) of this code of ordinances.

(9) The business shall maintain liability insurance in the required amounts naming the city as co-insured.

(10) All pertinent permits and licenses as required by the city, county and state have been secured for the operation.
(1960 Code, § 60-7-11) (Ord. 7697, passed 7-15-2013; Ord. 7967-2016, passed 7-5-2016) Penalty, see § 162.999

TELECOMMUNICATIONS FACILITIES

§ 162.415 PURPOSE.

(A) The purpose of this subchapter is to provide specific regulations for the placement, construction and modification of telecommunications facilities. The provisions of this subchapter are not intended and

shall not be interpreted to prohibit or to have the affect of prohibiting the provision of personal wireless services, nor shall the provisions of this subchapter be applied in such a manner to unreasonably discriminate between providers of functionally equivalent personal wireless services.

(B) The goals of this subchapter are:

(1) To enhance the ability to provide telecommunications services to the city;

(2) To encourage the location of towers in non-residential areas;

(3) Minimize the total number of towers in the city;

(4) Encourage the joint use of new and existing tower sites; and

(5) Encourage users of towers to locate and configure them in a way that minimizes adverse visual impact.

(C) Accordingly, the City Council finds that the promulgation of this subchapter is warranted and necessary:

(1) To accommodate the growing need for communications facilities;

(2) To manage the location of communications facilities in the city;

(3) To promote and encourage shared use co-location of existing and new communications towers as a primary option rather than construction of additional single-use towers, and to reduce the number of such structures needed in the future;

(4) To protect residential areas and land uses from potential adverse impacts of communications towers, including support structure failure and falling ice; and

(5) To minimize adverse visual impacts of communications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques.
(1960 Code, § 60-7-31) (Ord. 6132, passed 5-1-2000)

§ 162.416 TECHNICAL CONSULTATION.

Should the need arise where professional technical consultation is necessary, the Planning Director is authorized, at his or her discretion, to employ on behalf of the city an independent technical expert to review any technical materials submitted including, but not limited to, those required under this subchapter and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative

costs incurred by the city. To protect the applicant, any proprietary information disclosed to the city, or to the expert hired, shall remain confidential and shall not be disclosed to any third party. (1960 Code, § 60-7-32) (Ord. 6132, passed 5-1-2000)

§ 162.417 DEFINITIONS.

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

ANTENNA. Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves; an antenna attached to a principal building for the purpose of providing wireless telecommunications waves; an antenna attached to a principal building for the purpose of providing wireless telecommunications services, utilizing frequencies authorized by the Federal Communications Commission for "cellular", "enhanced special mobile radio" and "personal communications systems" telecommunications services, and its attendant base station.

ANTENNA HEIGHT. The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of communications tower height shall include antenna, base pad and other appurtenances and shall be measured from finish grade to the top of the antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE. Any pole, telescoping mast, tower, tripod, building or other structure which supports a device used in the transmitting or receiving of radio frequency energy.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

GOVERNING AUTHORITY. The Mayor and City Council of the City of Belleville, Illinois.

PERSONAL WIRELESS SERVICE and ***PERSONAL WIRELESS FACILITIES.*** Defined in the same manner as in 47 U.S.C. § 332(c)(7)(C), as amended now or in the future.

SATELLITE RECEIVING DISH. A generally dish-shaped signal-receiving device, the purpose of which is to receive communications or other signals from satellites in earth orbit and other extra-terrestrial sources.

TELECOMMUNICATIONS FACILITY. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission and receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area and other accessory development.

TOWER.

(1) Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers.

(2) The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative towers structures and the like.
(1960 Code, § 60-7-33) (Ord. 6132, passed 5-1-2000)

§ 162.418 USES ALLOWED.

(A) *Compliance.* All new telecommunications facilities shall comply with this chapter upon the date of passage. All telecommunications facilities existing on the date of passage of this chapter shall be allowed to continue their usage as they presently exist and in accordance with continuance of non-conformity regulations. New construction, other than routine maintenance, on existing telecommunications facilities shall comply with the requirements of this subchapter, although the governing authority may waive or reduce the burden on the applicant of one or more of the requirements, if in the sole discretion of the governing authority, the goals of this chapter are better served thereby.

(B) *Authorization.* In all districts communication facilities shall be permitted only if specifically authorized with a special use permit by the Mayor and City Council, upon recommendations by the Zoning Board of Appeals. In granting a special use permit, the governing authority may impose zoning conditions to the extent the governing authority concludes such conditions are necessary to buffer or otherwise minimize any adverse effect of the proposed telecommunications facility on adjoining properties.

(C) *Agreement.* No approval granted hereunder shall be effective until the applicant and the city have executed a written agreement setting forth the particular terms and provisions under which the approval to occupy and use public ways of the city will be granted. Such agreement shall provide for complete indemnification for the city and also provide for such liability insurance as the city may require.

(D) *Non-exclusive grant.* No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the city for delivery of telecommunications services or any other purposes.

(E) *Rights granted.* No approval granted under this subchapter shall convey any right, title or interest in the public ways, but shall be deemed approval only to use and occupy the public ways for the limited purpose and term stated in the approval. Further, no approval shall be construed as any warranty of title.
(1960 Code, § 60-7-34) (Ord. 6132, passed 5-1-2000)

§ 162.419 REGISTRATION AND PERMITS.

(A) *Registration and fee.*

(1) All telecommunications carriers and providers that offer or provide any telecommunications services for a fee directly to the public within the city or outside the corporate limits from telecommunications facilities within the city, shall register with the city pursuant to this subchapter on forms provided by the city, which shall include:

(a) The identity and legal status of the registrant, including any affiliates;

(b) The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement; and

(c) All of the information listed below for a permit.

(2) Each application for registration as a telecommunications carrier or provider shall be accompanied by a fee of $500.

(B) *Permit.*

(1) A proper building permit must be obtained for any telecommunications facility installation. Applications for special use permit, planned unit development approval and building permit shall include any combination of site plans, surveys, maps technical reports or written narratives necessary to convey the following information:

(a) A scaled site plan clearly indicating the location, type and height of any proposed communications facility, on site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facilities and any other structures;

(b) Map and/or aerial photograph showing the proposed facility location and surrounding areas within 1,500 feet;

(c) Legal description of the property proposed for telecommunications facility;

(d) Exact distances, locations and identifications of surrounding residential properties and other telecommunications facilities;

(e) A landscape plan in compliance with the city code;

(f) Method of fencing, color of facilities and where applicable, the method of camouflage and illumination;

(g) Plans must be completed and sealed by a professional engineer registered with the state and must include a statement that the facilities will comply with the Electronic Industries Associations standards and all city building and construction codes;

(h) A statement by the applicant on the ability of the construction of the facility to accommodate the co-location of additional antenna installations; and

(i) Any telecommunications company must demonstrate that it is licensed by the FCC.

(2) The applicant must demonstrate how the proposed site fits into its overall network within the city and plans must include any expected future facilities desired to be constructed within the city. (1960 Code, § 60-7-35) (Ord. 6132, passed 5-1-2000)

§ 162.420 CO-LOCATION AND ABANDONMENT.

(A) *Co-location.*

(1) Co-location of communications antennas is desired to minimize adverse visual impacts associated with the proliferation and clustering of communications facilities. Co-location of communications facilities by more than one carrier on existing or new antenna support structures shall take precedence over the construction of new single use communication facilities. An applicant for a new antenna support structure shall demonstrate that a diligent effort has been made to locate the proposed communications facilities in accordance with the site selection and protocol requirements of this subchapter and that, due to valid considerations including physical restraints and economic or technological feasibility, no more appropriate location is available. The telecommunications company is required to demonstrate that it contacted, in writing, the owners of tall structures within a 1,500-foot radius of the site proposed, asked for permission to install the antenna on those structures, and was denied in writing, for reasons other than economic ones. The city may deny the application to construct a new facility if the applicant has not made a diligent effort, described in writing, to mount the antenna on an existing structure.

(2) In order to reduce the number of antenna support structures needed in the city in the future, any new proposed support structure shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates in writing why such design is unfeasible for technical or physical reasons. Unless co-location has been demonstrated to be unfeasible, the site plan shall delineate an area near the base of the tower to be used for the placement of additional equipment/buildings for other users.

(B) *Abandonment.* In the event the use of any communications facility has been discontinued for a period of 180 consecutive days, the facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City Planning Director, who shall have the right to request documentation and/or affidavits from the communications facility owner/operator regarding the issue of facility usage. Upon such abandonment the owner/operator of the facility shall have 90 days to reactivate the use of the facility, transfer the tower to another owner/operator who makes actual use of the facility, or dismantle and remove the facility. If there are two or more users of a single facility, then this

provision shall not become effective until all users cease using the facility. When a facility has been abandoned and removed the City Council will take necessary action to vacate any previous special use or planned unit development approval for the particular abandoned facility.
(1960 Code, § 60-7-36) (Ord. 6132, passed 5-1-2000)

§ 162.421 SITE SELECTION AND PROTOCOLS.

(A) *Site selection.*

(1) As a fundamental element of this subchapter, the telecommunications company proposing to construct an antenna support structure or mount an antenna on an existing structure is required to demonstrate, using technological evidence, that the antenna must go where it is proposed in order to satisfy its function in the company's grid system. Further, the company must demonstrate by technological evidence that the height required is the minimum height necessary to fulfill the communications facilities function in the grid system.

(2) Given the unquestioned visual impact of communications towers on their surrounding environment, no antenna support structure may be constructed on a speculative basis. Applications for necessary permits will only be processed when the applicant has in place agreements with an FCC licensed telecommunications provider for lease/utilization of the support structure space, written proof of which must be offered by the applicant.

(3) Telecommunications facilities must be located and designed to minimize any adverse effect they may have on residential property values. Sites shall be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening. Location and design of all sites shall consider the impact of the site on the surrounding neighborhood. In residential districts and residential land use areas, the minimum lot size for commercial communications tower shall be three acres, except for government owned properties.

(B) *Criteria.* Specific locations will be evaluated using the following criteria which are not listed in order of priority:

(1) Topography as it relates to line of sight transmissions for optimum efficiency in service;

(2) Availability of road access;

(3) Availability of electrical power;

(4) Availability of land based telephone lines or microwave link capability;

(5) Leasable lands and landlords who want facilities to be located on their property;

(6) Screening of potential and existing vegetation, structures and topographic features;

(7) Compatibility with adjacent land uses;

(8) The least number of sites to cover the desired area;

(9) The greatest amount of coverage, consistent with physical requirements;

(10) Opportunities to mitigate possible visual impact; and

(11) Availability of suitable existing structures for antenna mounting.

(C) *Protocols.*

(1) The following establishes the planning order of priorities for locating new communications facilities:

(a) Place towers and antennas on commercial or government property;

(b) Place towers and antennas on other non-residential property;

(c) Place antennas on other appropriate existing structures such as buildings, communication towers, water towers and smoke stacks; and

(d) Place new communication towers in residential districts only if locations for which a need has been demonstrated are not available on existing structures or in non-residential districts.

(2) The telecommunications company is required to demonstrate that it contacted, in writing, the owners of other more appropriate properties and was denied, in writing, for reasons other than economic ones.
(1960 Code, § 60-7-37) (Ord. 6132, passed 5-1-2000)

§ 162.422 DESIGN CRITERIA.

The following is a list of design criteria.

(A) New communications facilities shall be located in accordance with the site selection and protocol requirements of this subchapter and shall be designed to accommodate antennas for more than one user. All facilities must be architecturally compatible with surrounding buildings and land uses or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. All facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed then the owners of the communications facilities shall bring those facilities into compliance with the revised standards and regulations within three months of the

effective date of such standards and regulations unless a more stringent schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the facility.

(B) All telecommunications facilities must be located on properties that comply with the lot area requirements of this chapter. Additionally any telecommunications facility located in a residential zoning district must be located on a lot with a minimum size of three acres.

(C) All communications facilities must be separated from communications facilities on other properties by at least 1,500 feet.

(D) The maximum height for any antenna support structure shall be 150 feet upon property zoned heavy commercial, 120 feet on property zoned light commercial and 100 feet on all other properties, unless additional height is approved by variation by the Mayor and City Council after a proper public hearing and recommendation of the Zoning Board of Appeals or Planning Commission in the event of a planned unit development amendment.

(E) All antenna support structures must be set back a distance equal to their height from any property line. At a minimum, any such antenna tower shall provide a lot line setback at least equal to one-half its height from the antenna to all adjoining residential property lines.

(F) Communications towers shall have a non-contrasting blue, grey or black finish, or a similar color that minimizes their visibility, unless a different color is required by the FCC or FAA.

(G) All telecommunications facilities shall be lighted only if required by the FCC or the FAA. Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences. A manually-operated or motion detection light above the equipment shed door is permitted but shall be kept off except when personnel are actually present at night.

(H) Communications towers shall be constructed in accordance with standards of the Electronic Industries Association and all applicable construction and building codes, as may be amended from time to time. Surrounding areas shall not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anti-climbing devices as approved by the manufacturers.

