PREFACE

THIS IS THE VILLAGE CODE OF THE VILLAGE OF WILLOW SPRINGS THROUGH DECEMBER 31, 2016 AND ORDINANCE NUMBER 2016-O-26. VILLAGE ORDINANCES ADOPTED THEREAFTER SUPERSEDE THE PROVISIONS OF THIS VILLAGE CODE TO THE EXTENT THAT THEY ARE IN CONFLICT OR INCONSISTENT THEREWITH. PLEASE CONSULT WITH THE VILLAGE CLERK'S OFFICE TO DETERMINE WHETHER ANY PARTS OF THIS VILLAGE CODE HAS BEEN AMENDED, SUPERSEDED OR REPEALED.

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TITLE 1

ADMINISTRATIVE REGULATIONS

CHAPTER 1

1-1-1: TITLE:

Upon adoption by the Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of Willow Springs. This Village Code of ordinances shall be known and cited as the WILLOW SPRINGS VILLAGE CODE , and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-1-3 of this Chapter under the direction of the Village Attorney, acting for said Village Board of Trustees. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Village Code by title in any legal document.

1-1-2: ACCEPTANCE:

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

1-1-3: AMENDMENTS:

Any ordinance amending this Village Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this Village Code.

1-1-4: CODE ALTERATIONS:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Village Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the Village Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained

in the office of the Clerk. Any person having in his custody an official copy of this Village Code shall make every effort to maintain this Code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the Village and shall be returned to the office of the Clerk when directed so to do by order of the Village Board. (1983 Code)

CHAPTER 2
SAVING CLAUSE

1-2-1: REPEAL OF GENERAL ORDINANCES:

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

1-2-2: PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be replaced by virtue of the preceding section, excepting as this Village Code may contain provisions for such matters, in which case this Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-2-3: COURT PROCEEDINGS:

No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by

the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

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

1-2-4: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Village Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1983 Code)

CHAPTER 3
DEFINITIONS

1-3-1: CONSTRUCTION OF WORDS:

Whenever any word in any section of this Village Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this Village Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be applied to any section of this Village Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

The word "ordinance" contained in the ordinances of the Village has been changed in the content of this Village Code to "title", "chapter", "section", and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the

Village's ordinances is not meant to amend the passage and effective dates of such original ordinances.

1-3-2: CATCHLINES:

The catchlines of the several sections of this Village Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1983 Code)

CHAPTER 4
GENERAL PENALTY

1-4-1: GENERAL PENALTY:

A. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of the Village Code, or who shall refuse to remedy a violation of any such provisions shall, upon conviction, where no specific penalty is provided for the section being violated, be punished by a fine not to exceed seven hundred fifty dollars ($750.00) for any one offense. A separate offense shall be deemed committed for each day such violation shall continue [1] .

B. In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the Village Code, the Village by and through its Building Commissioner, Director of the Code Enforcement or other appropriate official, in addition to other remedies, may institute an appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; 2) to prevent the occupancy of the building, structure or land; 3) to prevent any illegal action, conduct, business or use in or about the premises; or 4) to restrain, correct or abate the violation. (Ord. 95-0-35, 12-28-1995)

1-4-2: APPLICATION OF PROVISIONS:

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

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

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply. (1983 Code)

1-4-3: LIABILITY OF OFFICERS:

No provision of this Village Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1983 Code)

CHAPTER 5
OFFICERS AND EMPLOYEES

1-5-1: REGULATIONS FOR OFFICIALS:

The provisions of this Chapter shall apply alike to all officers and employees of the Village, regardless of the time of the creation of the office or the time of the appointment of the officer or employee. (Ord. 72-6, 4-13-1972)

1-5-2: APPOINTED OFFICERS; EMPLOYEES:

All matters pertaining to the appointment of Village officers and hiring of Village employees, as well as the terms, duties and compensation of such officers and employees, shall be as set forth in this Chapter. Provided, however, that if a Village position is not specifically set forth otherwise in this Chapter, or such position is not provided for in this Chapter, then, such position shall be deemed to be that of an employee of the Village. (Ord. 97-0-8, 5-8-1997)

1-5-3: RECORDS:

A. Inspection: All records kept by any officer of the Village shall be open to inspection by the Village President or any member of the Board of Trustees at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

B. Termination Of Office: Every officer of the Village, upon the termination of his term of office for any cause whatsoever, shall deliver to his successor all books and

records which may be the property of the Village, and if no successor has been appointed within one week after the termination of the term of office, such property shall be delivered to the Village President. (Ord. 72-6, 4-13-1972)

1-5-4: MONIES RECEIVED:

Each officer or employee of the Village who receives money for the Village shall at least once each month turn over all money received by him in his official capacity to the Village Treasurer with a statement showing the source from which the same was received. (Ord. 72-6, 4-13-1972)

1-5-5: OATH:

All officers, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and of the State of Illinois, and that I will faithfully discharge the duties of the office of according to the best of my ability.

Said oath or affirmation so subscribed shall be filed in the office of the Clerk. (Ord. 75-15, 9-25-1975)

1-5-6: BOND:

All officers except Trustees, Village Attorney and Village Prosecutor, shall before entering upon their respective duties, execute a bond with security to be approved by the Board of Trustees, payable to the Village in the amounts provided in this Section. (Ord. 75-19, 9-25-1975)

The village shall pay the cost of such bonds as it may require of the employees or officers. (Ord. 72-6, 4-13-1972)

A. The president's bond shall be in the amount of fifty thousand dollars ($50,000.00).

B. The clerk's bond shall be in the amount of fifty thousand dollars ($50,000.00). (Ord. 75-15, 9-25-1975)

C. The treasurer's bond shall be in the amount of fifty thousand dollars ($50,000.00). (Ord. 75-26, 11-13-1975)

D. The collector's bond shall be in the amount of fifty thousand dollars ($50,000.00).

E. The deputy clerk's bond shall be in the amount of fifty thousand dollars ($50,000.00).

F. The assistant to the village administrator's bond shall be in the amount of fifty thousand dollars ($50,000.00). (Ord. 2013-O-11)

1-5-7: COMPENSATION:

A. General Provisions: Except as specifically provided in subsection B of this section, all officers and employees of the village shall receive such compensation as shall be provided in the annual budget approved and adopted by the board of trustees.

B. President, Local Liquor Control Commissioner, Board Of Trustees And Treasurer's Salaries Established: As full compensation for the discharge of the duties of their respective offices, the village president, local liquor control commissioner, board of trustees and treasurer shall be paid as follows:

1. For the office of village president, the sum of four thousand dollars ($4,000.00) per annum, effective at the commencement of the next succeeding term of office for the village president in May 2005, and thereafter.

2. For the office of local liquor control commissioner, the sum of two hundred dollars ($200.00) per annum, until May 15, 2005, whereupon, said compensation shall be the sum of two thousand five hundred dollars ($2,500.00) per annum thereafter.

3. For the office of village trustee, the sum of fifty dollars ($50.00) per meeting attended, provided that, effective at the commencement of the respective next succeeding term of office for village trustee in either May 2005, or May 2007, and thereafter, the sum of one hundred dollars ($100.00) per meeting attended.

4. For the office of village treasurer, the sum of three thousand dollars ($3,000.00) per annum. (Ord. 23-O-2004, 10-28-2004)

1-5-8: IMPERSONATION:

It shall be unlawful for any person to impersonate without lawful authority any village officer or employee. Any person violating this section shall be fined not more than five hundred dollars ($500.00) for each offense. (Ord. 72-6, 4-13-1972; amd. 1983 Code)

1-5-9: AUTHORIZING THE PAYMENT OF LEGAL FEES FOR OFFICIALS AND EMPLOYEES; DEFINITIONS:

A. Definitions:

EMPLOYEE: Any person presently or formerly employed by the village.

OFFICIAL: Any present or former elected or appointed official of the village.

B. Authorizing Payment Under Certain Circumstances: If any civil claim or action is brought or instituted against an official or employee, where such claim or action arises out of an act or omission of the official or employee, performed in good faith in the discharge of his or her official duties or in the course of his or her employment, the village shall indemnify such official or employee for any reasonable costs incurred by such official or employee in the defense of such claim or action, including reasonable attorney fees, and shall pay any judgment or settlement arising out of such claim or action, provided that any such official or employee shall fully cooperate with the village in the defense of any such claim or action. (Ord. 81-WS-2, 4-28-1981)

C. Authorizing Payment Under Other Circumstances: If any criminal proceeding is brought by the state's attorney, attorney general or United States' attorney against any present or former president, trustee or clerk alleging an offense related to or arising out of the holding of said elected office, and if at the final conclusion of any such proceeding there is a finding, verdict or judgment of "not guilty" of all charges made or if all charges are dismissed, then the village shall indemnify such present or former president, trustee or clerk for any reasonable costs incurred thereby in the defense thereof, including reasonable attorney fees. (Ord. 82-0-4, 4-8-1982)

1-5-10: OFFICERS, INTEREST IN CONTRACT:

No officer shall be directly or indirectly interested in any contract work, or business of the village, or the sale of any article, the expense, price or consideration of which is to be paid from the treasury or by any assessment, nor in the purchase of any real estate or other property belonging to the village or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the village. (Ord., 2-11-1897)

1-5-11: OFFICERS, HOLDING OTHER OFFICE:

Neither the president, treasurer nor any trustee shall hold any other office under the village government during his term of office. (Ord., 2-11-1897; amd. 1983 Code)

ARTICLE A. BOARD OF TRUSTEES

1-5A-1: BOARD OF TRUSTEES MEETINGS:

A. The board of trustees shall conduct the following meetings:

1. Regular Meetings: Regular meetings of the board of trustees to conduct the business of the village shall be held at the village hall at seven o'clock (7:00) P.M. on the second and fourth Thursday of each month. (Ord. 25-O-2002, 11-26-2002)

2. Committee Of The Whole Meetings: The standing committees of the board of trustees, as provided in section 1-5A-7 of this article, shall meet as a committee of the whole in the village hall at seven o'clock (7:00) P.M. on the first and third Thursday of each month, except that the board of trustees may, from time to time, as deemed appropriate, cancel such committee of the whole meetings. (Ord. 32-O-2006, 9-28-2006)

3. Special Meetings: Special meetings of the board of trustees may be called by the president or by three (3) members of the board of trustees, by submitting to the village clerk or village administrator a written or oral request for such special meeting stating the time, place, nature and subject matter of such meeting. The village clerk or village administrator shall then provide notice as required by state statute and provide notice to all members of the board of trustees not absent from the village, of the time and place of such special meeting.

B. Whenever the term "meeting" is used in this code, it shall mean the above meetings, and any continuation of any of the above meetings to another date and time, as may be deemed necessary by the board of trustees to complete the business of any of the above meetings.