(I) Building mounted facilities must be architecturally compatible with the building on which they are mounted and designed and located so as to minimize any adverse aesthetic impact. Any support structure or mechanical equipment must be screened or enclosed in such a manner as to mask such equipment. Such screening shall be of non-combustible material and of the same color, character and design as the building upon which the screening is erected. An antenna must be mounted to the wall of a building or extend above the roof of a building without said screening provided the antenna is painted, or otherwise made to match the color of the building or structure or background against which they are most commonly seen. Communications facilities shall not occupy more than an aggregate total of 10% of the roof area of any building.

(J) Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation must be preserved or improved, and disturbance of the existing topography of the site must be minimized. All ground mounted facilities and equipment shall be enclosed with a solid six-foot high fence. Landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure and any other ground level features, and in general soften the appearance of the facility. As a condition of permit the city may set conditions concerning existing vegetation, topography, walls, fences or other landscaping to achieve an acceptable degree of screening.

(K) Driveways and parking areas constructed in compliance with city code must be provided as necessary for each telecommunications facility. If any site is not automated, the number of required parking spaces shall equal the number of people on the largest shift. Any security fencing must be of a color and design to blend into the character of the existing environment.

(L) No telecommunications facility shall cause interference with the reception of television and radio broadcasts to the property on which they are located or to surrounding properties.

(M) The telecommunications tower when fully loaded with antennas, transmitters, other equipment and camouflaging (if needed), shall be designed to withstand the forces expected during the "maximum credible earthquake". All equipment mounting racks and equipment used shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off the shelves or otherwise act to damage it. Measures shall be taken to keep the facility operational in the event of disaster.

(N) Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within 100 feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise intensity level of at least 60 dB (decibels) at the property line and an interior level of 45 dB.
(1960 Code, § 60-7-38) (Ord. 6132, passed 5-1-2000)

§ 162.423 FIRE PREVENTION.

(A) All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs.

(B) To this end, all of the following measures shall be implemented for all telecommunications facilities, when determined necessary by the Fire Chief.

(1) At least one-hour fire-resistant interior surfaces shall be used on the construction of all buildings.

(2) Monitored automatic fire extinguishing systems approved by the Fire Chief shall be installed in all equipment buildings and enclosures.

(3) Rapid entry (KNOX) systems shall be installed as required by the Fire Chief.

(4) Type and location of vegetation and other materials within ten feet of the facility, and all new structures including telecommunications towers, shall be reviewed for fire safety purposes by the Fire Chief.

(5) All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first.
(1960 Code, § 60-7-39) (Ord. 6132, passed 5-1-2000)

§ 162.424 EXEMPTIONS.

(A) The following are considered exemptions:

(1) Proposed communications antennas may, and are encouraged to, co-locate onto existing approved structures; provided, such co-locations are accomplished in a manner consistent with the terms of this subchapter, then such co-locations may be approved without any new or additional special use or planned unit development approval. Proper plans must be submitted and permits obtained for such co-location facilities as required by this chapter; and

(2) Any communications facilities on properties owned by the city are exempt from the terms of this subchapter subject to any conditions set by the Mayor and City Council.

(B) Nothing in the Code shall apply to "receive only" communications facilities for use by an individual residential dwelling unit or business provided such facilities comply with the height requirements of the zoning district in which they are located.
(1960 Code, § 60-7-40) (Ord. 6132, passed 5-1-2000)

OFF-STREET PARKING AND LOADING

§ 162.435 APPLICABILITY.

Off-street parking and loading shall be provided in accordance with this subchapter for all structures and uses erected or established after the effective date of this chapter.
(1960 Code, § 60-8-1)

§ 162.436 EXISTING PARKING/LOADING FACILITIES.

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced, or if already less than, shall not be further reduced, below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading facilities need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity and the like, additional parking and loading facilities commensurate with such increases in use-intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for such new use.
(1960 Code, § 60-8-2)

§ 162.437 PARKING AREA DESIGN STANDARDS.

All areas providing off-street parking shall conform to the standards indicated in the sections which follow. Note: standards applicable to all parking areas are indicated by one asterisk (*); standards applicable to all parking areas, except those accessory to single- or two-family dwellings are indicated by two asterisks (**).
(1960 Code, § 60-8-3) Penalty, see § 162.999

§ 162.438 SPACES.

(A) Each required parking space shall be at least nine feet wide and 19 feet long, and shall have at least seven feet of vertical clearance. The area space shall be situated so that no part of any parked vehicle overhangs public right-of-way.*

(B) Marking shall be laid and restored as often as necessary to clearly delineate each parking space.**
(1960 Code, § 60-8-4) (Ord. 3825, passed 9-8-1981) Penalty, see § 162.999

§ 162.439 INTERIOR AISLES.

Aisles within parking lots shall be sufficiently wide to permit safe and efficient movement in the aisles and into and out of the parking spaces. Aisles designed for two-way traffic shall be at least 25 feet wide. One-way aisles designed for 60-degree parking shall be at least 18 feet wide and for 45-degree parking shall be at least 14 feet wide.
(1960 Code, § 60-8-5) (Ord. 3825, passed 9-8-1981) Penalty, see § 162.999

§ 162.440 ACCESS WAYS.

(A) Parking areas shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.*

(B) No access way to any parking area shall be located within 25 feet of any corner formed by the intersection of the rights-of-way of two or more streets. At intersections where traffic-control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.*

(C) Parking area access ways (including residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.*

(D) The access way to every parking lot located in any commercial district or in the Industrial District shall be at least 24 feet wide unless two one-way drives, each 12 feet wide, are provided.*

(E) The access way to every parking area located in any residential district shall be at least ten feet wide; but, if the parking area contains more than eight parking spaces or, if the access way is longer than 100 feet, access shall be provided either by one two-way drive at least 20 feet wide, or by two one-way drives, each ten feet wide.
(1960 Code, § 60-8-6) Penalty, see § 162.999

§ 162.441 SURFACING.

(A) Driveways, off-street parking areas, off-street parking spaces, off-street parking lots and off-street loading areas (collectively known as "areas") shall be improved with a compacted stone base six inches thick, and surfaced with two inches of asphalt or concrete. This is a minimum design standard intended for light vehicle parking. Other designs in lieu of this will be considered.

(B) These surfacing requirements shall also be applicable to existing areas in the following situations:

(1) When areas are expanded;

(2) When areas are improved partially by asphalt or concrete, the whole area shall be improved;

(3) When single-family dwellings are used as businesses;

(4) When a commercial building is vacant for a period of one year or 18 months in any three-year period;

(5) When a new business opens in an existing commercial building;

(6) When a multi-family dwelling is more than 50% vacant for a period of one year or 18 months in any three-year period;

(7) When a two-family dwelling is vacant for more than one year or 18 months in any three-year period; and

(8) The provisions in §§ 162.448 through 162.454 of this chapter shall still apply to commercial and industrial districts.
(1960 Code, § 60-8-7) (Ord. 7219, passed 1-20-2009)

§ 162.442 LIGHTING.

Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking area boundary lines to the greatest extent practicable. Further, a minimal amount of lighting in parking lots must be left on after dusk, whether or not the building is occupied, in order to ensure safety for any emergency that may occur on or around the lot.
(1960 Code, § 60-8-8) (Ord. 7278, passed 6-15-2009)

§ 162.443 LANDSCAPING.

(A) In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains 20 or more parking spaces. A minimum of 5% of the total parking lot area shall be set aside for said landscaping.**

(B) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for an initial certificate of zoning compliance to develop any parking lot that will contain 20 or more spaces.

(C) The landscaping plan shall include the following information:

(1) Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;

(2) Proposed size, construction materials and drainage of landscaped islands or planting beds; and

(3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation and pedestrian movement.
(1960 Code, § 60-8-9) Penalty, see § 162.999

§ 162.444 PARKING LOTS AND DRIVEWAYS ABUTTING RESIDENCE DISTRICT.

Whenever a parking lot or a driveway to a parking lot is hereafter established in other than a residence district so as to abut the side or rear line of a lot in a residence district, a solid masonry wall, shrubbery planting or a substantial sightly fence not less than five feet high and no more than eight feet high shall be constructed and maintained along said side or rear lot line up to, but not beyond the setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings or residence districts.
(1960 Code, § 60-8-10) Penalty, see § 162.999

§ 162.445 EXCEPTION: COUNTY PUBLIC PARKING GARAGE.

The aforementioned standards and restrictions as outlined in §§ 162.438, 162.439, 162.440, 162.441 and 162.442 of this chapter shall not be applicable to the two floors of the County Public Parking Garage which are reserved for employees of the County Building. All of the above restrictions shall apply to those levels of the aforementioned public parking garage, which will be open to the general public.
(1960 Code, § 60-8-11) (Ord. 4138, passed 1-7-1985)

§ 162.446 LOCATION OF PARKING.

(A) All off-street parking shall be located in conformity with the requirements in §§ 162.447 and 162.448 of this chapter.

(B) A permit must be obtained from the Zoning Administrator for construction and development of new off-street parking lots and the enlargement or alteration of existing parking lots.
(1960 Code, § 60-8-12) (Ord. 4960, passed 9-15-1992) Penalty, see § 162.999

§ 162.447 RESIDENTIAL DISTRICTS.

(A) (1) Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard, except in the driveway, but may be located in the side or rear yards.

(2) Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need to be moved in order to allow another vehicle to enter/exit the parking area.

(B) All parking spaces accessory to permitted non-dwelling uses located in any residential district generally shall be located on the same lot as the use served. However, the Administrator may allow such

parking facilities to be located on another parcel within 200 feet of the use served if the "same lot" requirement if not feasible.
(1960 Code, § 60-8-13) Penalty, see § 162.999

§ 162.448 COMMERCIAL AND INDUSTRIAL DISTRICTS.

(A) Parking spaces accessory to any dwelling located in any commercial district shall either be located on the same lot as the dwelling or on another parcel within 200 feet of the residential premises. Parking lots accessory to any commercial or industrial use located in any Commercial District, or in the Industrial District shall be located within 500 feet of the use served; provided that, no portion of any such parking lot shall extend into any residential district.

(B) In Any Commercial District or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all regulations governing location of parking spaces in relation to the uses served are observed.

(C) Commercial uses in the area shown in the map shall be exempt from the parking requirements of this chapter if they are located within 500 feet of a municipal parking lot.
(1960 Code, § 60-8-14) (Ord. 7278, passed 6-15-2009)

§ 162.449 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.

All off-street loading facilities shall conform to the minimum standards indicated in §§ 162.450 through 162.454 of this chapter.
(1960 Code, § 60-8-15) Penalty, see § 162.999

§ 162.450 SIZE OF SPACE.

Every required off-street loading space shall be at least 12 feet wide and 45 feet long exclusive of aisle and maneuver space, and shall have vertical clearance of at least 14 feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.
(1960 Code, § 60-8-16) Penalty, see § 162.999

§ 162.451 ACCESS WAY.

Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least 12 feet wide.
(1960 Code, § 60-8-17) Penalty, see § 162.999

§ 162.452 SURFACING.

Every off-street loading area shall be improved with a compacted stone base at least seven inches thick, surfaced with at least two inches of asphaltic concrete.
(1960 Code, § 60-8-18) Penalty, see § 162.999

§ 162.453 BUFFER STRIPS.

No loading space or area for vehicles over two-ton cargo capacity shall be developed closer than 25 feet to the lot line of any lot located in any residential district unless such space/area is completely enclosed by walls, a solid fence or closely planted shrubbery at least ten feet in height and of sufficient density to block the view from the residential property.
(1960 Code, § 60-8-19) Penalty, see § 162.999

§ 162.454 LOCATION.

Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served, and not closer than 50 feet to the intersection of the rights-of-way of two or more streets, and not on required front yards.
(1960 Code, § 60-8-20) Penalty, see § 162.999

§ 162.455 COMPUTATION OF REQUIRED PARKING/LOADING SPACES.

In computing the number of parking spaces required by this chapter, the Zoning Administrator shall apply the following rules.

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. ***EMPLOYEE PARKING*** means one parking space shall be required per one employee, unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, 375 square feet of gross area shall be deemed one parking space.

(D) If computation of the number of parking or loading spaces required by this subchapter results in a fractional space, any fraction of one-half or more shall be counted as one space.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.
(1960 Code, § 60-8-21) Penalty, see § 162.999

§ 162.456 NUMBER OF PARKING AND LOADING SPACES REQUIRED.

Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity.

Use	*Parking Spaces Required*	*Loading Spaces Required (If Any)*
Commercial, Office, Service		
Note: all commercial and service uses, unless specifically indicated	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area: 1 space
		More than 10,000 sq. ft.: 1 space, plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
Banks, savings and loans (both walk-in and drive-in)		To 30,000 sq. ft. of floor area
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking	None required
		30,001-100,000 sq. ft.: 1 space
		More than 100,000 sq. ft.: 1 space, plus 1 additional per 100,000 sq. ft.
Drive-in teller window	5 spaces per	space per 100,000 sq. ft. of floor area in excess of 100,000 sq. ft.
Beauty and barber shops	2 spaces per chair, plus employee parking	Not applicable
Bowling alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable, except as required for affiliated uses
Car wash	5 spaces per wash lane	Not applicable

Use	*Parking Spaces Required*	*Loading Spaces Required (If Any)*
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area: 2 spaces
		More than 25,000 sq. ft. of floor area: 2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not applicable
Theaters		Not applicable
Indoor	1 space per 4 seats in the largest seating area.	
Drive-in	On review by the Administrator	
Vehicle sales	1 space per 600 sq. ft. of enclosed floor area, plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles: 1 space per 2,500 sq. ft. of open lot area above 10,000 sq. ft.: 4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area: 2 spaces
		More than 25,000 sq. ft. of floor area and open lot area: 2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
Dwellings, Lodging		
Hotels, motels, rooming houses, lodges	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Mobile homes	2 spaces per mobile home	Not applicable
Multiple-family dwellings		Not applicable
	1 bedroom or less	1.5 spaces per dwelling unit
	2 or more bedrooms	2 spaces per dwelling unit
Single-family and two-family dwellings	2 spaces per dwelling unit	Not applicable
Educational, Institutional, Recreational		
Churches, auditoriums	1 space per 4 seats in the largest seating area	Not applicable
Hospitals	1 space per 2 beds, plus employee parking	To 50,000 sq. ft. of floor area: 1 space
		50,001-100,000 sq. ft: 2 spaces
		100,001-200,000 sq. ft: 3 spaces

Use	*Parking Spaces Required*	*Loading Spaces Required (If Any)*
Libraries, museums	1 space per 500 sq. ft. of floor area	On review by the Administrator
Nursing homes	1 space per 4 beds	To 50,000 sq. ft. of floor area: 1 space
		50,001-100,000 sq. ft.: 2 spaces
		100,001-200,000 sq. ft.: 3 spaces
Schools		On review by the Administrator
Elementary and junior high	1 space for every 20 students that the building is designed to accommodate, plus employee parking	
Senior High	1 space for every 4 students over 16 yrs. old that the building is designed to accommodate, plus employee parking	
Trade schools	1 space for every 3 students that the building is designed to accommodate, plus employee parking	
Industrial		
Any manufacturing, warehousing or other industrial use	Employee parking (1.5 spaces per employee), plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift	To 20,000 sq. ft. of floor area: 1 space
		20,001-50,000 sq. ft.: 2 spaces
		50,000-90,000 sq. ft.: 3 spaces
		Above 90,000 sq. ft.: 3 spaces, plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

(1960 Code, § 60-8-22) (Ord. 4770, passed - -)

NON-CONFORMITIES

§ 162.470 PURPOSE.

The requirements imposed by this chapter are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, non-conformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the

emission of noxious fumes or excessive noise and/or the lowering of property values. The regulations of this subchapter are intended to alleviate such existing/potential problems by encouraging the gradual elimination of non-conformities.
(1960 Code, § 60-9-1)

§ 162.471 NON-CONFORMING LOTS.

Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may be used for any use permitted in the district if such vacant lot:

(A) Is of record on the effective date of this chapter (or pertinent amendment thereto);

(B) Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by any applicable zoning or other ordinance; and

(C) Is at least 30 feet wide.
(1960 Code, § 60-9-2)

§ 162.472 TWO OR MORE LOTS IN COMMON OWNERSHIP.

If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this chapter, and if one or more of those lots does not meet the minimum lot width, depth and area requirements of this district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed, except in compliance with this chapter, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this chapter.
(1960 Code, § 60-9-3)

§ 162.473 NON-CONFORMING STRUCTURES.

Any lawful structure which exists on the effective date of this chapter, but which could not be erected under the terms of this chapter because of restrictions on lot size, height, setbacks or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions.

(A) *Enlargement, alterations.* No such structure shall be enlarged or altered in any way which increases its non-conformity.

(B) *Relocation.* No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C) *Reconstruction.*

(1) Any non-conforming building or structure other than a single residence in an "A-1" District damaged by more than 75% by fire, collapse, explosion or Act of God cannot be reconstructed, repaired or rebuilt unless it is made to conform to this chapter.

(2) Any non-conforming single-family residence in an "A-1" District damaged by more than 75% by fire, collapse, explosion or an act of God may be rebuilt. Prior to rebuilding, the plans for the new residence must be approved by the Zoning Board of Appeals and the City Council. There shall be no fee charged for review by the Zoning Board or the City Council.

(D) *Exception.* Any existing mobile home located in the city may be replaced with a mobile home, provided such replacements take place within 60 days of the removal of the original mobile home. All new mobile homes shall conform to all the regulations of the district in which it is located.
(1960 Code, § 60-9-4) (Ord. 7187, passed 10-20-2008)

§ 162.474 NON-CONFORMING USES OCCUPYING A STRUCTURE.

If any lawful use occupying a structure exists on the effective date of this chapter, but would not be allowed under the terms of this chapter, such use may lawfully continue, subject to the following provisions.

(A) *Maintenance.* Any structure housing a non-conforming use may be maintained through ordinary repairs.

(B) *Enlargement, alteration, reconstruction and relocation.* No structure housing in non-conforming use shall be enlarged, structurally altered, reconstructed or relocated unless 50% of the structure is changed to a permitted use.

(C) *Extension of use.* No non-conforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the non-conforming use be extended to occupy any land outside such structure.

(D) *Change of use.* A non-conforming use of a structure may be changed to a similar use, to a more restrictive use or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

(E) *Discontinuance of use.* When a non-conforming use of a structure, or of a structure and premises in combination, is discontinued for 12 consecutive months or for 18 months during any three-year period, the non-conforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the non-conforming user shall not be counted in calculating the length of discontinuance.
(1960 Code, § 60-9-5) (Ord. 3714, passed 6-16-1980)

§ 162.475 NON-CONFORMING USES OF LAND.

Any lawful use of land existing on the effective date of this chapter that would not be permitted under the terms of this chapter may lawfully continue, subject to the following provisions.

(A) *Intensification or extension of use.* A non-conforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this chapter.

(B) *Relocation.* No non-conforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(C) *Change of use.* Whenever a non-conforming use of a building has been changed to a more restrictive use or to a conforming use, such shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

(D) *Discontinuance.* When a non-conforming use of land is discontinued for a period of 12 consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.
(1960 Code, § 60-9-6)

§ 162.476 NON-CONFORMITIES UNDER PERMIT AUTHORITY.

The regulations of this subchapter shall not apply to any change in any existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the effective date of this chapter or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.
(1960 Code, § 60-9-7)

ADMINISTRATION AND ENFORCEMENT

§ 162.490 ZONING ADMINISTRATOR.

Except as otherwise provided in this chapter the Zoning Administrator is hereby given the duty, power and authority to enforce the provisions of this chapter. The Mayor, with the consent of the

Council, shall appoint the Zoning Administrator and any other employees as he or she deem necessary to assist in the enforcement of this chapter.
(1960 Code, § 60-10-1)

§ 162.491 DUTIES.

(A) The Zoning Administrator is hereby authorized and directed to administer and enforce the provisions of this chapter.

(B) This broad responsibility encompasses, but is not limited to, the following specific duties:

(1) To review and pass upon applications for initial and final certificates of zoning compliance;

(2) To inspect land, structures, and uses to determine compliance with this chapter and, where there are violations, to initiate appropriate corrective action;

(3) To review and forward to the Zoning Board of Appeals all applications for variances, appeals and amendments;

(4) To review and forward to the Zoning Board of Appeals all applications for special use permits;

(5) To maintain up-to-date records of this chapter including, but not limited to, district maps, certificates of zoning compliance, special use permits, temporary use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to any of these matters;

(6) To periodically review the provisions of this chapter to determine whether revisions are needed, and to make recommendations on these matters to the Zoning Board of Appeals;

(7) To provide information to the general public on matters related to this chapter; and

(8) To perform such other duties as the Council may, from time to time, prescribe.
(1960 Code, § 60-10-2) (Ord. 396, passed - -)

§ 162.492 INITIAL CERTIFICATES OF ZONING COMPLIANCE.

Upon the effective date of this chapter, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he or she determines that the proposed work conforms to the applicable provisions of this chapter.
(1960 Code, § 60-10-3)

§ 162.493 APPLICATION.

(A) *General.* Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable.

(B) *Items of information.*

(1) Name and address of applicant;

(2) Name and address of the owner or operator of the proposed structure or use, if different from division (B)(1) above;

(3) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees and similar matters;

(4) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;

(5) Area and dimensions of the site for the proposed structure or use;

(6) Existing topography of the site (U.S.G.S. ten-foot contour data is acceptable), and proposed finished grade;

(7) Existing and proposed screening, landscaping and erosion control features on the site, including the park area;

(8) Height and setbacks of the proposed structure;

(9) Number and size of proposed dwelling units, if any;

(10) Location and number of proposed parking/loading spaces and access ways;

(11) Identification and location of all existing or proposed utilities, whether public or private; and/or

(12) Any other pertinent information that the Administrator may require.
(1960 Code, § 60-10-4)

§ 162.494 DURATION OF CERTIFICATE.

(A) Initial certificates of zoning compliance shall be valid for one year, or until revoked for failure to abide by a corrective action order.

(B) The Administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request; provided, the applicant is making a good faith effort to complete the authorized work.
(1960 Code, § 60-10-5)

§ 162.495 RELATIONSHIP TO BUILDING PERMITS.

Upon the effective date of this chapter, the Building Commissioner shall not issue any building permit for the erection, enlargement, extension, alteration or reconstruction of any structure unless the applicant for such permit presents to the Commissioner a copy of the initial certificate of zoning compliance pertaining to such work.
(1960 Code, § 60-10-6)

§ 162.496 FINAL CERTIFICATES OF ZONING COMPLIANCE.

No lot or part thereof recorded or developed after the effective date of this chapter, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated or reconstructed after the effective date of this chapter shall be used, occupied or put into operation until a final certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until he or she has determined, by inspection that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this chapter.
(1960 Code, § 60-10-7)

§ 162.497 CORRECTIVE ACTION ORDERS.

Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure or use, or work thereon, is in violation of this chapter, he or she shall so notify the responsible party, and shall order appropriate corrective action.
(1960 Code, § 60-10-8)

§ 162.498 CONTENTS OF ORDER.

The order to take corrective action shall be in writing and shall include:

(A) A description of the premises sufficient for identification;

(B) A statement indicating the nature of the violation;

(C) A statement of the remedial action necessary to effect compliance;

(D) The date by which the violation must be corrected;

(E) A statement that the alleged violator is entitled to a conference with the Administrator if he or she so desires;

(F) The date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and

(G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.
(1960 Code, § 60-10-9)

§ 162.499 SERVICE OF ORDER.

A corrective action order shall be deemed properly served upon the owner, occupant or operator of the offending lot, structure or use if it is:

(A) Served upon him or her personally;

(B) Sent by registered mail to his or her last known address; or

(C) Posted in a conspicuous place on or about the affected premises.
(1960 Code, § 60-10-10)

§ 162.500 STOP ORDERS.

Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately. (See § 162.498 of this chapter.) In such case, the corrective action order is equivalent to a stop order.
(1960 Code, § 60-10-11)

§ 162.501 EMERGENCY MEASURES.

Notwithstanding any other provisions of this chapter, whenever the Administrator determines that any violation of this chapter poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.
(1960 Code, § 60-10-12)

§ 162.502 COMPLAINTS.

Whenever any violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, immediately investigate and, if necessary, institute appropriate corrective action.
(1960 Code, § 60-10-13)

§ 162.503 SCHEDULE OF FEES.

The following fees shall be charged by the city and paid in full to the Administrator before permits are issued and hearings scheduled.

(A) *Public hearing fees.*

(1) A fee of $150 shall be paid for each application (i.e., special use, variances, amendments) that require a public hearing before the Zoning Board of Appeals.

(2) In addition to the above flat fee, the applicant shall pay and additional $10 for each abutting property owner that is required to receive public notice of the zoning case. This fee shall be computed by the Zoning Administrator and paid prior to the case being advertised.

(B) *Letters of compliance.* A fee of $25 shall be charged for requests of "letters of compliance/certification" for zoning certificates, certificates of non-conforming use, floodplain and the like.

(C) *Manufactured homes.* A fee of $150 shall be charged for permits to locate a manufactured home (mobile home) on an individual lot.

(D) *Home occupations.* A fee of $50 shall be charged for a home occupation permit as required per § 162.394 of this chapter.
(1960 Code, § 60-10-15) (Ord. 7537, passed 10-3-2011)

§ 162.504 SITE PLAN REQUIREMENTS.

(A) *Statement of purpose.* It is the purpose of this section to regulate the safe, orderly and attractive development of single- and two-family homes, townhouses, rowhouses and condominiums, multi-family, commercial and industrial land uses within the city, to conserve and enhance property values, to preserve adequate space for vehicular and transportation facilities usually associated with such uses and to provide for effective traffic movement without congestion and hazards and to provide for effective storm water management and control. It is the purpose of this section to assure that public utilities and services are provided in a safe and healthful manner, consistent with applicable regulations and standards. It is the further purpose of the section to recognize, in the planning for and of specific land uses, the densities and uses of adjacent land and the health, safety, morals, appearance and general welfare of the

community. In order to achieve the aforementioned objectives, and to encourage imaginative use of land areas, certain modifications of the strict adherence of these requirements are provided for where deemed by the City Council, after seeking the recommendation of the city's Plan Commission and Zoning Board of Appeals, to be in the public interest.