C. It shall be unlawful for any person to disturb any meeting of the board of trustees. (Ord. 25-O-2002, 11-26-2002)

D. Any matter requiring a roll call vote at a regular, special or a committee of the whole meeting may be voted on by an absent village board member via a conference telephone call between the absent village board member and the rest of the village board present at the meeting under the following conditions:

1. The absent village board member cannot be physically present at the meeting at which the matter is put to a vote due to circumstances beyond the village board member's control. A vacation is not under any circumstances to be considered beyond the village board member's control.

2. The absent village board member's voice on the conference telephone call, after being identified by the rest of the village board as belonging to the absent village board member, shall be simultaneously broadcast to the public present at the meeting and open to the media, and the absent village board member shall also be able to hear any public comment regarding the issue elicited at the meeting, if any, before the vote is taken.

3. The presiding officer of all village board meetings must be physically present. In the event the village president is participating in a meeting via electronic means, a temporary chair shall be selected from those village trustees in attendance.

4. Prior to voting via electronic means, the village board member shall publicly state the reason for not being present at the meeting. (Ord. 12-O-2004, 5-13-2004)

1-5A-2: RULES AND REGULATIONS OF THE BOARD OF TRUSTEES:

"Robert's Rules Of Order", latest edition, shall govern the deliberations and proceedings of the board of trustees, but in no way affect the validity or invalidity of actions taken at any meeting of the board of trustees. In addition, the following regulations shall govern the deliberations of the board of trustees:

A. Vote Recording Required: The recorded roll call vote of yeas and nays shall be taken upon the passage of all ordinances and resolutions of any kind, and upon all motions to create any liability against the village, or for the expenditure or appropriation of its money, and shall be entered on the minutes of the meeting. The concurrence of at least four (4) members of the board of trustees shall be necessary for the passage of any ordinance, resolution or motion to create any liability against the village or for the expenditure or appropriation of its money. The vote upon any motion shall, upon the request of any member, be by a recorded roll call vote of yeas and nays.

B. Vote, Reconsideration Of: When a question has been once put and carried or rejected, it shall be in order for any member of the board of trustees of the prevailing side to move for the reconsideration thereof, but only at the same or at the next regular meeting of the board of trustees. No vote of the board of trustees shall be reconsidered or rescinded at a special meeting of the board of trustees unless at such special meeting there be present the same members of the board of trustees as were present when such vote was taken.

C. Smoking: No smoking shall be allowed in the village hall during the sessions of the board of trustees. (Ord. 25-O-2002, 11-26-2002)

1-5A-3: BOARD OF TRUSTEES, QUORUM:

A majority of the board of trustees shall constitute a quorum to do business. Village board members participating in a meeting, via electronic means, shall be counted as being present for the purposes of establishing a quorum. In the absence of the village president, the members of the board of trustees shall appoint from their number either a president pro tem or a temporary chair for the meeting, as may be required. (Ord. 12-O-2004, 5-13-2004)

1-5A-4: COMMITTEE REPORT:

Any report of a committee of the board of trustees shall be deferred for final action thereon to the next regular meeting upon request of any two (2) trustees present. (Ord. 25-O-2002, 11-26-2002)

1-5A-5: VOTE OF PRESIDENT; VETO OF PRESIDENT:

The president shall vote and possess such veto powers as are prescribed by Illinois statutes. (Ord. 25-O-2002, 11-26-2002)

1-5A-6: RECONSIDERATION OF VETOED ORDINANCE:

Upon the return of any ordinance, resolution or motion by the president without his approval, the vote by which the same was passed shall be reconsidered by the board of trustees and if, after such reconsideration, two-thirds (2/3) of the board of trustees elected shall agree by recorded roll call vote of yeas and nays to pass the same, it shall go into effect as a valid ordinance, resolution or motion notwithstanding that the president may refuse to approve thereof. (Ord. 25-O-2002, 11-26-2002)

1-5A-7: STANDING COMMITTEES:

A. Establishment: The following shall be the standing committees of the village board of trustees:

Building committee

Finance committee

License committee

Ordinance committee

Police and fire committee

Streets and alleys committee

B. Appointment Of Members: The standing committees shall be appointed by the board of trustees. Each committee shall consist of three (3) members of the board of trustees, and the first named shall be designated as chairperson. The committees shall be appointed at the start of each fiscal year.

C. Powers And Duties: The standing committees are established by the board of trustees and any actions of a committee must have been authorized by the board of trustees, or the board of trustees must subsequently ratify the committee's action.

The duties of the standing committees shall be:

1. To conduct investigations, and report thereon.

2. To make detailed studies of pending proposals.

3. To keep in close contact with the work of the various municipal departments and officers.

4. Perform detailed work which is not feasible to pass upon at a board of trustees meeting, in that it would unduly prolong the meetings of the board of trustees.

D. Reports: Any report of a committee can be deferred for final action thereon, to the next regular meeting, after the report is made, upon the request of any two (2) members of the board of trustees. Committee reports must be signed by a majority of the committee, and a copy filed with the village clerk. (Ord. 25-O-2002, 11-26-2002)

1-5A-8: APPOINTMENT OF EMPLOYEES:

A. All village employees shall be appointed by the president and board of trustees voting jointly.

B. Any disciplinary action against any appointed employees shall be imposed by the president and board of trustees voting jointly. (Ord. 25-O-2002, 11-26-2002)

ARTICLE B. VILLAGE PRESIDENT

1-5B-1: DUTIES:

A. Board of Trustees' Presiding Officer: The President of the Board of Trustees shall preside at all meetings of the Village Board, but shall not vote on any ordinance, resolution or motion except:

1. Where the vote of the Trustees has resulted in a tie, or

2. Where one-half (1/2) of the Trustees then holding office have voted in favor of an ordinance, resolution or motion, even though there is no tie vote, or

3. Where a vote greater than a majority of the corporate authorities is required by statute [2] to an ordinance, resolution or motion.

B. Officers Appointed, Removed: The President shall have power to remove any officer appointed by him on any formal charge whenever he shall be of the opinion that the interests of the Village demand such removal, but he shall report the reasons for such removal to the Board of Trustees at the next regular meeting. He shall fill all vacancies of appointed officers with the consent of the Board of Trustees.

C. Conservator Of The Peace: He may exercise, within the Village limits, the powers conferred upon sheriffs to suppress disorder and keep the peace.

D. Inspect Records: He shall have power at all times to examine and inspect the books, records and papers of any agent, employee or officer of the Village. (Ord. 70-5, 8-13-1970)

E. Keys To Village Facilities: The President of the Board of Trustees, as chief executive officer and administrator of the Village, shall have possession and control of all keys

to all Village facilities and offices, including, but not limited to, all administrative offices located in the Village Hall, the President's office, the chambers of the President and Board of Trustees, the Police Department and all stations of the Fire Department. He shall distribute keys to the Village Clerk and the Deputy Clerk for the Village administrative offices. He shall distribute keys to the Chief of Police for the Police Department and Chief of Police office. He shall distribute keys to the Fire Chief for the fire stations. He may, as he deems necessary, distribute keys for Village facilities for offices to other elected or appointed Village officials and employees. He may, as he deems necessary, at any time have the locks to any Village facility or office changed and distribute new keys therefore as provided herein. All persons receiving a key from the President shall sign a receipt therefore and shall immediately return all Village keys to the President upon termination of that person's term of office or employment. (Ord. 84-0-8, 7-12-1984)

1-5B-2: VACANCY:

Whenever a vacancy shall occur in the office of President, the Village Board shall elect one of its own number to act as President, who shall possess all the rights and powers of the President until the next annual election, and until his successor is elected and qualified. If the President shall at any time during the term of his office remove from the limits of the Village, his office shall thereby become vacant. (Ord., 2-11-1897)

1-5B-3: TEMPORARY ABSENCE:

During the temporary absence or disability of the President, the Village Board shall elect one of its members to act as President Pro Tem [3], who, during such absence or disability shall possess all the powers of President. (Ord., 2-11-1897)

ARTICLE C. VILLAGE CLERK

1-5C-1: ESTABLISHMENT OF OFFICE; APPOINTMENT:

The Village Clerk is an appointed officer of the Village pursuant to 65 Illinois Compiled Statutes 5/3.1-25-90. The Village Clerk shall be appointed by the Village President with the concurrence of the Village Board of Trustees. (Ord. 97-0-8, 5-8-1997)

1-5C-2: TERM:

The term of office of the Village Clerk shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and shall terminate on April 30 of the following year. In the event of resignation or the termination of such term by lapse of time, the Village Clerk shall remain in office until a successor is appointed and qualified. (Ord. 97-0-8, 5-8-1997)

1-5C-3: DUTIES:

A. The Village Clerk shall attend all meetings of the Board of Trustees, and keep a complete and correct written record of its proceedings.

B. The Village Clerk shall keep the Corporate Seal of the Village and all ordinances and ballots of the Village, and record in a book all ordinances passed by the Board of Trustees, and index all ordinances by their number and title, making a memorandum at the foot of the record of each ordinance of the date of passage and the publication or posting of such ordinance. The Village Clerk shall also keep any and all other records, papers and documents of the Village as directed by the President and Board of Trustees. The Village Clerk shall not allow any records, papers or other documents to be taken from the Village Clerk's office by any person other than the Village Clerk, the President or a committee of the Board of Trustees appointed to examine accounts. The Village Clerk shall be liable for all damages that may accrue by the loss or destruction of any records, papers or documents of the Village entrusted to the Village Clerk for keeping. Said damages may be recovered in any court of competent jurisdiction in the name of the Village.

C. The Village Clerk shall attest all deeds, contracts, leases or other documents requiring attestation, made by the Board of Trustees and in conjunction with the President, sign all ordinances, resolutions, bonds, licenses and warrants on the Treasurer and affix the Seal of the Village thereto.

D. The Village Clerk shall issue and cause to be served upon the President and the Board of Trustees notices of all special meetings of the Board of Trustees and shall post, publish or otherwise provide all appropriate meeting notices and notices of ordinances or resolutions as may be required.

E. The Village Clerk shall keep a record of the election or appointment and confirmation of all officers of the Village and the records shall exhibit the name of the officer, to what office elected or appointed, the date of confirmation of election, the date of commission, and the date of death, resignation, removal from office or expiration of term of office. The Village Clerk shall, within five (5) days after the result of any election is declared or appointment is made, notify all persons elected or appointed.

F. The Village Clerk shall also perform such other duties as may be required by State statute or as may from time to time be established by the Board of Trustees and shall at all times be subject to the authority and direction of the President and Board of Trustees. (Ord. 97-0-8, 5-8-1997)

ARTICLE D. DEPUTY CLERK

1-5D-1: ESTABLISHMENT OF POSITION; APPOINTMENT:

There is hereby established the position of deputy clerk, an administrative position of the village. The deputy clerk shall be appointed by the village president with the advice and consent of the board of trustees. (Ord. 33-O-2006, 9-28-2006)

1-5D-2: TERM:

The term of employment of the deputy clerk shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and terminate on April 30 of the following year. In the event of resignation, or the termination of such tern by lapse of time, the deputy clerk shall remain in office until a successor is appointed.