(B) *Applicability.* Any person, corporation, firm or other organization or association filing a zoning petition seeking any authorization under this chapter, or any person, corporation, firm or other organization or association making application for a building permit, shall submit to the Director of Economic Development and Planning and the City Engineer for review and approval a site plan prepared by a registered architect, registered professional engineer or a licensed land surveyor licensed in the state to practice as such. The Director of Economic Development and Planning and the City Engineer may accept a preliminary plat as a substitute for the site plan required hereunder.

(C) *Site plan specifications.* The required site plan shall include the following data:

(1) Location of all existing and proposed buildings, structures, utilities, drives, approaches, parking and other prominent physical features on the site;

(2) Boundary of the entire tract by courses and distances and adjacent streets, alleys, drainage facilities and public utilities;

(3) Area of tract;

(4) Zoning of the tract;

(5) Present record owner of the tract;

(6) Phasing plan of proposed development;

(7) Width and layout, including elevations, of all streets, alleys and public rights-of-way adjoining the tract;

(8) Existing and proposed storm water run-off patterns and flows including calculations of flow and adequacy of receiving storm water gathering facilities to accommodate calculated increase of rate of run-off without adverse effect;

(9) Location of existing public utility easements and facilities, proposed public utility easements and facilities and their dimensions as may be required;

(10) Size in square feet, and use for each building, including the height(s) of each building;

(11) Layout, arrangement and specifications for paving and base, off-street parking spaces, aisles and drives, pedestrian walks and walkways, drainage, lighting, signs and traffic control, safety islands,

parking bumpers, curbs and gutters, fencing and screening and landscaping. Dimensional requirements for stall widths and depths, aisle widths, drive widths, radii, sidewalks and walkways, sight lines, setback and the like shall conform with regulations of the chapter;

(12) Layout, location and dimensional arrangement of poles, fire hydrants, Siamese connections, water valves, catch basins, underground piping and conduits, lighting fixture standards, retaining walls, pump islands, signs, doorways, window wells, waste receptacles or areas, guy wires, storage sheds or areas, fencing and any other structure, facility or feature that might interfere with the safe and orderly movement of motor vehicles and/or pedestrians;

(13) The locations, size, layout and type of entrances and driveways;

(14) Location and width of all sidewalks, crosswalks and safety islands and conformance with the ANSI Standard A 117.1 for making facilities accessible to, and usable by the physically handicapped (AAA minimum standards);

(15) Fencing, screening, and/or walls to be erected; specifications, locations, dimensions, height;

(16) Topography, existing and proposed, indicating area of excavation, backfill and grading, slopes to be maintained and earth work specifications;

(17) Disposition of storm water run-off from buildings, paved areas, and ground surfaces and indicating surface grades and elevations, catch basins, underground storm drains and their grades and elevations outfalls, headwalls, and specifications and drainage calculations;

(18) All public utilities and their easements indicating sizes, lines, grades and types/ specifications all conforming to the appropriate city codes;

(19) Landscape planting, clearly identified, showing locations, type and size;

(20) All zoning setback requirements and sight lines;

(21) Name and seal of architect, engineer or land surveyor preparing the site plan;

(22) All site plans shall be drawn to an appropriate scale on a sheet or sheets whose dimensions do not exceed 24 inches by 32 inches;

(23) There shall be a key map showing the location of the property reference to government survey section lines and major streets;

(24) Site plans for residential lots in zoning classifications can be exempted from the requirement for preparation under a professional seal, but they shall be suitable for the purpose intended and as determined by the Director of Economic Development and Planning; and

(25) Architectural elevations.

(D) *Site plan to conform with city codes.* All features and elements of the site plan required by this section shall in all respects conform to all applicable provisions of the codes and ordinances of the city.

(E) *Refuse disposal enclosures.* All refuse, grease containers and compacting equipment shall be stored within a designated refuse enclosure. The container lids shall be kept closed at all times. The enclosure shall be used strictly for the confinement of refuse, grease containers and compacting equipment and shall not be used for the outside storage of any other materials or equipment. The gate shall be maintained in the closed position, except when the enclosure contents are removed and replaced. Maintenance of the enclosure shall be the responsibility of the owner of the property. All new disposal enclosures shall require a permit. Disposal enclosures shall be required for all multi-family residential buildings containing four or more dwelling units, all buildings in the commercial districts and all buildings in the industrial districts. Said enclosures shall be required for only new construction and for properties on which the building size has been increased by 50%. In the event that three citations are issued for a nuisance for any dumpster, within any one-year period, the owner of the property on which the dumpster is located shall comply with the requirement set forth in this division (E) within one year of the date of the citation was issued.

(1) *Enclosure specifications.*

(a) A site plan prepared in accordance with the provisions outlined herein, as well as enclosure plans and specifications and a building permit application shall be required to be approved before the construction of a new disposal enclosure.

(b) All enclosures shall screen from view on three sides all refuse disposal areas. Construction of the enclosure shall be of low-maintenance sight-proof materials such as a solid commercial grade wood, composite wood, stone, brick, vinyl or other approved material as determined by the Building Commissioner or his or her designee. The materials of which the enclosure is constructed shall conform to the primary building materials of the principal building on the lot. The materials of which the enclosure is constructed shall conform to the primary building materials of the principal building on the lot.

(c) On the fourth side a gate shall be constructed so that all containers may easily be removed and replaced when emptied. The gate shall be secured with a post that inserts into a pipe embedded into the pavement to ensure the gate's stability and proper placement when closing. The gate shall be constructed of low maintenance sight proof materials such as vinyl, composite wood, chain link vinyl/composite wood slats added to effectively screen the dumpster.

(d) The enclosure walls shall not exceed seven feet, nor be less than six feet in height. The minimum size and/or minimum number of refuse enclosures shall be sufficient to hold all refuse and recycling containers of two cubic yards in volume or more, and grease containers of any size.

(e) There shall be three four-inch concrete bollards, minimum 36 inches in height placed inside the back wall of the enclosure to ensure that the enclosure is not damaged by the placement of the dumpster too near the wall.

(f) There shall be four-latch pin receivers located so that the gate is able to be held in the open and closed position.

(g) The enclosure shall be constructed on a concrete pad four inches thick and large enough to extend six feet beyond the enclosure to allow the wheels of the collection vehicle to rest upon a stable surface for service which shall be a minimum of six inches thick concrete and to prevent damage to the lot.

(h) The minimum access required shall be the amount of road area needed for a standard size disposal truck to gain access to and from the disposal area.

(i) Any existing enclosure that becomes damaged to an extent determined by the Building Commissioner or his or her designee must be replaced in conformance with the provisions of this section.

(2) *Food waste.* Dumpsters, trash receptacles and other containers utilized for food waste shall be emptied twice weekly cleaned (sanitized and deodorized) regularly. Odor complaints shall be handled as a nuisance under § 93.002 of this chapter.

(3) *Commercial establishments.* Roll-off trash or compactor type trash receptacles may be utilized for commercial establishments within strip or shopping center developments and shall be placed within service areas of the property that are restricted to delivery and service vehicle traffic. Such containers shall not be required to be enclosed. However, they shall be visually screened at grade from adjoining properties utilizing materials, such as a densely planted hedge, berm complete with landscape plantings or screening wall.

(4) *Construction.* Roll-off trash receptacles or dumpsters utilized during active construction or demolition of structures and which are limited to the duration of the project shall be exempt from enclosure/screening requirements.

(5) *Size.* Enclosures shall be of adequate size to allow for removal and replacement of refuse containers by a trash hauler.

(6) *Location.* The enclosures shall not be located in any front yard or public right-of-way or obscure visibility of vehicles entering or exiting the subject property or immediately adjacent property. Dumpsters located on a corner lot shall be placed behind the building line of subject property and the immediate adjacent property.

(7) *Maintenance.* Enclosures shall be maintained and structurally sound, free of deterioration and shall be kept in a sanitary condition so as not to pose a threat to the health and safety of the public.

Any enclosure surface or screening component that is damaged, deteriorated, decaying, disintegrating or which has otherwise lost its capability to effectively enclose/screen shall be replaced or repaired. (1960 Code, § 60-10-16) (Ord. 6138, passed 5-1-2000; Ord. 7174, passed 8-18-2008; Ord. 7200, passed 11-3-2008; Ord. 7527, passed 10-3-2011) Penalty, see § 162.999

SPECIAL USE PERMITS

§ 162.515 SPECIAL USE PERMITS.

This chapter divides the city into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such special uses require careful case-by-case review, and may be allowed only by permission of the Council. Any special use permit approved expires in one year unless substantial development (in excess of 80%) has been completed.
(1960 Code, § 60-11-1) (Ord. 6338, passed 10-1-2001)

§ 162.516 APPLICATION.

(A) *General.* Every applicant for a special use permit shall submit to the Administrator, in narrative and/or graphic form, the items of information enumerated below. The Administrator shall prepare an advisory report on every request for a special use permit. He or she shall promptly transmit the completed application and his or her advisory report to the Zoning Board of Appeals.

(B) *Items of information.*

(1) Name and address of the applicant;

(2) Name and address of the owner or operator of the proposed structure or use, if different from divisions (B)(1) above;

(3) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees and similar matters;

(4) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;

(5) Area and dimensions of the site for the proposed structure or uses;

(6) Existing topography of the site (U.S.G.S. ten-foot contour data is acceptable), and proposed finished grade;

(7) Existing and proposed screening, landscaping and erosion-control features on the site, including the parking area;

(8) Height and setbacks of the proposed structure;

(9) Number and size of proposed dwelling units, if any;

(10) Location and number of proposed parking/loading spaces and access ways;

(11) Identification and location of all existing or proposed utilities, whether public or private; and/or

(12) Any other pertinent information that the Administrator may require.
(1960 Code, § 60-11-2)

§ 162.517 PUBLIC HEARING, NOTICE.

The Zoning Board of Appeals shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to it. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney. Notice indicating the time, date and place of the hearing and the nature of the proposed special use shall be given not more than 30, nor less than 15, days before the hearing:

(A) By registered mail to the applicant and to all parties whose property abuts the proposed special use;

(B) By publication in a newspaper published within the city; and

(C) By placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement.
(1960 Code, § 60-11-3) (Ord. 7537, passed 10-3-2011)

§ 162.518 ADVISORY REPORT, FACTORS CONSIDERED.

(A) Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit its advisory report to the Council.

(B) In deciding what its advice should be, the Zoning Board of Appeals shall consider the following factors:

(1) Whether the proposed design, location and manner of operation of the proposed special use will adequately protect the public health, safety and welfare, and the physical environment;

(2) Whether the proposed special use is consistent with the city's Comprehensive Plan;

(3) The effect the proposed special use would have on the value of neighboring property and on the city's overall tax base;

(4) The effect the proposed special use would have on public utilities and on traffic circulation on nearby streets; and

(5) Whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.
(1960 Code, § 60-11-4)

§ 162.519 ACTION BY COUNCIL.

The Council shall act on every request for a special use permit at its next regularly scheduled meeting following submission of the Zoning Board of Appeals advisory report. Without further public hearing, the Council may approve or disapprove a special use permit by an ordinance passed by simple majority vote of all members than holding office. In a separate statement accompanying any such ordinance, the Council shall state its findings of fact, and indicate its reasons for approving (with or without conditions) or denying the request for a special use permit.
(1960 Code, § 60-11-5)

§ 162.520 APPLICATIONS.

(A) *Withdrawal of application.* A petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. Such withdrawal shall not prohibit petitioner from being able to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the city code in the same manner as any other new application.

(B) *Repeated application.* Where an application for a special use permit has been filed by or on behalf of the owner or owners of the property affected, no subsequent application requesting substantially the same relief, as determined by the city, shall be filed as to the same property within a period of six months following final action by the City Council subject to all applicable fees.
(1960 Code, § 60-11-6) (Ord. 7215, passed 1-5-2009)

BOARD OF APPEALS

§ 162.535 BOARD OF APPEALS ESTABLISHED.

The Zoning Board of Appeals of the city is established in accordance with state law.
(1960 Code, § 60-12-1)
Statutory reference:
Related provisions, see 65 ILCS 5/11-13-3

§ 162.536 MEMBERSHIP, APPOINTMENT, COMPENSATION.

The Board of Zoning Appeals shall consist of seven members, all of whom shall reside within the city. Each Board member shall be appointed by the Mayor, with the advice and consent of the City Council. One of the members so appointed shall be named as Chairperson at the time of his or her appointment. Each Board member shall serve without compensation.
(1960 Code, § 60-12-2)

§ 162.537 TERM OF OFFICE, VACANCIES.

(A) Every member of the Board of Zoning Appeals shall hold office for five years from the date of his or her appointment and until his or her successor has been selected and qualified.

(B) (1) With the advice and consent of the City Council, the Mayor may remove any member of the Board of Zoning Appeals for cause, after a public hearing.

(2) Vacancies on the Board of Zoning Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.
(1960 Code, § 60-12-3)

§ 162.538 MEETINGS, QUORUM.

All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this chapter and the applicable state statutes. The Board may select such officers as it deem necessary. The Chairperson or, in his or her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. Four members of the Board shall constitute a quorum, and the affirmative vote of at least four members shall be necessary to authorize any Board action.
(1960 Code, § 60-12-4)

§ 162.539 RECORDS.

The Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote of abstention of each member on each question and any official action taken. A copy of every rule, variance, order or decision of the Board shall be filed immediately in the Board's office and shall be a public record.
(1960 Code, § 60-12-5)

APPEALS

§ 162.550 APPEALS.

Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this chapter may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with state law (65 ILCS 5/11-13-12) and the provisions of this section.
(1960 Code, § 60-12-7)

§ 162.551 FILING, RECORD TRANSMITTAL.

(A) Every appeal shall be made within 15 days of the matter complained of by filing with the Administrator and the Board of Appeals, a written notice specifying the grounds for appeal.

(B) Not more than five working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case.
(1960 Code, § 60-12-8)

§ 162.552 STAY OF FURTHER PROCEEDINGS.

An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board, after the notice of appeal has been filed with him or her, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board or the circuit court grants a restraining order for due cause, and so notifies the Administrator.
(1960 Code, § 60-12-9)

§ 162.553 PUBLIC HEARING, NOTICE.

(A) The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney.

(B) Notice indicating the time, date and place of the hearing, and briefly describing the issue to be decided shall be given not more than 30, nor less than 15, days before the hearing:

(1) By registered mail to all parties whose property abuts the property affected by the appeal;

(2) By publication in a newspaper published within the city; and

(3) By placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement.

(1960 Code, § 60-12-10) (Ord. 7537, passed 10-3-2011)

§ 162.554 ADVISORY REPORT, FINDINGS OF FACT.

Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit its advisory report to the Council. The report shall state the Board of Appeals' recommendations regarding the appeal.

(1960 Code, § 60-12-11)

§ 162.555 ACTION BY COUNCIL.

The Council shall act on every appeal at its next regularly scheduled meeting following submission of the Board of Appeals advisory report. Without further public hearing, the Council may approve or deny the appeal by simple majority vote of all the members then holding office.

(1960 Code, § 60-12-12)

VARIANCES

§ 162.570 VARIANCES.

A *VARIANCE* is a relaxation of the requirements of this chapter that are applicable to a particular lot, structure, or use. A so-called use variance (which would allow a use that is neither permitted nor special in the district in question) is not a variance; it is an amendment, and may be granted only as

provided for in § 162.574 of this chapter. Any area/bulk or use variance approved expires in one year unless substantial development (in excess of 80%) has been completed.
(1960 Code, § 60-12-14) (Ord. 6338, passed 10-1-2001)

§ 162.571 APPLICATION.

(A) Every application for a variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application, together with any advice he or she might wish to offer, to the Board of Appeals.

(B) The application shall contain sufficient information to allow the Board to make an informed decision and shall include, at a minimum, the following:

(1) Name and address of the applicant;

(2) Brief description of the variance requested;

(3) Location of the structure use for which the variance is sought;

(4) Relationship of said structure/use to existing structures/uses on adjacent lots;

(5) Specific section(s) of this chapter containing the regulations which, if strictly applied, would cause a serious problem; and

(6) Any other pertinent information that the Administrator may require.
(1960 Code, § 60-12-15)

§ 162.572 PUBLIC HEARING, NOTICE.

(A) The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to it. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney.

(B) Notice indicating the time, date and place of the hearing and the nature of the proposed variance shall be given not more than 30, nor less than 15, days before the hearing:

(1) By registered mail to the applicant and to all parties whose property abuts the property on which the proposed variance is located;

(2) By publication in a newspaper published within the city; and

(3) By placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement.
(1960 Code, § 60-12-16) (Ord. 7537, passed 10-3-2011)

§ 162.573 ADVISORY REPORT, FINDINGS OF FACT.

(A) Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit its advisory report to the Council. The report shall state the Board of Appeals' recommendations regarding the proposed variance.

(B) The Board of Appeals shall not recommend any variance unless, based upon the evidence presented to it, it determine that:

(1) The proposed variance is consistent with the general purposes of this chapter (see § 162.001 of this chapter);

(2) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property;

(3) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property;

(4) The plight of the applicant is due to peculiar circumstances not of his or her own making;

(5) The peculiar circumstances engendering the variance request are not applicable to other property within the district and, therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(6) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of the city's Comprehensive Plan.
(1960 Code, § 60-12-17)

§ 162.574 ACTION BY COUNCIL.

The Council shall act on every proposed variance at its next regularly scheduled meeting following submission of the Board of Appeals' advisory report. Without further public hearing, the Council may approve or disapprove any proposed variance by simple majority vote of all the members then holding office.
(1960 Code, § 60-12-18)

§ 162.575 APPLICATIONS.

(A) *Withdrawal of application.* A petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. Such withdrawal shall not prohibit petitioner from being able to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the city code in the same manner as any other new application.

(B) *Repeated application.* Where an application for a variance has been filed by or on behalf of the owner or owners of the property affected, no subsequent application requesting substantially the same relief, as determined by the city, shall be filed as to the same property within a period of six months following final action by the City Council subject to all applicable fees.
(1960 Code, § 60-12-19) (Ord. 7215, passed 1-5-2009)

AMENDMENTS

§ 162.590 AMENDMENT PROCEDURE.

(A) The Council may amend this chapter in accordance with state law (65 ILCS 5/11-13-14) and the provisions of this section.

(B) Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments.

(C) Amendments may be proposed by the Council, the Administrator, the Board of Appeals, the Planning Commission or any party in interest.
(1960 Code, § 60-12-20)

§ 162.591 FILING.

Every proposal to amend this chapter shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said proposal, together with any comments or recommendation he or she may wish to make, to the Board of Appeals for a public hearing.
(1960 Code, § 60-12-21)

§ 162.592 PUBLIC HEARING, NOTICE.

(A) The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to it. At the hearing, any interested party may appear and testify, either in person or by duly-authorized agent or attorney.

(B) Notice indicating the time, date and place of the hearing, and the nature of the proposed amendment shall be given not more than 30, nor less than 15, days before the hearing:

(1) By publication in a newspaper published within the city;

(2) When the amendment involves a rezoning, not a text amendment, by registered mail to all parties whose property abuts the property for which rezoning is requested; and

(3) By placement of a temporary sign on the subject property and the property owner shall grant authorization for said placement.
(1960 Code, § 60-12-22) (Ord. 7537, passed 10-3-2011)

§ 162.593 ADVISORY REPORT, FINDINGS OF FACT.

(A) Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit its advisory report to the Council. The report shall state the Board of Appeals' recommendations regarding adoption of the proposed amendment and its reasons therefor.

(B) If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in its advisory report findings of fact concerning each of the following matters:

(1) Existing use(s) and zoning of the property in question;

(2) Existing use(s) and zoning of other lots in the vicinity of the property in question;

(3) Suitability of the property in question for uses already permitted under existing regulations;

(4) Suitability of the property in question for the proposed use;

(5) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned; and

(6) The effect the proposed rezoning would have on implementation of the city's Comprehensive Plan.
(1960 Code, § 60-12-23)

§ 162.594 ACTION BY COUNCIL.

(A) (1) The Council shall act on every proposed amendment at its next regularly scheduled meeting following submission of the Board of Appeals' advisory report.

(2) Without further public hearing, the Council may pass any proposed amendment or may refer it back to the Board of Appeals for further consideration, by simple majority vote of all the members then holding office.

(B) Exception: the favorable vote of at least two-thirds of all the members of the Council is required to pass an amendment to this chapter when the proposed amendment is opposed, in writing, by the owners of 20% of the frontage proposed to be altered, or by owners of 20% of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered.
(1960 Code, § 60-12-24)
Statutory reference:
Related provisions, see 65 ILCS 5/11-13-14

§ 162.595 APPLICATIONS.

(A) *Withdrawal of application.* A Petitioner may withdraw an application at any time prior to a final decision being rendered by the City Council. Such withdrawal shall not prohibit petitioner from being able to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to all applicable procedures and fees within the city code in the same manner as any other new application.

(B) *Repeated application.* Where an application for an amendment has been filed by or on behalf of the owner or owners of the property affected, no subsequent application requesting substantially the same relief, as determined by the city, shall be filed as to the same property within a period of six months following final action by the City Council subject to all applicable fees.
(1960 Code, § 60-12-25) (Ord. 7215, passed 1-5-2009)

§ 162.999 PENALTY.

(A) Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not less than $250, nor more than $1,000, plus costs, for each offense. For the second offense of conviction of any provision of this chapter, the person shall be fined $500, for a third offense the fine shall be $750 and for a fourth offense the fine shall be $1,000. Each day said violation continues shall be deemed a separate and distinct offense. As a part of the judgment, the defendant must comply with all applicable codes and ordinances relating to the property which is the subject of the violation.

(B) Nothing contained in this section shall prevent the city from taking any other lawful action that may be necessary to secure compliance with this chapter.
(1960 Code, § 60-10-14) (Ord. 7102, passed 4-8-2008)

CHAPTER 117: LODGING BUSINESSES

Section

Tourist Camps and Motels

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Zoning, see Ch. 162

Statutory reference:

Related provisions, see 50 ILCS 820/1 to 820/8

TOURIST CAMPS AND MOTELS

§ 117.01 DEFINITIONS.

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

EXTENDED STAY UNIT. A tourist camp, hotel or motel unit with accommodations for sleeping along with in-unit full kitchen and bathroom facilities.

HOTEL/MOTEL. A building providing transient lodging accommodations to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services and recreational facilities.

TOURIST CAMP. Any park, tourist park, tourist court, camp, court, site, lot, parcel or tract of land upon which one or more camp cottages or cabins are located and maintained for the accommodation of transients by the day, week or month, whether a charge is made or not.
(1960 Code, § 7-14-1) (Ord. 7819, passed 11-17-2014)

§ 117.02 LICENSE; APPLICATION; POSTING.

(A) (1) No person shall operate a tourist camp or hotel/motel in the city without a license.

(2) The annual license fee for a tourist camp is $500.

(3) The annual license fee for a motel is $25.
(1960 Code, § 7-14-2)

(B) An application for a tourist camp or motel license shall be filed with the City Council. The application shall be in writing and signed by the applicant and contain the name and address of the applicant, and the location and legal description of the tourist camp or motel.
(1960 Code, § 7-14-3)

(C) The license certificate issued under this subchapter shall be conspicuously posted in the office of or on the premises of the tourist camp or motel at all times.
(1960 Code, § 7-14-4)
(Ord. 7819, passed 11-17-2014) Penalty, see § 10.99

§ 117.03 REGULATIONS.

(A) *Application.* The regulations of this section shall apply to tourist camps and motels.

(B) *Camp plan.* A tourist camp or hotel/motel shall be located on a well drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

(C) *Driveways.*

(1) Units and cabin plots shall be clearly designated and the camp so arranged that all units and cabin plots face or abut on a driveway of not less than 16 feet in width, giving easy access from all units to a public street.

(2) Such driveway shall be paved and maintained in good condition, having natural drainage into a city street catch basin, be well lighted at night and shall not be obstructed.

(D) *Floor space.* No camp cottage or cabin or unit shall be less than 210 square feet, nor less than 14 feet wide at its narrowest point, nor less than eight feet high from floor to ceiling, and shall not have less than 27 square feet of ventilating openings. All windows must be fully screened. If the floor is of wood, it shall be raised not less than 12 inches above the ground level.

(E) *Toilet facilities.* Each unit or cabin shall have separate toilet facilities.

(F) *Water supply.* An adequate supply of pure water, furnished through a pipe distribution system connected directly with the city water main, with supply faucets located not more than 200 feet from any trailer or cabin shall be furnished for drinking and domestic purposes at a tourist camp.

(G) *Drinking water faucets.* No common drinking vessels are permitted, nor shall any drinking water faucets be placed in any toilet room or water closet compartment.

(H) *Hot water.* An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities.

(I) *Sewers.* All waste from showers, toilets, laundries, faucets and lavatories shall be wasted into a sewer system connected with the city sewer system.

(J) *Occupancy.* Occupancy of any tourist camp, hotel or motel unit by any individual shall be limited to no more than 30 consecutive days; provided that, such occupancy shall be allowed for more than 30 days within extended stay units and which comply with the city adopted residential building and fire codes, as amended.
(1960 Code, § 7-14-5) (Ord. 7819, passed 11-17-2014) Penalty, see § 10.99

§ 117.04 LICENSE REVOCATION.

The City Council may revoke any license to operate a tourist camp or hotel/motel upon violation by the licensee of any provision of this subchapter or upon failure of the licensee to maintain adequate standards for the protection of health, sanitation and safety and for fire prevention.
(1960 Code, § 7-14-6) (Ord. 7819, passed 11-17-2014)

BED AND BREAKFAST ESTABLISHMENTS

§ 117.15 ESTABLISHMENT.

This subchapter shall be known and may be cited as the "Bed and Breakfast Code". (1960 Code, § 7-16-1) (Ord. 5385, passed 3-8-1995)

§ 117.16 DEFINITIONS.

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

BED AND BREAKFAST ESTABLISHMENT. An operator-occupied residence providing accommodations for a charge to the public with no more than four guest rooms for rent. The only "full service" meal the establishment shall service is breakfast. Breakfast and light refreshments/snacks may be provided to the guests only. ***BED AND BREAKFAST ESTABLISHMENTS*** shall not include motels, hotels, boarding houses or food service establishments.

BUILDING COMMISSIONER. The city's Building Commissioner.

ELECTRICAL INSPECTOR. The city's Electrical Inspector appointed by the Mayor with the advice and consent of the City Council as provided in the city's Electrical Code.

FIRE CHIEF. The Fire Chief of the city's Fire Department.