1-5D-3: DUTIES:

The deputy clerk shall have the following duties:

A. Subject to the limitations in subsection B of this section, the deputy clerk shall have the authority and duty to execute all documents required by any law to be executed by the village clerk and affix the village seal wherever required. In signing any document the deputy clerk shall sign the name of the clerk followed with the word "by" and the deputy clerk's own name and the words "deputy clerk".

B. The powers and duties herein described shall be exercised only in the absence of the village clerk from the place where the village clerk's office is maintained, and only when either written direction has been given by the village clerk to the deputy clerk to exercise such power or the president and board of trustees have determined by resolution that the village clerk is temporarily or permanently incapacitated to perform such function.

C. The deputy clerk shall perform any other duties as may from time to time be prescribed or required by the village clerk subject to the approval of the board of trustees. (Ord. 97-0-8, 5-8-1997)

D. The Deputy Clerk may be assigned tasks including: implementing policy under the direction of the Village Clerk, monitoring Village Budget expenses and revenues, training staff,
scheduling staff, assisting in the preparation budgetary reports and other publications of the Village, attending and participating in Village meetings, motivating staff, handling the
administrative business of the Village, and performing human resource tasks, such as recruiting and assessing staff performance.

E. Skills required for the Deputy Clerk include experience in: supervising staff, desktop publishing, report writing, customer service, financial record-keeping, on-line tracking of financial records and receipts, event planning and preparation, and attending and participating in municipal meetings. (Ord. 2013-O-10)

ARTICLE E. VILLAGE COLLECTOR

1-5E-1: ESTABLISHMENT OF POSITION:

There is hereby established the position of employment of Village Collector of the Village, an administrative position of the Village. The Village Clerk shall hold the position of the Village Collector. (Ord. 97-0-8, 5-8-1997)

1-5E-2: TERM:

The term of the Village Collector shall be the same as that of the Village Clerk. (Ord. 97-0-8, 5-8-1997)

1-5E-3: DUTIES:

A. The Village Collector shall preserve all warrants returned and shall keep all books and accounts in the manner prescribed by the Board of Trustees. The Village Collector's warrants, books and vouchers and all papers pertaining to such office may be examined at any time by the President, or any member of the Board of Trustees. Weekly, the Village Collector shall pay over to the Village Treasurer all money collected by Village Collector from any source whatsoever, taking the Treasurer's receipt therefor in duplicate and filing one of the receipts immediately with the Village Clerk. At that time, or on demand, the Village Clerk shall give the Village Collector a copy of any receipts so filed. License fees, fees for inspections, fees for permits, sewer fees and all other payments of money due the Village, not otherwise specifically provided for, shall be paid to the Village Collector, and such payments shall be transmitted by him to the Village Treasurer.

B. The Village Collector shall also perform such other duties as may from time to time be established by the Board of Trustees. (Ord. 97-0-8, 5-8-1997)

ARTICLE F. VILLAGE TREASURER

1-5F-1: ESTABLISHMENT OF OFFICE; APPOINTMENT:

There is hereby established the office of village treasurer, an administrative position of the village. The village treasurer shall be appointed by the village president with the advice and consent of the board of trustees. (Ord. 33-O-2006, 9-28-2006)

1-5F-2: TERM:

The term of office of the village treasurer will be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and shall terminate on April 30 of the following year. In the event of resignation, or the termination of such term by lapse of time, the village treasurer shall remain in office until his successor is appointed and qualified. (Ord. 97-0-8, 5-8-1997)

1-5F-3: DUTIES:

The duties of the village treasurer shall be as set forth in 65 Illinois Compiled Statutes 5/3.1-35-40 through 5/3.1-35-85, inclusive, as may be amended from time to time, as well as any other duties as may be from time to time designated by the president and board of trustees. (Ord. 97-0-8, 5-8-1997)

ARTICLE G. VILLAGE ATTORNEY

1-5G-2: TERM:

The term of office of the village attorney shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and shall terminate on April 30 of the following year. In the event of resignation, or the termination of the term of office by lapse of time, the village attorney shall remain in office until his successor is appointed and qualified. (Ord. 97-0-8, 5-8-1997)

1-5G-3: DUTIES:

A. The village attorney shall attend all meetings of the president and board of trustees, unless excused therefrom.

B. The village attorney shall carry out such other duties and perform such other services as the village president and board of trustees shall, from time to time, request. (Ord. 97-0-8, 5-8-1997)

ARTICLE H. VILLAGE PROSECUTOR

1-5H-1: ESTABLISHMENT OF POSITION; APPOINTMENT; QUALIFICATION:

There is hereby established the office of village prosecutor. The village prosecutor shall be appointed by the village president with the advice and consent of the board of trustees. The village prosecutor shall be an attorney licensed to practice law in the state. The village prosecutor may, but need not be, the village attorney. (Ord. 33-O-2006, 9-28-2006)

1-5H-2: TERM:

The term of the village prosecutor shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and shall terminate on April 30 of the following year. In the event of resignation, or the termination of such term by lapse of time, the village prosecutor shall continue to carry out his duties until a successor is appointed. (Ord. 97-0-8, 5-8-1997)

1-5H-3: DUTIES:

The village prosecutor shall prosecute all traffic, village code and ordinance violations and appeals thereof to which the village may be a party or in which the village may be interested. In addition, the village prosecutor shall carry out such other duties, investigations or responsibilities as may be directed by the board of trustees. (Ord. 97-0-8, 5-8-1997)

ARTICLE I. FIRE CHIEF
(Repealed by Ord. 2014-O-21)

ARTICLE J. CHIEF OF POLICE
(Repealed by Ord. 1-O-2003, 1-9-2003)

ARTICLE K. DIRECTOR OF PUBLIC WORKS

ARTICLE L. BUILDING COMMISSIONER

1-5L-1: ESTABLISHMENT OF POSITION; APPOINTMENT; TERM:

There is hereby established the office of building commissioner, an administrative position of the village. The building commissioner shall be appointed by the village president with the advice and consent of the board of trustees. The term of the building commissioner shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and shall terminate on April 30 of the following year. In the event of resignation, or the termination of such term by lapse of time, the building

commissioner shall continue to carry out his duties until a successor is appointed. (Ord. 33-O-2006, 9-28-2006)

1-5L-2: QUALIFICATIONS OF BUILDING COMMISSIONER:

To be eligible to appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector or superintendent of building construction. He shall be in good health, physically capable of making the necessary examinations and inspections. He 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. (1963 Code; amd. 1983 Code)

1-5L-3: DUTIES AND POWERS:

A. General Duties: The building commissioner shall devote his whole time to the duties of his office. He shall receive applications required by this code, issue permits and furnish the prescribed certificates. He 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 shall enforce all provisions of the building code.

B. Investigations: He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same.

C. Inspections: Inspections required under the provisions of the building code shall be made by the building commissioner or his duly appointed assistant. The building commissioner may accept reports of inspectors of recognized inspection services, 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.

D. Notice And Order: 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 shall issue such notices or orders as may be necessary.

E. Records: The building commissioner shall keep comprehensive records of applications, of permits issued, of certificates issued, or inspections made, of reports rendered, and of notices or orders issued. He 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. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the building commissioner without his written consent.

F. Reports: The building commissioner shall make written reports to his immediate superior once each month, more often if requested, including statements of permits and certificates issued, and orders promulgated.

G. Cooperation Of Other Officials: The building commissioner may request and shall receive so far as may be necessary, in the discharge of his duties, the assistance and cooperation of other officials of the municipality.

H. Right Of Way: The building commissioner, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. (1963 Code; amd. 1983 Code)

ARTICLE M. PLUMBING INSPECTOR

1-5M-1: ESTABLISHMENT OF POSITION; APPOINTMENT; TERM:

There is hereby established the office of plumbing inspector, an administrative position of the village. The plumbing inspector shall be appointed by the village president with the advice and consent of the board of trustees. The term of the plumbing inspector shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and shall terminate on April 30 of the following year. In the event of resignation, or the termination of such term by lapse of time, the plumbing inspector shall continue to carry out his duties until a successor is appointed. (Ord. 33-O-2006, 9-28-2006)

1-5M-2: DUTIES:

It shall be the duty of the plumbing inspector to see to the enforcement of all provisions of this code relating to plumbing and plumbing equipment; and to make such inspections and perform such tests as may be necessary in the enforcement of such provisions. (1963 Code; amd. 1983 Code)

ARTICLE N. HEALTH INSPECTOR

1-5N-1: ESTABLISHMENT OF POSITION; APPOINTMENT; TERM:

There is hereby established the office of health inspector, an administrative position of the village. The health inspector shall be appointed by the village president with the advice and consent of the board of trustees. The term of the health inspector shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and shall terminate on April 30 of the following year. In the event of resignation, or the termination of such term by lapse of time, the health inspector shall continue to carry out his duties until a successor is appointed. The position of health inspector was previously named "health officer". Therefore, any other reference within this code to the "health officer" shall hereinafter mean the health inspector. (Ord. 33-O-2006, 9-28-2006)

1-5N-2: DUTIES; AUTHORITY:

A. The health inspector shall have the authority to enforce all ordinances of the village and the laws and regulations of Cook County, the state and the federal government relating to the public health, including all provisions regarding the control of communicable diseases and the existence of nuisances endangering the public health, the care and handling of food and beverages, the regulation and inspection of food service establishments and all other matters pertaining to public health.

B. The health inspector shall have the authority to seize and destroy all tainted and unwholesome food and beverage intended for human consumption and all diseased, infected, putrefied or decaying items or objects injurious to the public health of the village. (Ord. 97-0-8, 5-8-1997)

ARTICLE O. DIRECTOR OF CODE ENFORCEMENT

1-5O-1: ESTABLISHMENT OF POSITION; APPOINTMENT; TERM:

There is hereby established the office of director of code enforcement, an administrative position of the village. The director of code enforcement shall be appointed by the village president with the advice and consent of the board of trustees. The term of the director of code enforcement shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and shall terminate on April 30 of the following year. In the event of resignation, or the termination of such term by lapse of time, the director of code enforcement shall continue to carry out his duties until a successor is appointed. (Ord. 33-O-2006, 9-28-2006)

1-5O-2: DUTIES AND POWERS:

The duties of the director of code enforcement shall consist of the following, and any other duties that may, from time to time, be established and delegated by the president and board of trustees:

A. Becoming familiar with this code, as amended, and in particular, all matters relating to: zoning uses, laws and procedures; sign regulations, licensing and inspection procedures; building regulations and procedures; health and sanitation regulations; business license requirements, procedures and business regulations in general; vehicle license requirements and procedures; and in general all other regulatory and licensing matters contained therein.