GUEST ROOM. A sleeping room intended to serve no more than two adult transient guests and one child per night.

HEALTH OFFICER. The city's duly appointed and acting Health Officer, or duly licensed and acting Health Officer of the County Health Department.

OPERATOR. The owner of the bed and breakfast establishment, or the owner's agent, who is required by this subchapter to reside in the bed and breakfast establishment, or on contiguous property. (1960 Code, § 7-16-2) (Ord. 5385, passed 3-8-1995)

§ 117.17 FOOD SERVICE.

(A) Bed and breakfast establishments which serve food shall comply with the minimum standards of the state's Bed and Breakfast Act, being 50 ILCS 820 and shall meet the County Health Department's food service rules and regulations for bed and breakfast establishments.

(B) Those requirements are as follows.

(1) Food shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, safe for human consumption and minimally handled. Containers of food shall be stored six inches off the floor, on clean racks, shelves or other clean surfaces in such manner as to be protected from splash or other contamination. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited, except for jams and jellies.

(2) Food shall be protected from contamination while being stored, prepared and served, and during transportation. Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures of 45°F or below, or 140°F or above, as appropriate, except during necessary periods of preparation and serving. Frozen foods shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process or thawed by another method approved by the Health Officer. An indicating thermometer shall be located in each refrigerator and freezer. Raw fruits and vegetables shall be washed thoroughly before use. Stuffing, poultry and pork products shall be cooked to heat all parts of the food at least 165°F before being served. Cooking food temperatures shall be checked by a 0° to 220°F metal-stemmed thermometer. Salads made of meat, poultry, potatoes, fish, shellfish or eggs and other potentially hazardous prepared food shall be prepared from chilled products with a minimum of manual contract. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation area.

(3) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.

(4) If the bed and breakfast operator suspects that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the Health Officer immediately.

(5) All operators, or at least one employee of each bed and breakfast shall be certified within six months of licensing by the County Health Department. Certification shall be achieved by successfully completing an examination offered by the local Health Officer as described in the current edition of the state's Department of Public Health Food Service Sanitation Code.

(6) Persons preparing or service food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly with hand soap and dry their hands with paper towels in a lavatory, but never in the kitchen sink.

(7) No one, while preparing or serving food, may use tobacco, alcohol or mind- or mood-altering drugs or medication in any form.

(8) Utensils shall be kept clean and in good repair.

(9) Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.

(10) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned and sanitized after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.

(11) Residential three compartments sinks with drain boards and home-style mechanical dishwashing machines which achieve a 165°F wash and rinse temperature are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.

(12) Immediately following either manual or mechanical washing of eating and/or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in 100 parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the Health Officer. Dishpans may be used to accomplish the final sanitizing rinse.

(13) The reuse of single-service utensils is prohibited.
(1960 Code, § 7-16-3) (Ord. 5385, passed 3-8-1995) Penalty, see § 10.99

§ 117.18 SOAP, TOWELS AND LINENS.

Each person who is provided accommodations shall be provided individual soap and clean individual clothes and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.
(1960 Code, § 7-16-4) (Ord. 5385, passed 3-8-1995) Penalty, see § 10.99

§ 117.19 FIRE SAFETY.

(A) Bed and breakfast establishments shall meet the state's Fire Marshal's requirements and city's Fire Department requirements for one- and two-family dwellings.

(B) In addition, the following minimum standards shall be required.

(1) Manual fire extinguishing equipment shall be provided on each floor in accordance with NFPA 10 - *Standards for the Installation of Portable Fire Extinguishers*.

(2) All combustibles or flammable liquids shall be stored in approved metal containers. There shall be no combustible storage in or under stairways.

(3) All trash receptacles shall be metal and lavatory receptacles shall have covers.

(4) No cooking facilities shall be permitted in guest rooms.

(5) All hallways and stairways shall be adequately lighted. Emergency lighting shall be required.

(6) No portable heating devices shall be permitted in guest rooms.

(7) The operator shall submit a floor plan of bed and breakfast establishments to the city's Fire Chief.

(8) Smoke detectors shall be provided.
(1960 Code, § 7-16-5) (Ord. 5385, passed 3-8-1995) Penalty, see § 10.99

§ 117.20 PROOF OF INSURANCE.

The bed and breakfast establishment shall provide proof of effective liability insurance that insures the license from liability for personal injury and property damage of not less than $100,000 per person.
(1960 Code, § 7-16-6) (Ord. 5385, passed 3-8-1995)

§ 117.21 TAXES.

The bed and breakfast establishment shall fulfill the requirements of the state's Department of Revenue, including the payment of any applicable hotel taxes and sales taxes.
(1960 Code, § 7-16-7) (Ord. 5385, passed 3-8-1995)

§ 117.22 CITY LICENSE.

(A) It shall be unlawful to operate a bed and breakfast establishment within the corporate limits of the city without having a license from the city. Application for a license to operate a bed and breakfast establishment shall be made to the City Clerk, in writing on a form to be furnished by the City Clerk.

(B) The application shall be verified by oath or affirmation shall contain the following information:

(1) The name, age and address of the applicant;

(2) The location and description of the bed and breakfast establishment which is to be operated under the license; and

(3) Whether the applicant has made similar application for a similar license on premises other than described in the application and whether such application was granted or denied.
(1960 Code, § 7-16-8) (Ord. 5385, passed 3-8-1995)

§ 117.23 FEES.

(A) The fee for an initial license shall be $75 and the fee for a renewal of a license shall be $75. Each license issued hereunder shall be valid for one year and must be renewed each year thereafter in order to remain valid.

(B) Upon application being prepared and executed by the applicant, it shall be submitted to the City Clerk who shall refer the same to the Health Officer, the Building Commissioner, the Fire Chief and the Electrical Inspector for their inspections and recommendations. The city may withhold action on the application for 30 days for the inspection of the proposed bed and breakfast establishment premises before taking action thereon. No license shall be issued or renewed without a recommendation to do so by the Health Officer, Building Commissioner, Fire Chief and Electrical Inspector.

(C) Every licensee shall cause his or her license to be displayed in plain view and in a conspicuous place on the first floor of the licensed premises.
(1960 Code, § 7-16-9) (Ord. 5385, passed 3-8-1995)

§ 117.24 LICENSE SUSPENSION, REVOCATION OR NON-RENEWAL.

The city may suspend, revoke or refuse to renew a license issued under this subchapter for good cause, as determined by the City Council. Annually the Health Officer, the Building Commissioner, the Fire Chief and the Electrical Inspector shall inspect each bed and breakfast establishment in the city for the purpose of determining whether such inspection reveals that a bed and breakfast establishment is not in compliance with this subchapter, the establishment's license shall be suspended, revoked or not renewed, as the case may be. Notwithstanding anything in this section of the subchapter to the contrary, no such license shall be suspended, revoked or not renewed, except after a public hearing by the City Council with at least three days' prior written notice to the licensee, affording the licensee an opportunity to appear in person and/or by his or her legal counsel and to be heard by the City Council. The service of such notice may be made by delivering a copy of said notice to the licensee personally or by delivering a copy of said notice to some person who resided in the bed and breakfast establishment premises who is over 18 years of age and informing such person of the contents of such notice. The city shall, within five days after such hearing, advise the licensee in writing whether his or her license shall be suspended, revoked or not renewed; stating in said order of suspension, revocation or non-renewal the reason or reasons for such revocation, suspension or non-renewal. When the defect or defects complained of in the order of suspension, revocation or non-renewal are corrected by the licensee or his or her duly authorized agent, the licensee's license shall be reinstated or renewed.
(1960 Code, § 7-16-10) (Ord. 5385, passed 3-8-1995)

§ 117.25 BUILDING CODE COMPLIANCE.

Prior to the issuance of a license to operate a bed and breakfast establishment, the establishment's buildings and facilities shall be inspected by the city's Building Commissioner to determine that same are in general compliance with the city's Building Code and ordinances.
(1960 Code, § 7-16-11) (Ord. 5385, passed 3-8-1995)

§ 117.26 ELECTRICAL CODE COMPLIANCE.

Prior to the issuance of a license to operate a bed and breakfast establishment, the establishment's buildings and facilities shall be inspected by the city's Electrical Inspector to determine that same are in compliance with the city's Electrical Code and ordinances.
(1960 Code, § 7-16-12) (Ord. 5385, passed 3-8-1995)

§ 117.27 DESIGN STANDARDS.

(A) *Exterior design standards.* Minimal outward modification of structure or grounds may be made only if such alterations are compatible with the character of the area or neighborhood or may be necessary to meet health, safety and sanitation requirements.
(1960 Code, § 7-16-13)

(B) *Interior design standards.* Any modification of the interior space shall maintain the architectural integrity or historic character, except as may be necessary to meet health, safety and sanitation requirements.
(1960 Code, § 7-16-14)
(Ord. 5385, passed 3-8-1995) Penalty, see § 10.99

§ 117.28 NUISANCES.

A bed and breakfast establishment shall not generate any offensive noise, smoke, dust or any interferences noticeable at or beyond the lot lines.
(1960 Code, § 7-16-15) (Ord. 5385, passed 3-8-1995) Penalty, see § 10.99

§ 117.29 PARKING STANDARDS.

In addition to the required parking for the principal residence in accordance with Ch. 162 of this code of ordinances, one parking space per guest room shall be provided.
(1960 Code, § 7-16-16) (Ord. 5385, passed 3-8-1995) Penalty, see § 10.99

§ 117.30 SIGNAGE.

A non-illuminated identification sign of no more than three square feet in size affixed to and parallel with the front first floor exterior wall of the building or mounted stationary sign in the front grounds. (1960 Code, § 7-16-17) (Ord. 5385, passed 3-8-1995) Penalty, see § 10.99

§ 117.31 OPERATOR QUALIFICATIONS.

Only persons of good moral character shall be eligible for a license under this subchapter. Any licensee who fails to operate an orderly and reputable bed and breakfast establishment may be subject to suspension, revocation or non-renewal of his or her license under this subchapter.
(1960 Code, § 7-16-18) (Ord. 5385, passed 3-8-1995)

§ 117.32 ENFORCEMENT AGENCIES; RIGHT OF ACCESS TO PREMISES.

(A) The Health Officer, Building Commissioner, Fire Chief, Electrical Inspector are hereby designated as agents of the city of the purpose of furnishing administrative, inspection and supervisory services under this subchapter.
(1960 Code, § 7-16-19)

(B) The Health Officer, Building Commissioner, Fire Chief, Electrical Inspector and other duly authorized agents, officers and employees of the city, shall have the right to come upon and be upon the premises of the bed and breakfast establishment, with or without notice, at any reasonable time, to inspect the premises of the establishment to determine that the same are being operated and maintained in good and safe order and repair and in compliance with this subchapter and the other applicable codes and ordinances of the city.
(1960 Code, § 7-16-20)
(Ord. 5385, passed 3-8-1995)

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7-17-1	111.090—111.095
7-18-1	118.01
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7-18-3	118.01
7-18-4	118.01
7-18-5	118.01
7-19-1	118.15
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7-19-6	118.20
7-19-7	118.21
7-19-8	118.22
7-19-9	118.23
7-19-10	118.24
7-19-11	118.25
7-19-12	118.26
7-19-13	118.27
7-19-14	118.99
7-20-1	112.01
7-20-2	112.02
7-20-3	112.03
7-21-1	119.15

1960 Code	*2016 Code*
7-21-2	119.16
7-21-3	119.17
7-21-4	119.17
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7-21-17	119.28
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7-21-20	119.31
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7-21-22	119.32
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7-21-25	119.99
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7-21-27	119.36
7-22-1	113.007
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7-22-4	113.007
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7-22-6	113.007
7-22-7	113.999
7-23-1	111.070—111.079, 111.999
7-24-1	120.01
7-24-2	120.03
7-24-3	120.02
7-24-4	120.04
7-24-5	120.03
7-24-6	120.05
7-24-7	120.03

1960 Code	*2016 Code*
7-24-8	120.06
7-24-9	120.99
7-25-1	110.25
7-25-2	110.26
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7-25-10	110.33
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7-25-12	110.99
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7-26-14	112.53
7-26-15	112.99
7-26-16	112.54
7-27-1	111.004

1960 Code	*2016 Code*
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9-1-1	32.020
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9-2-2	32.036
9-2-3	32.037
9-2-4	32.038
9-2-5	32.039
9-2-6	32.040
9-2-7	32.041
9-3-1	32.055
9-3-2	32.056
9-3-3	32.057
9-3-4	32.058
9-3-5	32.059
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9-3-9	32.063
9-3-10	32.064
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9-3-12	32.066
9-3-13	32.067
9-3-14	32.068
9-3-15	32.069
9-3-16	32.070
9-3-17	32.071
9-3-18	32.072
9-3-19	32.073
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9-3-23	32.077
9-3-24	32.078
9-3-25	32.079
9-3-26	32.080
10.01—10.24	111.003
10-2-1—10-2-7	111.003
10-3-1—10-3-4	111.003
11-1-1	159.01
11-1-2	159.02
11-1-3	159.03