B. Investigating complaints and inspecting existing land uses, abating nonconforming uses and otherwise monitoring any illegal land uses under titles 9A and 9C of this code.

C. Inspecting those business premises, contractors, coin operated services, vending and amusement machines and devices, solicitors, canvassers and peddlers, and any other person, firm, entity or activity, which are required by this code to be licensed, for the purpose of ascertaining that current licenses or permits have been applied for or issued and are being conspicuously displayed on the property or person of the licensee or permittee as required herein.

D. Inspecting any and all signs which have been or are proposed to be erected within the village to verify compliance with the sign regulations and permit requirements of title 9A, chapter 8 of this code.

E. Conducting periodic surveys within the village to determine that all owners and operators of motor vehicles required to purchase village vehicle licenses have timely done so and have displayed windshield stickers authorizing the use of such vehicles within the village until the expiration of the license period.

F. Investigating complaints concerning dogs and vicious animals of any kind which may be running at large within the village, and causing such dogs and other animals to be impounded in those instances whereby the owner cannot be located or the owners are unable or unwilling to exercise adequate control of the animals to ensure the safety of the community.

G. Assisting and cooperating with the village police department in the enforcement of regulations dealing with abandoned and inoperable motor vehicles pursuant to title 11, chapter 7 of this code.

H. Establish a system for inspection procedures and the drafting of inspection reports and findings with a view to the preparation of an enforcement case when necessary to be prosecuted in the circuit court of Cook County.

I. Prepare a written monthly report of activities, inspections and enforcement activities to be prepared and presented to the president and board of trustees.

J. Perform such other service relative to code enforcement as may be delegated to him from time to time by the president and board of trustees. (Ord. 89-0-7, 5-25-1989)

1-5O-3: ENFORCEMENT:

A. If the director of code enforcement, upon inspection and investigation, shall determine that an individual, firm or corporation has violated or is in violation of any village code provision pertaining to the duties of the director of code enforcement, he shall be empowered to serve such person, firm or corporation with a written citation specifying the date, time, location, nature of the violation and applicable code provision. The citation shall further state that the village claims a penalty of twenty five dollars ($25.00) for such violation if payment in settlement is made before the due date specified in the citation, or a penalty of fifty dollars ($50.00) for such

violation if payment in settlement is made after the due date but before the date of filing in the circuit court of Cook County of a civil or quasi-criminal complaint alleging such violation. The citation shall also contain instructions for the manner of paying such penalty to the office of the village collector. A separate offense, justifying the issuance of a separate citation, shall be deemed committed each date on which a violation occurs or continues. In addition, the director of code enforcement shall cooperate with the village attorney in prosecuting all code enforcement cases. Provided, however, that nothing herein shall prevent the director of code enforcement from filing an injunction proceeding or other proceeding in the circuit court of Cook County, when so warranted.

B. None of the areas of authority delegated to the director of code enforcement shall be deemed to rescind or supersede the existing authority of any other elected or appointed officer, or employee of the village. Rather, the duties of the director of code enforcement shall augment the area of responsibility of various inspectors and officers, to assist them in the performance of their duties and to assure the continuing compliance with village codes. (Ord. 89-0-7, 5-25-1989)

ARTICLE P. VILLAGE ADMINISTRATOR

1-5P-1: VILLAGE ADMINISTRATOR:

A. Office Created: There is hereby created the position of employment of village administrator of the village. (Ord. 89-0-9, 6-12-1989)

B. Appointment: The village administrator shall be an administrative position of the village. The village administrator shall be appointed by the village president with the advice and consent of the board of trustees. The village administrator shall serve at the pleasure of the village president and board of trustees. The village administrator shall be chosen solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of municipal government in respect to the duties of employment hereinafter set forth. The village president and board of trustees may, but shall not be required to, enter into an employment agreement with any village administrator, which agreement shall set forth the term, duties, salary, provisions for termination, benefits and any other matters generally found in an employment agreement. (Ord. 33-O-2006, 9-28-2006)

C. Period Of Employment: Subject to the provisions for termination hereinafter provided, the period of employment of the village administrator shall be determined by agreement between the village and the village administrator. (Ord. 89-0-9, 6-12-1989)

1-5P-2: POWERS, DUTIES AND FUNCTIONS:

A. The village administrator shall be responsible for the day to day operations of the village and shall supervise and exercise general authority over all: 1) appointed village officers; 2) village departments including, but not limited to, the police, fire and public works departments; 3) department heads; 4) village employees; 5) the general offices of the village including the village clerk's office; and 6) other administrative departments, offices and activities that may be hereafter created by ordinance or established by the president and board of trustees, unless hereafter provided otherwise by ordinance or action of the president and board of trustees. The village administrator shall be answerable only to the president and board of trustees.

B. The village administrator shall work and cooperate with all village officials and employees and the attorneys, accountants, engineer and other consultants representing the village, and such persons shall render to him the assistance and shall furnish him the oral or written information and material relating to the affairs of the village as he may request.

C. In addition, the village administrator has the following specific powers, duties and functions:

1. He shall maintain an office in the village hall and shall devote his full time and attention to the discharge of his duties prescribed in this article;

2. He shall be responsible for assisting the president and board of trustees to recruit, interview, employ or terminate the employment of all village employees. Such responsibility and authority shall include all department heads and appointed village officers including the chief of police or acting or interim chief of police, as the case may be, and fire chief;

3. He shall act as a business manager for the village and as such shall work with all village departments to coordinate and supervise the administrative work of each department and the village clerk's office;

4. He shall supervise the purchase of all equipment, materials and supplies for which funds have been appropriated; let contracts necessary for the operation or maintenance of village services for amounts up to and including one thousand five hundred dollars ($1,500.00). For a purchase of more than one thousand five hundred dollars ($1,500.00), the village administrator shall be required to receive two (2) or more bids and said bids shall be presented to the president and board of trustees for approval. He shall make recommendations to the president and board of trustees with respect to all such bids;

5. He shall coordinate the management of the village hall and all other village buildings, facilities and properties, provide necessary facilities for the operations and

purposes of all boards and commissions of the village and keep a current inventory of all real and personal property of the village;

6. He shall coordinate all village operations affecting more than one department, office or officers and employees. He may, if he deems necessary, with the consent of the president and board of trustees, consolidate or combine offices, positions or departments within the village;

7. He shall investigate the affairs of any department or division under his jurisdiction, investigate all complaints in relation to matters under his jurisdiction concerning the administration of the government of the village and in regard to services maintained by the public utilities in the village, and see that all franchises, permits and privileges granted by the village are faithfully observed;

8. He shall coordinate with appropriate village employees, attorney, auditor and the like, applications for grants and funding where available; coordinate with the village auditor and the finance committee the preparation of the annual appropriation and tax levy ordinances and otherwise keep the president and board of trustees advised of the financial condition of the village;

9. He shall submit, or cause to be submitted to the president and board of trustees, monthly and annual written reports of the activities and financial status of all village departments and operations under his administration. The annual report shall be submitted within thirty (30) days following the end of each fiscal year;

10. He shall attend all meetings of the village board and committees thereof, unless excused therefrom. He shall be entitled to notice of all meetings, regular and special, of the village board and shall have the privilege of taking part in the discussion of all matters before the village board in a consulting and advisory capacity;

11. He shall, as required from time to time, provide reports and general information to the several committees of the board of trustees and shall assure that all actions requiring village board approval are first referred to the appropriate committee of the board of trustees for its recommendation;

12. He shall advise, and as necessary, provide assistance to all duly constituted boards, commissions and advisory committees for the village;

13. He shall be responsible for the preparation and release of newsletters, brochures, articles and other informational sources in order to keep the public informed of the activities of the village government and shall make himself available to the residents and business community of the village and work with the public to receive suggestions and to hear, investigate and attempt to resolve complaints relating to matters concerning the administration of the government of the village and the services rendered by the village;

14. He shall, as directed by the president and board of trustees, represent the village in matters concerning the village and other governmental entities; and

15. He shall perform such other duties and services consistent with the laws of the state of Illinois and the village code as the president and board of trustees may from time to time direct or delegate. (Ord. 89-0-9, 6-12-1989)

1-5P-3: SUPERVISION BY PRESIDENT AND BOARD OF TRUSTEES:

All powers, duties and functions hereby conferred, imposed or delegated upon the village administrator shall be subject to the superior right and authority of the president and board of trustees to supervise and administer the government and affairs of the village through its legislative and executive authority. (Ord. 89-0-9, 6-12-1989)

1-5P-4: DUAL EMPLOYMENT PROHIBITED:

During the period of his employment, or any renewal thereof, unless he secures the prior written approval of the president and board of trustees, the village administrator shall not be otherwise employed in any capacity, whether on a full or part time basis, by any other person, firm or corporation, nor shall he perform any work, consult or otherwise be engaged by any unit of local government other than the village. (Ord. 89-0-9, 6-12-1989)

1-5P-5: CONFLICT OF INTEREST PROHIBITED:

The village administrator shall not be interested, directly or indirectly, in any contract, work or business of the village, or in the sale of any article to the village, or in the purchase of any property belonging to the village, or sold for taxes or assessments, or sold by virtue of legal process at the suit of the village. (Ord. 89-0-9, 6-12-1989)

1-5P-6: COMPENSATION:

The village administrator shall receive such compensation as the president and board of trustees shall from time to time establish. (Ord. 89-0-9, 6-12-1989)

1-5P-7: RESIGNATION:

Upon thirty (30) days' prior written notice to the president and board of trustees, the village administrator may resign from his position of employment. (Ord. 89-0-9, 6-12-1989)

1-5P-8: REMOVAL, DISMISSAL:

The village administrator may be removed from his position of employment at any time by a majority vote of the president and board of trustees voting jointly. Upon removal for any reason other than dishonesty or moral turpitude, the village administrator shall receive such severance benefits as shall be determined by the president and board of

trustees at the time of the hiring of the village administrator. Immediately upon removal, or if by reason of death, permanent physical or mental disability, prolonged illness or any other reason, the village administrator ceases to perform the duties of his employment, the board of trustees shall appoint a temporary village administrator. The temporary village administrator shall remain employed and carry out the duties and functions provided in this article until the appointment of a permanent village administrator. Within a reasonable time after the removal or dismissal of the village administrator, a new village administrator shall be appointed in accordance with the provisions of this article. (Ord. 89-0-14, 10-26-1989)

1-5P-9: BOND:

The village administrator shall furnish a surety bond in such sum and form as required by the board of trustees, said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the village. (Ord. 89-0-9, 6-12-1989)

A. The village administrator's bond shall be in the amount of fifty thousand dollars ($50,000). (Ordinance 2013-O-11)

1-5P-10: CONFLICTING CODE SECTIONS:

Notwithstanding any provision to the contrary in any other section of this code, all village employees, appointed village officers and department heads shall, from and after the adoption and approval of this article, report directly to the village administrator. (Ord. 89-0-9, 6-12-1989)

ARTICLE Q. DIRECTOR OF PLANNING AND ZONING

1-5Q-1: ESTABLISHMENT OF POSITION; APPOINTMENT:

There is hereby established the office of director of planning and zoning, an administrative position of the village. The director of planning and zoning shall be appointed by the village president with the advice and consent of the board of trustees. (Ord. 33-O-2006, 9-28-2006)

1-5Q-2: TERM:

The term of employment of the director of planning and zoning shall be for one year commencing May 1 or the day of appointment if it shall occur thereafter and terminate on April 30 of the following year. (Ord. 15-O-2000, 6-8-2000)

1-5Q-3: QUALIFICATIONS:

The director of planning and zoning shall have a minimum of a bachelor's degree in planning or a related field. AICP qualification is preferred. (Ord. 15-O-2000, 6-8-2000)

1-5Q-4: DUTIES:

The director of planning and zoning shall have the following duties: (Ord. 15-O-2000, 6-8-2000)

A. Administer all applications pertaining to zoning, land use, subdivision and site plan review under the village's zoning and subdivision ordinances (see titles 9A and 9B of this code), including receipt and initial review; establishing compliance with required application submittals; coordinating review reports from village consultants, including the engineer, and attorney, traffic studies, landscape, etc.; coordinating the public hearing process and assisting the plan and zoning commission in the preparation of required findings and recommendations following public hearings. (Ord. 15-O-2000, 6-8-2000; amd. Ord. 12-O-2005, 8-11-2005)

B. Establish procedures for the timely and complete submittal of required application support documents, plans, etc. (Ord. 15-O-2000, 6-8-2000)

C. Establish the meeting and public hearing agendas for the plan and zoning commission. Prepare and/or coordinate plan review reports, including those provided by other village consultants, for use by the plan and zoning commission and village board as resources.

D. Attend all plan and zoning commission meetings and public hearings. Provide administrative assistance and professional input, guidance and training to the plan and zoning commission. (Ord. 15-O-2000, 6-8-2000; amd. Ord. 12-O-2005, 8-11-2005)

E. Provide post approval zoning, landscape and general site plan compliance reviews of projects under construction and coordinate the compliance reviews of other village consultants.

F. Such other duties and responsibilities as the village board may from time to time prescribe. (Ord. 15-O-2000, 6-8-2000)

ARTICLE R. ELECTRICAL INSPECTOR

1-5R-1: ESTABLISHMENT OF POSITION; APPOINTMENT; TERM:

There is hereby established the office of electrical inspector, a part time administrative position of the village. The electrical inspector shall be appointed by the village president

with the advice and consent of the board of trustees. The term of the electrical inspector shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and shall terminate on April 30 of the following year. In the event of resignation, or the termination of such term by lapse of time, the electrical inspector shall continue to carry out his duties until a successor is appointed. (Ord. 33-O-2006, 9-28-2006)

1-5R-2: DUTIES:

It shall be the duty of the electrical inspector to see to the enforcement of all provisions of this code relating to electrical work and electrical equipment within the village and to make such inspections and perform such tests as are required under this code or may be necessary in the enforcement of such provisions. The electrical inspector shall be supervised by, and shall work under the direction of, the village's building commissioner. (Ord. 22-O-2001, 11-20-2001)

1-5R-3: COMPENSATION:

The electrical inspector shall be compensated for conducting electrical inspections in an amount as may be established from time to time by the president and board of trustees. (Ord. 22-O-2001, 11-20-2001)

ARTICLE S. DEPUTY VILLAGE ADMINISTRATOR

1-5D-1: ESTABLISHMENT OF POSITION; APPOINTMENT:

There is hereby established the position of deputy village administrator, an administrative position of the village. The deputy village administrator shall be appointed by the village president with the advice and consent of the board of trustees.

1-5D-2: TERM:

The term of employment of the deputy village administrator shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter, and terminate on April 30 of the following year. In the event of resignation, or the termination of such term by lapse of time, the deputy village administrator shall remain in office until a successor is appointed.

1-5D-3: DUTIES:

The deputy village administrator shall have the following duties:

A. Office Created; Appointment: There is hereby created the office of deputy village administrator who shall be appointed by the village administrator. The deputy village

administrator shall serve at the pleasure and under the direction and supervision of the village administrator.

B. Powers and Duties:

1. The deputy village administrator shall be responsible for:

a. Assisting and advising the village administrator in the performance of all duties and responsibilities of the office of village administrator. In the absence of the village administrator, the deputy village administrator shall perform the duties and responsibilities of the office of the village administrator.

b. Keeping the village administrator informed of all matters and conditions which have any bearing upon the municipal services or upon the village government.

c. Directing and coordinating the preparation and all communications being given to the general public and any if the municipal departments.

d. Directing and coordinating the services provided by all departments, units and offices in the village.

e. Coordinating and supervising the preparation and distribution of the village board agenda, annual compendium of municipal services and periodic community and internal newsletters.

f. Directing and supervising the preparation and administration of the budget, purchasing practices, personnel rules and regulations, contracts, agreements, franchises and ordinances.

2. The deputy village administrator is authorized to sign any agreement, contract, personnel transaction, purchase or communication, in the absence of the village administrator, subject to approval of the board of trustees.

C. Compensation: The compensation paid to the deputy village administrator and all benefits shall be recommended by the village administrator and approved by the village president and board of trustees.

D. The deputy village administrator shall perform any other duties as may from time to time be prescribed or required by the village administrator subject to the approval of the board of trustees. (Ord. 2013-O-10)

CHAPTER 6
STATE OFFICIALS AND EMPLOYEES ETHICS ACT

1-6-1: ADOPTION:

A. The regulations of section 5-15 [5] and article 10 [6] of the state officials and employees ethics act, 5 Illinois Compiled Statutes 430/1-1 et seq., (hereinafter referred to as the "act" in this chapter) are hereby adopted by reference and made applicable to the officers and employees of the village to the extent required by 5 Illinois Compiled Statutes 430/70-5. (Ord. 16-O-2004, 6-10-2004)

1-6-2: GIFTS PROHIBITED:

A. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the act, by any officer or any employee of the village, is hereby prohibited.

B. The offering or making of gifts prohibited to be offered or made to an officer or employee of the village under the act, is hereby prohibited. (Ord. 16-O-2004, 6-10-2004)

1-6-3: PROHIBITED POLITICAL ACTIVITIES:

The participation in political activities prohibited under the act, by any officer or employee of the village, is hereby prohibited. (Ord. 16-O-2004, 6-10-2004)

1-6-4: DEFINITIONS:

For purposes of this chapter, the terms "officer" and "employee" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c). (Ord. 16-O-2004, 6-10-2004)

1-6-5: PENALTIES:

The penalties for violations of this chapter shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the act. (Ord. 16-O-2004, 6-10-2004)

1-6-6: EXISTING ORDINANCES AND POLICIES:

This chapter does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this chapter, however, the provisions of this chapter shall prevail in accordance with the provisions of 5 Illinois Compiled Statutes 430/70-5(a). (Ord. 16-O-2004, 6-10-2004)

1-6-7: AMENDMENTS:

Any amendment to the act that becomes effective after the effective date of this chapter shall be incorporated into this chapter by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this chapter by reference without formal action by the corporate authorities of the village. (Ord. 16-O-2004, 6-10-2004)

1-6-8: ACT FOUND UNCONSTITUTIONAL:

A. If the Illinois supreme court declares the act unconstitutional in its entirety, then this chapter shall be repealed as of the date that the Illinois supreme court's decision becomes final and not subject to any further appeals or rehearings. This chapter shall be deemed repealed without further action by the corporate authorities of the village if the act is found unconstitutional by the Illinois Supreme Court.

B. If the Illinois supreme court declares part of the act unconstitutional but upholds the constitutionality of the remainder of the act, or does not address the remainder of the act, then the remainder of the act as adopted by this chapter shall remain in full force and effect; however, that part of this chapter relating to the part of the act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village. (Ord. 16-O-2004, 6-10-2004)

TITLE 2
DEPARTMENTS

CHAPTER 1: FIRE PROTECTION

2-1-1: FIRE PROTECTION SERVICES; AGREEMENT AND FUNDING FOR SERVICES:

Fire Protection Services for the Village will be provided by Tri-State Fire Protection District pursuant to an intergovernmental agreement and contract for services, as amended from time to time. The Village shall levy every year for fire protection in order to fund the intergovernmental agreement and contract by and between Tri-State Fire Protection District and the Village for fire protection services. (2014-O-21)

2-1-2: RIGHT OF WAY:

The Fire District contracted by the Village shall have the right of way on all streets and alleys in going to or coming from fires, or for practice from time to time as is necessary.

2-1-3: RIGHT TO WATER:

The Fire District contracted by the Village shall have the right to enter upon any premises for the purpose of securing water to extinguish fires.

2-1-4: REPORTS REQUIRED:

A report of the Fire Prevention services will be made annually and transmitted to the Village President by the Fire District contracted by the Village. It shall contain all proceedings, with such statistics as the Fire District Chief may wish to include therein. The Fire District Chief shall also recommend any amendments to the Village Code which, in his judgment, shall be desirable.

CHAPTER 2
POLICE DEPARTMENT

2-2-1: DEPARTMENT CREATED:

There is hereby created an executive department of the village which shall be known as the police department. Said department shall embrace the positions hereinafter enumerated and such others as the president and board of trustees may provide from time to time. (Ord. 22-O-2004, 10-28-2004)

2-2-2: ORGANIZATION; OFFICERS AND EMPLOYEES:

A. Creation Of Offices, Positions:

1. Officers: There are hereby created the offices of chief of police, police lieutenant, police sergeant, police corporal and patrol officer, whose duties and powers shall be as hereinafter provided. There shall be one chief of police, and such number of lieutenants, sergeants, corporals, and patrol officers as may be, from time to time, provided for in the annual appropriation ordinance, and such other patrol officers for full or part time service, as may be provided for by the president and board of trustees, from time to time. These officers shall be known and are hereby designated as "police officers" and shall constitute the police of the village.

2. Eliminated Offices: Any member of the police department holding an office which is eliminated by the village, other than as a reduction in force, shall assume the next lowest office within the police department.

3. Civilian Employees: There are hereby created within the police department such civilian employee positions (hereinafter designated "civilian employees") as are necessary to staff the police department. There shall be such number of civilian employee positions as the president and board of trustees may, from time to time, determine. All civilian employees shall perform their duties subject to the supervision of the chief of police while assigned to the police department.

B. Qualifications:

1. Chief of Police: The qualifications for the chief of police shall be determined by the president with the approval of the board of trustees.

2. Lieutenants, Sergeants and Corporals: The qualifications for lieutenants, sergeants and corporals shall be determined by the Willow Springs board of fire and police commissioners.