1960 Code	*2016 Code*
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13-1-6	90.06
13-1-7	90.07
13-1-8	90.08
13-1-9	90.09
13-1-10	90.10
13-1-11	90.11
13-1-12	90.99
13-1-13	90.12
13-1-14	90.13
14-1-1	91.01
14-1-2	91.02
14-1-3	91.02
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14-1-5	91.03
14-2-1	91.15
14-2-2	91.16
14-2-3	91.17
14-2-4	91.18
14-2-5	91.19
14-3-1	91.30
14-3-2	91.31
14-3-3	91.32
14-3-4	91.33
14-4-1	91.45
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14-4-3	91.47
14-4-4	91.48
14-4-5	91.49
14-4-6	91.50
14-4-7	91.51
14-4-8	91.52
15-1-1	157.01
15-1-2	157.02

1960 Code	*2016 Code*
15-1-3	157.03
15-1-4	157.07
15-1-5	157.08
15-1-6	157.09
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15-1-11	157.05
15-1-12	157.99
15-1-13	157.06
17-1-1	119.01
17-1-2	119.01
18-1-1	92.01
18-1-2	92.01
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18-1-5	92.04
18-1-6	92.05
18-1-7	92.06
18-2-1	92.20
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18-2-3	92.22
18-2-4	92.23
18-2-5	92.24
18-2-6	92.25
18-2-7	92.26
18-2-8	92.27
18-2-9	92.28
18-3-1	92.07
18-3-2	92.08, 92.99
18-3-3	92.09, 92.99
19-1-1	156.05
19-1-2	156.20
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19-1-7	156.25
19-1-8	156.26
19-1-9	156.27

1960 Code	*2016 Code*
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19-1-11	156.29
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19-1-14	156.32
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19-1-16	156.34
19-1-17	156.99
19-1-18	156.06
19-1-19	156.01—156.04
21-1-1	121.01
21-1-2	121.02
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21-1-7	121.05
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21-1-9	121.07
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21-1-14	121.12
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21-1-16	121.14
21-1-19	121.25
21-1-20	121.26
21-1-21	121.27
21-1-22	121.28
21-1-23	121.29
21-1-24	121.30
21-1-25	121.99
23-1-1	150.01
23-1-2	150.02
23-1-3	150.03
23-1-4	150.15
23-1-5	150.16
23-1-6	150.17
23-1-7	150.18
23-1-8	150.19

1960 Code	*2016 Code*
23-1-9	150.30
23-1-10	150.31
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23-1-12	150.33
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23-1-16	150.36
23-1-17	150.37
24-1-1	151.01
24-1-2	151.02
24-1-3	151.02
24-1-4	151.03
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24-1-6	151.05
24-1-7	151.06
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24-3-2	151.41
24-3-3	151.42
24-3-4	151.43
24-3-5	151.44
24-3-6	151.45
24-3-7	151.46
24-3-8	151.47
24-3-9	151.48
24-3-10	151.49
24.1-1	151.05
25-1-1	152.01

1960 Code	*2016 Code*
25-1-4	152.02
25-1-5	152.03
25-1-6	152.04
25-1-7	152.05
25-1-8	152.05
25-1-9	152.06
25-1-10	152.99
25-1-11	152.07
26-1-1	93.001
26-1-2	93.002, 93.999
26-1-3	93.003
26-1-4	93.004
26-1-5	93.005
26-1-6	93.006
26-2-1	93.020
26-2-2	93.021
26-2-3	93.022
26-2-4	93.023
26-2-5	93.024
26-2-6	93.025
26-3-1	93.040
26-3-2	93.041
26-3-3	93.042
26-3-4	93.043
26-3-5	93.999
26-4-1	93.055
26-4-2	93.056
26-4-3	93.057
26-4-4	93.058
26-4-5	93.059
26-4-6	93.060
26-4-7	93.061
26-4-8	93.062
26-4-9	93.063
26-4-10	93.064
26-4-11	93.065
26-4-12	93.066
26-4-13	93.067
26-4-14	93.999
26-5-1	93.080
26-5-2	93.081

1960 Code	*2016 Code*
26-5-3	93.082
26-5-4	93.083
26-5-5	93.084
26-5-6	93.085
26-5-7	93.086
26-5-8	93.087
26-5-9	93.088
26-5-10	93.089
26-5-11	93.999
26-6-1	93.100, 93.999
26-6-2	93.101
26-6-3	93.102
26-7-1	90.25
26-7-2	90.26
26-7-3	90.27
26-7-4	90.28
26-7-5	90.29
26-7-6	90.30
26-7-7	90.31
26-7-8	90.32
27-1-1	153.01
27-1-2	153.02
27-1-4	153.04
27-1-5	153.05
27-1-6	153.03, 153.06
27-1-7	153.07
27-1-8	153.08
27-1-9	153.99
27-1-10	153.09
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30-1-2	130.02
30-1-8	130.03, 130.99
30-1-9	130.04
30-1-10	130.05
30-1-11	130.04
30-1-15	130.06
30-1-16	130.07, 130.99
30-1-29	131.01
30-1-30	131.02
30-1-32	131.03

1960 Code	*2016 Code*
30-1-33	130.09, 130.99
30-1-34	130.10, 130.99
30-1-35	130.11, 130.99
30-1-36	131.02
30-1-38	130.12, 130.99
30-1-39	130.13
30-1-40	130.14
30-1-42	130.15, 130.99
30-1-43	130.16
30-1-44	130.17, 130.99
30-1-45	130.18
30-1-46	130.18
30-1-47	130.19, 130.99
30-1-48	50.004
30-1-49	130.20
31-1-1	94.01, 94.99
31-1-2	94.02
31-1-3	94.99
31-1-4	94.03, 94.99
31-1-5	94.04
33-1-1	154.01
33-2-1	154.15
33-2-2	154.16
33-2-3	154.17
33-2-4	154.18
33-2-5	154.19
33-2-6	154.20
33-2-7	154.21
33-2-8	154.22
33-2-9	154.23
33-2-10	154.24
33-2-11	154.25
33-2-12	154.99
33-3-19	154.99
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Ch. 38 App. B	Ch. 51 App. B
Ch. 38 App. C	Ch. 51 App. C
38-1-1	50.001
38-1-2	50.002
38-2-1	50.003
38-3-1	50.015

1960 Code	*2016 Code*
38-3-2	50.016
38-3-3	50.017
38-3-4	50.018
38-3-5	50.019
38-3-6	50.020
38-3-7	50.021, 50.999
38-3-8	50.022
38-3-9	50.023
38-4-1	50.035
38-4-2	50.036
38-4-3	50.037
38-4-4	50.038
38-4-5	50.039
38-4-6	50.040
38-4-7	50.041, 50.999
38-4-8	50.042
38-6-1	50.055
38-6-2	50.056
38-7-1	50.070
38-7-2	50.071
38-7-3	50.072
38-9-1	50.085
38-9-2	50.086
38-10-3	50.100
38-10-4	50.101
38-11-1	50.004, 50.015
38-11-2	50.999
38-11-3	50.004
38-12-1	50.999
38-13-1	50.115
38-13-2	50.116
38-13-3	50.117
38-13-4	50.118, 50.999
38-14-1	51.001
38-14-2	51.002
38-14-3	51.003
38-14-4	51.004
38-14-6	51.020
38-14-7	51.021
38-14-8	51.022
38-14-9	51.023

1960 Code	*2016 Code*
38-14-10	51.024
38-14-11	51.025
38-14-12	51.026
38-14-14	51.040
38-14-15	51.041
38-14-16	51.042
38-14-17	51.043
38-14-18	51.044
38-14-19	51.045
38-14-23	51.060
38-14-24	51.061
38-14-25	51.062
38-14-26	51.063
38-14-27	51.064
38-14-28	51.065
38-14-29	51.066
38-14-30	51.067
38-14-33	51.080
38-14-34	51.081
38-14-35	51.082
38-14-36	51.083
38-14-37	51.084
38-14-38	51.085
38-14-39	51.086
38-14-40	51.087
38-14-43	51.100
38-14-44	51.101
38-14-45	51.102
38-14-46	51.103
38-14-47	51.104
38-14-48	51.105
38-14-49	51.106
38-14-50	51.107
38-14-51	51.108
38-14-52	51.109
38-14-53	51.110
38-14-54	51.111
38-14-55	51.112
38-14-56	51.113
38-14-57	51.114
38-14-66	51.125

1960 Code	*2016 Code*
38-14-67	51.126
38-14-68	51.005
38-14-69	51.006
38-14-72	51.140
38-14-73	51.141
38-14-74	51.142
38-14-75	51.143
38-14-76	51.144
38-14-77	51.145
38-14-78	51.146
38-14-79	51.147
38-14-81	51.999
38-14-82	51.999
38-14-83	51.999
38-14-84	51.999
38-14-86	51.160
38-14-87	51.161
38-14-88	51.162
38-14-90	51.175
38-14-91	51.176
38-14-92	51.177
38-14-94	51.007
38-14-96	51.008
39-1-1	160.01
39-1-2	160.02
39-1-3	160.03
39-1-4	160.04
39-1-5	160.05
39-1-6	160.06
40-1-1	158.001
40-1-2	158.002
40-1-3	158.003
40-1-4	158.004
40-1-5	158.005
40-1-6	158.006
40-1-7	158.007
40-1-8	158.008
40-1-9	158.009
40-1-10	158.010
40-1-11	158.011
40-1-12	158.012

1960 Code	*2016 Code*
40-1-13	158.013
40-1-14	158.014
40-1-15	158.015
40-1-16	158.016
40-1-17	158.017
40-1-18	158.018
40-1-19	158.018
40-1-20	158.019
40-1-21	111.040
40-1-22	111.041
40-1-23	111.042
40-1-24	111.043
40-1-25	111.044
40-1-26	111.045
40-1-27	111.046
40-1-28	111.047
40-1-29	111.048
40-1-30	111.049
40-1-31	111.050
40-1-32	111.051
40-1-33	111.052
40-1-34	111.053
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40-1-37	111.055
40-2-1	158.030
40-2-2	158.031
40-2-3	158.032
40-2-4	158.033
40-2-5	158.034
40-2-6	158.035
40-2-7	158.999
40-2-8	158.036
40-2-9	158.037
40-2-10	158.038
40-2-11	158.039
40-2-12	158.040
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40-2-14	158.042
40-2-15	158.043
40-3-1	158.055

1960 Code	*2016 Code*
40-3-2	158.056
40-3-3	158.057, 158.999
40-3-4	158.058
40-3-5	158.059
40-4-1	158.070
40-4-2	158.071
40-4-3	158.072
40-4-4	158.073
40-4-5	158.074
40-4-6	158.075
40-4-7	158.999
40-5-1	158.090
40-5-2	158.091
40-5-3	158.092
40-5-4	158.093
40-5-5	158.092
40-5-6	158.094
40-5-7	158.095
40-5-8	158.096
40-5-9	158.999
40-5-10	158.097
40-5-11	158.098
40-6-1	158.110
40-6-2	158.111
40-6-3	158.112
40-7-1	158.125
40-7-2	158.126
40-7-3	158.127
40-7-4	158.128
40-7-5	158.129
40-8-1	158.140
40-8-2	158.141
40-8-3	158.142
40-8-4	158.143
40-8-5	158.144
40-8-6	158.145
40-8-7	158.145
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41-1-2	161.002
41-1-3	161.003
41-2-1	161.015

1960 Code	*2016 Code*
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41-2-3	161.017
41-2-4	161.018
41-2-5	161.019
41-2-6	161.020
41-2-7	161.021
41-2-8	161.022
41-2-9	161.023
41-2-10	161.024
41-3-1	161.035
41-3-2	161.036
41-3-3	161.037
41-4-1	161.050
41-4-3	161.051
41-4-4	161.052
41-4-5	161.053
41-5-1	161.065
41-5-2	161.066
41-5-3	161.067
41-5-4	161.068
41-5-5	161.069
41-5-6	161.070
41-5-7	161.071
41-5-8	161.072
41-6-1	161.085
41-6-2	161.086
41-6-3	161.087
41-6-4	161.088
41-6-5	161.089
41-6-6	161.090
43-1-1	34.040
43-1-2	34.040
43-1-3	34.040
43-1-4	34.040
43-1-5	34.040
43-1-6	34.040
43-1-7	34.040
43-1-8	34.040
43-1-9	34.999
43-2-1	34.041
43-2-2	34.041

1960 Code	*2016 Code*
43-3-1	34.042
43-3-2	34.042
43-3-3	34.042
43-3-4	34.042
43-3-5	34.999
43-3-6	34.042
43-3-7	34.042
43-3-8	34.042
43-4-1	34.043
43-4-2	34.043
43-4-3	34.043
43-4-4	34.043
43-4-5	34.043
43-4-6	34.043
43-4-7	34.043
43-4-8	34.999
43-5-1	34.044
43-5-2	34.044
43-5-3	34.044
43-5-4	34.044
43-5-5	34.044
43-5-6	34.044
43-5-7	34.999
43-6-1	34.060
43-6-2	34.061
43-6-3	34.062
43-6-4	34.063
43-6-5	34.064
43-6-6	34.065
43-6-7	34.066
43-6-8	34.067
43-6-9	34.068
43-6-10	34.069
43-6-11	34.070
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Tuesday, November 2, 2016

Dear Dallas Cook,

My name is Ashley Crompton. I am the director of Royal Family Kids' Camp. A non for profit organization that takes 70 plus children in foster care and group homes to a week of camp in June. It's a week where children who have been abused, neglected, and removed from their homes can come and feel love, safe, and a part of a family. It's a week where kids can just be kids and the healing process can begin. Each year we take children from the Illinois side of the Mississippi River throughout Southern Illinois to a week of Royal Family Kids' Camp free of charge. We spend the week tubing, making crafts, singing songs, riding horses, playing games, and so much more. Every night we hold a special event where the kids get to take part in a talent show, science shows, fishing, makeovers, and so much more. One special night we celebrate every campers birthday with cake and presents. Our goal is to spend the week creating positive memories in the lives of these children. For additional information on RFK Camp please visit www.ilrfkc.org.