3. Patrol Officers: The qualifications for patrol officers for the village shall be determined by the Willow Springs board of fire and police commissioners.

4. Civilian Employees: The qualifications for civilian employees of the police department shall be determined by the president with the approval of the board of trustees.

C. Appointment; Removal:

1. Chief Of Police: The chief of police shall be appointed by the president with the approval of the board of trustees. The term of the police chief shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter,

and shall terminate on April 30 of the following year. The police chief may be fired by the president prior to the completion of his term with the approval of the board of trustees.

In the event of resignation, or termination of such term by lapse of time, the chief of police shall continue to carry out his duties until a successor is appointed.

2. Lieutenants, Sergeants and Corporals: All lieutenants, sergeants and corporals shall be appointed and fired in accordance with the rules and regulations of the board of fire and police commissioners and/or any collective bargaining agreement then in effect.

3. Patrol Officers: All patrol officers shall be appointed and fired in accordance with the rules and regulations of the board of fire and police commissioners and/or any collective bargaining agreement then in effect.

4. Civilian Employees: All civilian employees of the police department shall be hired and fired by the president with the approval of the board of trustees.

D. Resignation or Withdrawal:

1. Police Officers: No police officer shall withdraw or resign except upon thirty (30) days' notice in writing given to both the chief of police and the president, provided, however, that the president may in his discretion waive such notice.

2. Civilian Employees: No civilian employee shall withdraw or resign except upon two (2) weeks' notice in writing given to the chief of the police and the president, provided, however, that the president may in his discretion waive such notice. (Ord. 22-O-2004, 10-28-2004)

2-2-3: POWERS AND DUTIES ESTABLISHED:

A. Chief Of Police Duties: The chief of police shall have control and management of all matters and things pertaining to the police department, and all police officers and employees.

The chief of police shall prepare and submit to the village administrator an estimate of the total cost and expense of providing for and maintaining the police department of the village during the ensuing fiscal year, which estimates shall be submitted in the form and time required by the village administrator.

The chief of police shall prepare and submit to the village administrator an annual report which will include a listing of all police related incidents that may have taken place in the village during the preceding fiscal year.

The chief of police shall be the keeper of the village jail and shall have custody of all persons incarcerated therein.

The chief of police shall keep such records and make such reports concerning the activities of the department as may be required by state statute, local ordinance, or as may be directed by the village administrator.

The chief of police shall be responsible for the performance by the police department of all its functions, and all persons who are members of the department shall serve subject to the orders of the police chief.

The chief of police shall be the custodian of all lost, abandoned or stolen property in the village.

The chief of police shall be authorized to serve writs, summons, and other processes, but no police officer shall serve any such summons or process except on the order of the chief of police.

The chief of police shall keep records of the names of all persons arrested, all persons committed to the village jail, and all accidents which occur upon the public way within the village limits.

The chief of police shall keep records of all felonies and misdemeanors committed in the village.

The chief of police shall make such rules and regulations for the conduct and guidance of the police department personnel as the police chief shall deem advisable and such rules and regulations shall be binding on such members. Police department personnel are also covered by the personnel rules and regulations of the village.

B. Police Commander Duties: The police commander shall, when on duty, devote his full time and attention to the discharge of his duties prescribed in the laws of the state, in this chapter and all ordinances of the village and shall obey the provisions of this chapter relating to the conduct of police officers. It shall be the duty of the police commander to preserve the peace and secure good order, safety and cleanliness within the village; protect the rights of persons and property and to that end he shall enforce all laws of the state of Illinois and all ordinances of the village and the orders of the president. He shall assist the chief of police in the discharge of his duties and shall discharge the lawful orders given by the chief of police to carry out the duties imposed on said chief of police by this chapter and any other ordinances of the village or the laws of the state. He shall, in the absence of the chief of police, have the authority and responsibility to supervise and direct the police lieutenants, police sergeants, police corporals, patrol officers and employees in the performance of their duties. He shall be strictly accountable to the chief of police for the efficient performance of the duties required of those police lieutenants, police sergeants, police corporals, patrol officers and civilian employees under his command.

C. Police Lieutenant Duties: A police lieutenant shall, when on duty, devote his full time and attention to the discharge of his duties prescribed in the laws of this state, in this chapter and all other ordinances of the village and shall obey the provisions of this chapter relating to the conduct of police officers. It shall be the duty of the police lieutenant to preserve the peace and secure good order, safety and cleanliness within the village; protect the rights of persons and of property and to that end, he shall enforce the laws of the state and all ordinances of the village and the orders of the president. He shall assist the chief of police and police commander in the discharge of their duties and shall discharge the lawful orders given by the chief of police and police commander to carry out the duties imposed on said chief of police and police commander by this chapter and any other ordinances of the village or the laws of this state. He shall, in the absence of specific orders of the chief of police or police commander assign the police sergeant, corporal, patrol officers and civilian employees to duty and shall supervise said persons in the performance of their duties. He shall be strictly accountable to the chief of police and police commander for the efficient performance of the duties required of those police officers and civilian employees under his command.

D. Police Sergeant Duties: A police sergeant shall, when on duty, devote his full time and attention to the discharge of his duties prescribed in the laws of this state, in this chapter and all other ordinances of the village and shall obey the provisions of this chapter relating to the conduct of police officers. It shall be the duty of the police sergeant to preserve the peace and secure good order, safety and cleanliness within the village; protect the rights of persons and of property and to that end, he shall enforce the laws of the state and all ordinances of the village and the orders of the president. He shall assist the chief of police and police commander in the discharge of their duties and shall discharge the lawful orders given by the chief of police and police commander to carry out the duties imposed on said chief of police and police commander by this chapter and any other ordinances of the village or the laws of this state. He shall, in the absence of specific orders of the chief of police or police commander assign the police corporal, patrol officers and civilian employees to duty and shall supervise said persons in the performance of their duties. He shall be strictly accountable to the chief of police and police commander for the efficient performance of the duties required of those patrol officers and civilian employees under his command.

E. Police Corporal Duties: A police corporal shall, when on duty, devote his full time and attention to the discharge of his duties prescribed in the laws of the state and in this code and shall obey the provisions of this chapter relating to the conduct of police officers. It shall be the duty of a police corporal to be a relief supervisor who will be assigned to take command of a shift when a police sergeant, lieutenant, the police commander or the chief of police are not available to assume the responsibility. While in command of a shift, the police corporal shall carry the authority of a police sergeant. While working on a shift commanded by another person, the police corporal shall have the authority of a patrol officer.

F. Patrol Officer Duties: The patrol officer shall, when on duty, devote his full time and attention to the discharge of his duties prescribed in the laws of this state, in this chapter and all other ordinances of the village, and shall obey the provisions of this chapter relating to the conduct of police officers. It shall be the duty of the patrol officer to preserve the peace and secure order, safety and cleanliness within the village, protect the rights of persons and of property and to that end shall enforce the laws of the state and all ordinances of the village and the orders of the president. He shall discharge the lawful orders given by the chief of police, police commander and other superior officers to carry out the duties imposed on said persons by this chapter and any other ordinances of the village or the laws of the state.

G. Matron: The president, with the consent of the board, may hire and fire police matrons. Police matrons shall perform such duties as may be assigned by the chief of police or by the president, and shall receive such compensations as the president and board of trustees shall from time to time determine. (Ord. 22-O-2004, 10-28-2004)

2-2-4: COMPENSATION:

Each police officer and civilian employee of the police department shall receive such compensation as the president and board of trustees shall from time to time determine. (Ord. 22-O-2004, 10-28-2004)

2-2-5: OATH:

All police officers, before entering upon the duties of their office, shall take and subscribe to an oath of office. (Ord. 22-O-2004, 10-28-2004)

2-2-6: FINGERPRINTS OF ALL APPLICANTS:

All applicants for position of employment within the police department shall first submit to fingerprinting by the chief of police or his designee. The results of such fingerprint test shall be submitted to the board of trustees and board of fire and police commissioners prior to any individual being hired or appointed to any position. (Ord. 22-O-2004, 10-28-2004)

ARTICLE A. AUXILIARY POLICE

2-2A-1: AUXILIARY POLICE ESTABLISHED, HIRED:

A. The village president is hereby authorized to hire auxiliary police officers as employees, subject to the advice and consent of the board of trustees. All auxiliary police officers shall be fingerprinted and their fingerprints shall be checked with the federal bureau of identification, Washington, DC, for any possible criminal record. The chief of police shall be responsible for the processing thereof. No person shall be hired as an auxiliary police officer if he has been convicted of a felony or other crime involving moral turpitude. Any

auxiliary police officer may be fired by the president who shall promptly make a report thereof to the board of trustees.

B. Such auxiliary police officers shall not be members of the regular police department of the village. Auxiliary police officers need not be residents of the village. Identification symbols worn by such auxiliary police officers shall be different and distinct from those used by the regular police department and shall be selected and chosen by the chief of police. Auxiliary police officers shall at all time during the performance of their duties be subject to the direction and control of the chief of police. (Ord. 22-O-2004, 10-28-2004)

2-2A-2: POWERS AND DUTIES:

Auxiliary police officers shall have the following powers and duties, when properly assigned and on duty:

A. To aid or direct traffic in the municipality.

B. To aid in control of natural or manmade disasters.

C. To aid in case of civil disorder.

D. To perform normal and regular police duties when assigned by the chief of police on occasions when it is impractical for members of the regular police department to perform normal and regular police duties.

E. To arrest or cause to be arrested, with or without process, all persons who break the peace, or are found violating any ordinance or any criminal law of the state.

F. To commit arrested persons for examination.

G. If necessary, to detain arrested persons in custody overnight or Sunday in any safe place, or until they can be brought before the proper judge or associate judge of the circuit court.

H. To exercise all other powers as conservators of the peace that the president and board of trustees may prescribe.

I. To serve and execute all warrants for the violation of ordinances, or the state criminal law, within the limits of the village, and for this purpose to have all common law and statutory power of sheriffs. (Ord. 22-O-2004, 10-28-2004)

2-2A-3: COMPENSATION:

Auxiliary police officers shall be paid an hourly rate as established by the board of trustees for each hour of service performed, provided such service is performed at the direction of the chief of police. (Ord. 22-O-2004, 10-28-2004)

2-2A-4: FIREARMS RESTRICTION:

Auxiliary police officers shall not carry firearms except with the permission of the chief of police and then only when in uniform and in the performance of their duties. (Ord. 22-O-2004, 10-28-2004)

ARTICLE B: PART-TIME POLICE

2-2B-1: PART TIME POLICE

A. Employment. The Village of Willow Springs may employ part-time police officers from time to time as they deem necessary.
B. Duties. A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of Willow Springs Police Department, but the numbers of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1 et. Seq.) and the rules and requirements of the ILETSB.
C. Hiring Standards. Any person employed as a part-time police officer must meet the following standards:

    1. Be of a good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
    2. Be at least twenty-one (21) years of age.
    3. Pass a medical examination.
    4. Possess a high school diploma or GED certificate.
    5. Possess a valid State of Illinois driver's license.
    6. Possess no prior felony convictions.
    7. Any individual who has served in the U.S. military must have been honorably discharged.

D. Discipline. Part-time officers shall be under the disciplinary jurisdiction of the chief of police. Part-time police officers serve at the discretion of the Village corporate authorities, shall not have any property rights in said employment, and may be removed by the Village corporate authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department. (Ordinance 2012-O-19)

ARTICLE C: COMMUNITY SERVICE OFFICER

2-2C-1: ESTABLISHMENT OF POSITION; HIRING:

A. The village president is hereby authorized to hire community service officers as employees, subject to the advice and consent of the board of trustees. All community service officers shall be fingerprinted and their fingerprints shall be checked with the federal bureau of identification, Washington, DC, for any possible criminal record. The chief of police shall be responsible for the processing thereof. No person shall be hired as a community service officer is he has been convicted of a felony or other crime involving moral turpitude. Any community service officer may be fired by the president who shall promptly make a report thereof to the board of trustees.
B. Community service officers shall not be members of the police department, shall not perform normal and regular police duties and shall not have conservator of the peace powers. Community service officers need not be residents of the village. Identification symbols worn by such community service officers shall be different and distinct from those used by the regular police department and the auxiliary police officers and shall be selected and chosen by the chief of police. Community service officers shall at all time during the performance of their duties be subject to the direction and control of the chief of police.

2-2C-2: DUTIES

Community Service Officers shall have the following powers and duties, when properly assigned and on duty:

1. Enforcement of ordinance violations involving animals, building, parking, nuisances, zoning, bicycles, and abandoned vehicles.
2. Assist with requests from the public and police department.
3. Handling public safety and traffic hazards
4. General assistance to the patrol officers at traffic accidents, fire scenes, etc.
5. School crossing assignments.
6. Provide assistance at special events.
7. Handling non-criminal complaints.
8. Provide assistance with community relations/crime prevention.
9. Clerical and communication work as needed.
10. Any other duties necessary as assigned by a Chief of Police.

2-2C-3: COMPENSATION

Community Service Officers shall be paid an hourly rate as established by the board of trustees for each hour of service performed, provided such service is performed at the direction of the Chief of Police.

2-2C-4: FIREARMS RESTRICTION:

Community Service officers shall not carry firearms (Ord. 2014-O-7).

ARTICLE D: DIRECTOR OF PUBLIC SAFETY

2-2D-1: ESTABLISHMENT OF POSITION; HIRING; TERM:

The village president is hereby authorized to appoint a Director of Public Safety, subject to the advice and consent of the board of trustees. The Director of Public Safety shall be a sworn officer and the qualifications for the position shall be determined by the president with approval by the board of trustees. The term of the Director of Public Safety shall be for one year, commencing May 1, or the day of appointment if it shall occur thereafter and shall terminate on April 30 of the following year. The Director of Public Safety may be fired by the president prior to the completion of his term with the approval of the board of trustees. In the event of resignation or the termination of such term by lapse of time, the Director of Public Safety shall continue to carry out his duties until a successor has been appointed.

2-2D-2: DUTIES:

The Director of Public Safety is under the direction and control of the Village Administrator. The Director of Public Safety shall work in conjunction with the Police Chief and Fire District Chief regarding budgets for the department, fire protection and public works. The Director of Public Safety shall have the following powers and duties: perform advisory tasks and exercise administrative responsibilities for the department and public works, serve as liaison with the Fire District, oversee policy issues, seek and obtain grant funds to improve all aspects of public safety in the village, oversee, instruct or train members of the department and employees of public works to improve knowledge and efficiency.

2-2D-2: COMPENSATION:

The Director of Public Safety shall receive such compensation as established by the president and board of trustees shall from time to time determine. (Ord. 2015-O-1)

CHAPTER 3
PUBLIC WORKS DEPARTMENT

2-3-1: DEPARTMENT ESTABLISHED:

There is hereby established an executive department of the village which shall be known as the department of public works. The department of public works shall have complete supervision of street and alley maintenance and repairs, garbage collection and disposal, water service and maintenance, and such other services as the village board may from time to time designate by resolution. (Ord. 72-4, 2-10-1972)

2-3-2: RULES AND REGULATIONS:

All subordinates, assistants and employees shall perform such duties as may be required of them by the director of public works or the ordinances of the village; and shall be subject to such rules and regulations as shall be prescribed by the director by and with the consent of the president and board of trustees. (Ord.72-4, 2-10-1972; amd. Ord. 33-O-2006, 9-28-2006)

2-3-3: SALARIES:

The salary of the director of public works and of all subordinates, assistants or employees shall be such as the board of trustees may prescribe or approve from time to time. (Ord. 72-4, 2-10-1972; amd. Ord. 33-O-2006, 9-28-2006)

CHAPTER 4
ELECTRICAL INSPECTION DEPARTMENT

2-4-1: ESTABLISHMENT; AUTHORITY:

There is hereby established an electrical inspection department for the regulation of the installation, alteration and use of all electrical equipment, as herein provided. Such electrical inspection department shall consist of the chief electrical inspector of the village and such other employees as may from time to time be provided by the village board. Such electrical inspection department shall be charged with the duty of enforcing the provisions of the rules and regulations relating to the installation, alteration, and use of electrical equipment. (Ord., 7-27-1961)

TITLE 3
BOARDS AND COMMISSIONS

CHAPTER 1
PLAN AND ZONING COMMISSION

3-1-1: PLAN AND ZONING COMMISSION CREATED:

There is hereby created a plan and zoning commission for the village, which shall consist of seven (7) members. (Ord. 12-O-2005, 8-11-2005)

3-1-2: APPOINTMENT, QUALIFICATIONS:

The members of the plan and zoning commission shall be appointed by the village president, subject to the approval of the board of trustees. One of such members shall be appointed by the village president as chairman of the plan and zoning commission. No person shall be eligible to be a member of the plan and zoning commission unless he shall be a resident of the village. Should a member of the plan and zoning commission cease to be a resident of the village, his office shall become vacant. (Ord. 12-O-2005, 8-11-2005)

3-1-3: TERMS OF OFFICE:

The original members of the plan and zoning commission shall be appointed to serve respectively for the following terms: two (2) for one year; two (2) for two (2) years; two (2) for three (3) years; and one for four (4) years, and until the respective successors are appointed and qualified. The respective term to be served by each of such original members shall be specified at the time of his appointment. Following the expiration of the original terms of office, members shall be appointed for a period of three (3) years in each case. (Ord. 12-O-2005, 8-11-2005)

3-1-4: RESIGNATION; REMOVAL; VACANCY:

Any member of the plan and zoning commission may resign from his office. The village president may remove any member of the plan and zoning commission for cause after a written report to the board of trustees setting forth the cause for removal and the board of trustees approving the removal by a majority of the village board. If a vacancy in office occurs by reason of death, resignation or removal from office, the vacancy shall be filled by appointment by the village president, subject to approval by the board of trustees, for the remainder of the term of the office which has become vacant. (Ord. 12-O-2005, 8-11-2005)

3-1-5: AUTHORITY OF COMMISSION:

The plan and zoning commission authorized by this chapter is hereby vested with the following jurisdiction and authority:

A. To recommend to the president and board of trustees, changes, from time to time, in the village's 1990 official comprehensive plan, as amended.

B. To prepare and recommend to the president and board of trustees, from time to time, plans for specific improvements in pursuance of the village's 1990 official comprehensive plan.

C. To conduct all public hearings and provide written findings of fact and recommendations to the president and board of trustees on all applications to the village for zoning amendments (map and text), special use permits, site plan reviews and subdivision approvals all pursuant to and in accordance with titles 9A and 9B of this code.

D. To exercise such other powers consistent with, and in furtherance of, the powers granted by this chapter as may, from time to time, be designated or directed by the president and board of trustees.

E. To hear, decide and review appeals made in accordance with section 9A-2-5 of this code from any order, requirement, decision or determination under the zoning ordinance of the village made by the director of planning and zoning, building commissioner or other authorized officials of the village, other than the president and board of trustees.

F. To conduct public hearings and provide written findings of fact and recommendations to the president and board of trustees on all applications to the village for variations from the terms of the zoning ordinance (title 9A of this code) in the manner prescribed by, and subject to, the standards established therein. (Ord. 12-O-2005, 8-11-2005)

3-1-6: MEETINGS; QUORUM:

Meetings of the plan and zoning commission shall be held in the village hall and shall be held at such time or times as the chairman may prescribe. A majority of those members then holding office shall constitute a quorum to hold a meeting and to conduct a public hearing. (Ord. 12-O-2005, 8-11-2005)

3-1-7: COMPENSATION:

The members of the plan and zoning commission shall be entitled to compensation in the amount of fifty dollars ($50.00) per member for each scheduled meeting or hearing which a member attends. (Ord. 12-O-2005, 8-11-2005)

CHAPTER 2
RESERVED
(Ord. 12-O-2005, 8-11-2005)

CHAPTER 3
BOARD OF LOCAL IMPROVEMENTS

3-3-1: BOARD CREATED:

There is hereby created a Board of Local Improvements. The Board of Local Improvements shall consist of the Village President who shall be the president of the Board of Local Improvements and two (2) members who are Trustees of the Village Board, said members to be appointed by the President and the Village Board. The secretary of the Board of Local Improvements shall be the Village Clerk. They shall hold their positions on the Board of Local Improvements until their terms of office shall expire by law or unless otherwise provided for by ordinance.

3-3-2: MEETINGS:

The Board of Local Improvements shall meet upon the call of the President or any two (2) members, provided twenty four (24) hours' notice of such call shall be given each member by certified mail; and provided further, that a meeting may be held without prior notice when all members are present. (Ord., 1-10-57)

CHAPTER 4
ECONOMIC DEVELOPMENT COMMISSION

3-4-1: ECONOMIC DEVELOPMENT COMMISSION CREATED:

There is hereby created an Economic Development Commission.

3-4-2: DUTIES:

A. The Economic Development Commission is an advisory only commission which shall study and make recommendations to the President and Board of Trustees on matters relating to economic development within the Village. The Economic Development Commission shall assist the President and Board of Trustees to establish a plan for economic development and for the implementation of such plan. The Economic Development Commission shall also study, advise and make recommendations to the President and Board of Trustees on matters pertaining to annexation of territory outside of the Village, including assisting the President and Board of Trustees to establish a plan for annexation and the implementation of such plan.

B. The Economic Development Commission shall submit reports to the President and Board of Trustees not less than once each quarter, and shall submit such other reports as the President and Board of Trustees may from time to time direct.

3-4-3: MEMBERSHIP, TERMS:

A. The Economic Development Commission shall consist of five (5) members appointed by the Village President with the advice and consent of the Board of Trustees, in accordance with subsection B below.