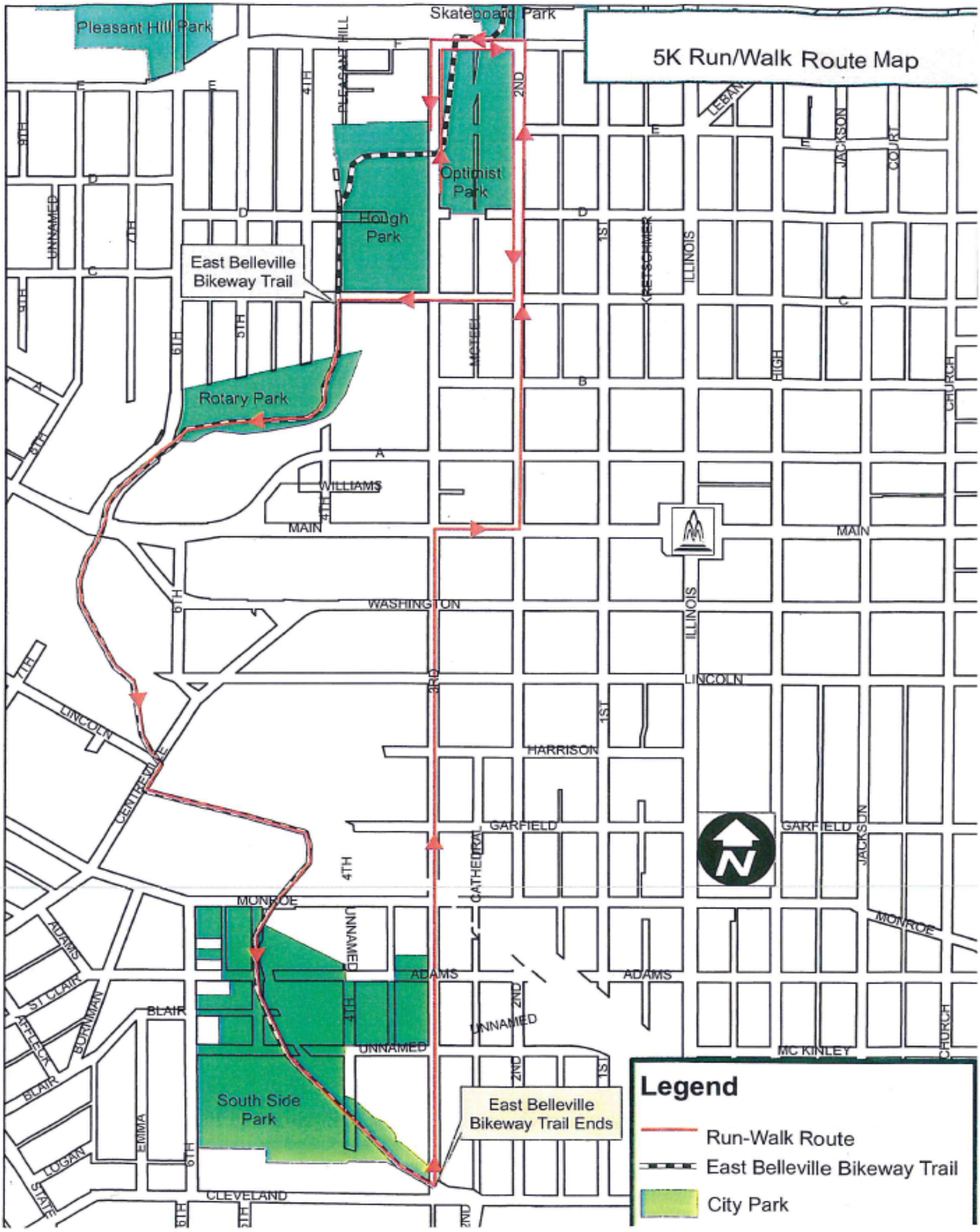
In order to take 70 plus kids to camp the summer of 2017 we must raise $35,000. I have been in contact with Jim Schneider planning a 5K race, The Royal Run, in Belleville, IL on Saturday, March 25, 2017 beginning at 9:00A.M. The race would follow the same course as the 9-11 Memorial Walkway 5K Run/Walk. It would begin and end at Optimist Park. I have included the map at the end of this letter. I have the check off list from last year on who I need to contact such as the railroad about crossing the tracks on 3rd street by Monroe, Police department, Bus Company, etc . I have contacted Jules Hunter from the Character run to make sure they would not be using this date as they have in the past. Mike Toolen has agreed to run the race for us. I am now seeking approval to hold this event on March 25th at 9:00 A.M. in the Belleville, IL.

If you have any questions please feel free to contact me at 618-267-6745 or via email at ilrfkc@hotmail.com.

Thank you for your time and I'm looking forward to hearing back from you.

For His Kids,

Ashley Crompton


5K Run/Walk Route Map
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Optimist Park
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Rotary Park
South Side Park
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East Belleville Bikeway Trail
City Park
MAIN
WASHINGTON
LINCOLN
HARRISON
GARFIELD
MONROE
ADAMS
BLAIR
CLEVELAND
WILLIAMS
ILLINOIS
JACKSON
CHURCH
MC KINLEY
CENTREVILLE
ST CLAIR
LOGAN
STATE
EMMA
BORMAN
AFFLECK
CATHEDRAL
UNNAMED
PLEASANT HILL
LEBAM
COURT
KRETSCHMER
MOTEEL
HIGH
1ST
2ND
3RD
4TH
5TH
6TH
7TH
9TH

ORDINANCE _____

AN ORDINANCE PROPOSING THE APPROVAL AND DESIGNATION OF THE SHOPLAND PLAZA BUSINESS DISTRICT AND FIXING A TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSALS TO APPROVE AND DESIGNATE THE SHOPLAND PLAZA BUSINESS DISTRICT

WHEREAS, the Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3 et seq., as amended (the "Law"), states that the corporate authorities of a municipality shall by ordinance propose the approval of a business district plan and designation of a business district and shall fix a time and place for a public hearing on the proposals to approve a business district plan and designate a business district; and,

WHEREAS, the City of Belleville proposes to approve the "Shopland Plaza Business District, Business District Plan", dated November 2, 2016, which Plan the City has placed on file for public inspection, and designate the Shopland Plaza Business District.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Belleville, Illinois, as follows:

SECTION 1: The City Council of the City of Belleville, Illinois, hereby proposes the approval of the "Shopland Plaza Business District, Business District Plan" and designation of the Shopland Plaza Business District.

SECTION 2: The City Council of the City of Belleville, Illinois, hereby sets Monday, **December 5, 2016**, at **7:00 p.m.** at Lindenwood University-Alan J. Dixon Bldg., Rear Banquet Hall, 2600 West Main St., as the time and place for the Public Hearing on the proposals to approve the "Shopland Plaza Business District, Business District Plan" and designate the Shopland Plaza Business District.

SECTION 3: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All existing ordinances of the City of Belleville are hereby repealed insofar as they may be inconsistent with the provisions of this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

PASSED by the City Council of the City of Belleville, Illinois, this 7th day of November, 2016 on the following roll call vote:

	AYE	**NAY**
Joe Hazel	_____	_____
Ken Kinsella	_____	_____
Jane Pusa	_____	_____
Michael Buettner	_____	_____
Kent Randle	_____	_____
Scott Tyler	_____	_____
Johnnie Anthony	_____	_____
Raffi Ovian	_____	_____
Ed Dintelman	_____	_____
Phillip Silsby	_____	_____

Paul Seibert	_____	_____
Bob White	_____	_____
Phil Elmore	_____	_____
Trent Galetti	_____	_____
Roger Wigginton	_____	_____
James Musgrove	_____	_____

APPROVED by the Mayor of the City of Belleville, this 7th day of November, 2016.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

ORDINANCE NO. _____

AN ORDINANCE ENACTING A REVISED CODE OF ORDINANCES FOR THE CITY OF BELLEVILLE, ILLINOIS, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH REVISED CODE OF ORDINANCES.

THE CITY OF BELLEVILLE, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY OF BELLEVILLE IS NOW OPERATING UNDER THE PROVISIONS OF THE ILLINOIS MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

WHEREAS, the present general and permanent ordinances of the City are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the City and for the proper conduct of its affairs; and

WHEREAS, the Acts of the General Assembly of the State of Illinois empower and authorize the City to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, this City Council has authorized a general compilation, revision and codification of the ordinances of the City of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the City and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect on December 1, 2016.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVILLE, ILLINOIS:

Section 1. The general ordinances of the City of Belleville, Illinois, as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Revised Code of Ordinances of the City of Belleville, Illinois."

Section 2. Such Revised Code of Ordinances adopted in Section 1 shall consist of the following Titles:

TITLE I: GENERAL PROVISIONS

Chapter 10. Rules of Construction; General Penalty

TITLE III: ADMINISTRATION

Chapter 30. City Council
Chapter 31. Officials and Employees; General Administration
Chapter 32. Organizations
Chapter 33. Public Safety; Law Enforcement
Chapter 34. Finance and Revenue; Taxation

TITLE V: PUBLIC WORKS

Chapter 50. Sewers
Chapter 51. Industrial Pretreatment

TITLE VII: TRAFFIC CODE

Chapter 70. General Provisions
Chapter 71. Pedestrians
Chapter 72. Condition of Vehicles; Equipment
Chapter 73. Traffic Rules and Driving Regulations
Chapter 74. Parking Regulations
Chapter 75. Traffic Schedules
Chapter 76. Parking Schedules

TITLE IX: GENERAL REGULATIONS

Chapter 90. Animal Control
Chapter 91. Cemeteries
Chapter 92. Health and Sanitation
Chapter 93. Nuisances
Chapter 94. Parks and Recreation

TITLE XI: BUSINESS REGULATIONS

Chapter 110. General Licensing Provisions
Chapter 111. Amusements and Recreation; Raffles
Chapter 112. Emergency Services; Homeless Shelters
Chapter 113. Special Sales; Personal Sales
Chapter 114. Junk Dealers; Scavengers
Chapter 115. Peddlers and Solicitors
Chapter 116. Vehicle-Related Businesses
Chapter 117. Lodging Businesses

Chapter 118. Food and Beverage Businesses
Chapter 119. Healing Arts and Massage Services
Chapter 120. Installment Loan Businesses
Chapter 121. Alcoholic Beverages

TITLE XIII: GENERAL OFFENSES

Chapter 130. Offenses Against Public Peace and Safety
Chapter 131. Offenses Against Public Morals

TITLE XV: LAND USAGE

Chapter 150. Building Code; Building Regulations
Chapter 151. Electrical Code
Chapter 152. Plumbing Code
Chapter 153. Gas, Oil and Solid Fuel Burner Code
Chapter 154. Property Maintenance Code
Chapter 155. Sign Code
Chapter 156. Mobile Home Parks
Chapter 157. Floodplains
Chapter 158. Streets and Sidewalks; Trees
Chapter 159. Enterprise Zones
Chapter 160. Special Business Districts
Chapter 161. Subdivisions
Chapter 162. Zoning

Section 3. All prior ordinances pertaining to the subjects treated in such Revised Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and re-ordained in whole or in part in such Revised Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Revised Code.

Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the City Council and the City Clerk is hereby authorized and ordered to file a copy of such Revised Code of Ordinances in the Office of the Clerk.

Section 5. Such Revised Code of Ordinances shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date

of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication all as provided by law, and the Revised Code of Ordinances adopted hereunder shall become effective on December 1, 2016.

PASSED by the City Council of the City of Belleville, Illinois, on this 7th day of November, 2016 on the following roll call vote:

	AYE	**NAY**
Joseph Hazel	_____	_____
Ken Kinsella	_____	_____
Jane Pusa	_____	_____
Michael Buettner	_____	_____
Kent Randle	_____	_____
Scott Tyler	_____	_____
Johnnie Anthony	_____	_____
Raffi Ovian	_____	_____
Edward Dintelman	_____	_____
Phillip Silsby	_____	_____
Paul Seibert	_____	_____
Bob White	_____	_____
Philip Elmore	_____	_____
Trent Galetti	_____	_____
Roger Wigginton	_____	_____
James Musgrove	_____	_____

APPROVED by the Mayor of the City of Belleville, Illinois this 8th day of November, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

VENDOR #	NAME	DEPT.	AMOUNT
13	MOTOR FUEL TAX FUND		
486	HANK'S EXCAVATING & LANDSCAPING,	13-00	1,029.50
666	MACLAIR ASPHALT COMPANY	13-00	3,914.37
EL001	ELECTRICO, INC.	13-00	457.42
	**TOTAL		5,401.29
	13 MOTOR FUEL TAX FUND	GRAND TOTAL	5,401.29