B. Two (2) members of the Economic Development Commission shall be appointed from the Board of Trustees then holding office, and holding such office shall be a condition of Economic Development Commission membership for said two (2) members. The remaining three (3) members shall consist of persons residing in the Village or who own a business located within the Village. The terms of the initial Economic Development Commission members shall expire on April 30, 1994. Thereafter, all terms shall be for two (2) years, to expire on April 30 which is two (2) years hence from the date of appointment.

C. A chairperson of the Economic Development Commission shall be appointed by the Village President.

D. Failure to attend three (3) consecutive Economic Development Commission meetings without being excused by the chairperson shall, upon notice to the member, constitute resignation from the Economic Development Commission.

E. Economic Development Commission members shall serve without compensation.

3-4-4: MEETINGS:

The Economic Development Commission shall schedule at least one regular meeting each month and may, upon call of the chairperson or any three (3) members, call additional meetings. Meetings shall be held in the Village Hall at such times deemed appropriate by the chairperson. The Economic Development Commission may provide for its own rules of order and procedure for the conduct of its meetings. (Ord. 92-0-3, 1-23-92)

CHAPTER 5
EMERGENCY TELEPHONE SYSTEM BOARD

3-5-1: CREATION:

There is hereby created the Village of Willow Springs Emergency Telephone System Board. The Emergency Telephone System Board shall also be known as the "ETSB". (Ord. 92-0-31, 12-10-1992)

3-5-2: QUALIFICATIONS:

The ETSB shall consist of not fewer than five (5) members, one of whom shall be a public member who is a resident of the Village, and the other members shall be representatives of the public safety agency 911 users and appointed on the basis of their ability and experience. (Ord. 92-0-31, 12-10-1992)

3-5-3: APPOINTMENTS:

All appointments to the ETSB shall be for a term of two (2) years from the date of the appointment. ETSB members shall serve until their successor has been appointed. All appointments shall be made by the Village President with the advice and consent of the Board of Trustees. (Ord. 92-0-31, 12-10-1992)

3-5-4: VACANCY:

In the event of the death or resignation of a ETSB member, the Village President, with the advice and consent of the Board of Trustees, shall appoint a replacement member to serve the remainder of the unexpired term of the member who is being replaced. (Ord. 92-0-31, 12-10-1992)

3-5-5: EXPENSES:

All ETSB members shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties as an ETSB member. Any expense reimbursement shall be approved by a resolution passed by the ETSB as any other payment is so approved. (Ord. 92-0-31, 12-10-1992)

3-5-6: OFFICERS:

The Village President, with the advice and consent of the Board of Trustees, shall appoint a Chairman, Vice Chairman and Secretary of the ETSB. Said officers' appointments shall be made at the time of the initial appointments to the ETSB and at the first Board of Trustees meeting in May of each year thereafter. (Ord. 92-0-31, 12-10-1992)

3-5-7: MEETINGS:

All meetings of the ETSB will be conducted pursuant to Robert's Rules of Order, and the ETSB and its members shall, at all times, conform to the laws of the State, including, but not limited to the Illinois Open Meetings Act. (Ord. 92-0-31, 12-10-1992)

3-5-8: POWERS AND DUTIES:

The powers and duties of the ETSB shall be as follows:

A. Planning a 911 Emergency Telephone System;

B. Coordinating and supervising the implementation, upgrading or maintenance of the System, including the establishment of equipment specifications and coding system;

C. Receiving monies from the surcharge imposed pursuant to the results of the referendum and the 50 Illinois Compiled Statutes 750/0.01 et seq., and from any other source for deposit into the Fund;

D. Authorizing all disbursements from the Fund;

E. Hiring and paying the salary, on a temporary basis, of any staff necessary for the implementation or upgrade of this System;

F. Securing bonds and insurance for each individual ETSB member required for the discharge of their duties and receipt of handling of funds; and

G. Any and all other powers and duties existing or hereinafter permitted by the laws of the State, including Illinois Commerce Commission rulings, orders and regulations, and any and all other powers and duties delegated to the ETSB by the Village President and Board of Trustees. (Ord. 92-0-31, 12-10-1992)

3-5-9: FUND:

An Emergency Telephone System Fund shall be established by the ETSB. All monies received by the ETSB, pursuant to the aforesaid surcharge, will be deposited into this Fund. (Ord. 92-0-31, 12-10-1992)

3-5-10: FUND CUSTODIAN:

The Village Treasurer shall be custodian of the Fund. (Ord. 92-0-31, 12-10-1992)

3-5-11: FUND INTEREST:

All interest accruing on the Fund shall remain in the Fund. (Ord. 92-0-31, 12-10-1992)

3-5-12: EXPENDITURES:

No expenditures may be made from said Fund, except upon the direction of the ETSB by resolution passed by a majority of the ETSB members. (Ord. 92-0-31, 12-10-1992)

3-5-13: AUTHORIZED EXPENDITURES:

Expenditures may be made from the Fund only to pay for costs associated with the following:

A. The design of the Emergency Telephone System;

B. The coding of an initial master street address, guide data base and update and maintenance thereof;

C. The repayment of any monies advanced for the implementation of the System;

D. The charges for automatic number identification, automatic location identification equipment and maintenance, replacement and update thereof;

E. The nonrecurring charges related to installation of the Emergency Telephone System and the ongoing network charges;

F. Other products and services necessary for the implementation, upgrade and maintenance of the System and any other purpose related to the operation of the System, including costs attributed directly to the construction, leasing or maintenance of any buildings or facilities or costs attributable directly to the operation of the System. Costs attributable directly to the operation of the Emergency Telephone System do not include the costs of public safety agency personnel who are and the equipment that is dispatched in response to an emergency call;

G. Any other expenditures which may be authorized by statute or by order, regulation or ruling of the Illinois Commerce Commission. (Ord. 92-0-31, 12-10-1992)

CHAPTER 6
EVENTS COMMITTEE

3-6-1: EVENTS COMMITTEE CREATED:

There is hereby created an Events Committee. (Ord. 98-0-18, 8-13-1998, 2014-O-19)

3-6-2: DUTIES:

A. The Events Committee is an advisory committee which shall study and make recommendations to the President and Board of Trustees on matters relating to the maintenance, improvement and use of Village-owned parks and open space and the implementation of general recreational activities.

B. The Events Committee shall submit reports to the President and Board of Trustees not less than once each six (6) months, and shall submit such other reports or studies as the President and Board of Trustees may from time to time request. (Ord. 98-0-18, 8-13-1998, 2014-O-19)

3-6-3: MEMBERSHIP; TERMS:

A. The Events Committee shall consist of seven (7) members appointed by the Village President with the advice and consent of the Board of Trustees. (Ord. 2007-O-07, 2014-O-19)

B. The members of the Events Committee shall consist of persons residing in the Village. The term of the initial Events Committee members shall expire on April 30, 1999. Thereafter, all terms shall be for two (2) years, to expire on April 30 which is two (2) years hence from the date of appointment.

C. A chairperson of the Events Committee shall be appointed by the Village President at the time of the initial appointment and upon each two (2) year appointment thereafter.

D. Failure to attend three (3) consecutive Events Committee meetings without being excused by the chairperson shall, upon notice to the member, constitute resignation from the Events Committee.

E. Events Committee members shall serve without compensation. (Ord. 98-0-18, 8-13-1998, 2014-O-19)

3-6-4: MEETINGS:

The Events Committee shall schedule at least one regular meeting each month and may, upon call of the chairperson or any four (4) members, call additional meetings. Meetings shall be held in the Village Hall at such times deemed appropriate by the chairperson. A quorum shall consist of four (4) members of the Committee. The

chairperson shall preside at such meetings and shall otherwise supervise the affairs of the Committee. It shall be the chairperson's duty to maintain a written summary of the proceedings of the Committee which shall be provided to the Village Clerk and shall be available for inspection by the President and Board of Trustees. The Events Committee may provide for its own rules of order and procedure for the conduct of its meetings. (Ord. 2007-O-07, 2014-O-19)

CHAPTER 7
BOARD OF POLICE COMMISSIONERS

3-7-1: ESTABLISHED:

There is hereby established a board of police commissioners pursuant to the Illinois municipal code, except as may be modified herein. (Ord. 5-O-2002, 2-14-2002)

3-7-2: MEMBERSHIP; APPOINTMENTS; TERMS:

A. The board of police commissioners shall consist of three (3) members who shall be appointed by the village president with the advice and consent of the board of trustees.

B. The members of the board of police commissioners shall be appointed for a term of three (3) years except for the initial appointments whereupon one member shall be appointed to serve until the end of the then current municipal year (April 30), another to serve until the end of the municipal year next ensuing and the third to serve until the end of the municipal year second next ensuing. (Ord. 5-O-2002, 2-14-2002)

3-7-3: QUALIFICATIONS; OATH; BOND; REMOVAL:

A. The members of the board of police commissioners shall have such qualifications as are now, or may thereafter be required of members as set forth in section 10-2.1-3 of the Illinois municipal code [15] or as may be amended or its successor statutory provision.

B. Each member of the board of police commissioners shall file an oath or affirmation of office with the village and shall execute and deliver to the village a fidelity bond in the sum of one thousand dollars ($1,000.00) with a surety to be approved by the president and board of trustees, conditioned on the faithful performance of the duties of the board.

C. Members of the board shall be subject to removal in the manner provided for in section 10-2.1-3 of the Illinois municipal code [16] as may be amended or its successor statutory provision. (Ord. 5-O-2002, 2-14-2002)

3-7-4: POWERS AND DUTIES:

A. The board of police commissioners shall have such powers and duties as are now, or may hereafter be, given to such boards in accordance with division 2.1, article 10 of the Illinois municipal code [17] or as may be amended or its successor statutory provisions. Provided, however, that the board shall have no power to appoint or remove the chief of police or any exempt rank which is, or may be, established in the police department pursuant to title 2, chapters 1 and 2 of this code.

B. The board of police commissioners shall have no power or authority to remove, discharge, suspend, demote, reprimand or otherwise rule in disciplinary matters or investigate charges involving either paid on call firefighters or nonsupervisory personnel of the police department covered by the terms of a collective bargaining agreement. "Non-supervisory personnel" shall include police officers below the rank of sergeant. (Ord. 5-O-2002, 2-14-2002)

3-7-5: SECRETARY:

The board of police commissioners may employ a secretary or designate one of its own members to act as secretary. The duties of the secretary shall include those described in section 10-2.1-20 of the Illinois municipal code [18] or as may be amended or its successor statutory provisions. If the board employs a secretary, the compensation of that secretary shall be established by the president and board of trustees. (Ord. 5-O-2002, 2-14-2002)

CHAPTER 8

FOREIGN FIRE INSURANCE BOARD

(Deleted in its entirety by Ord. 2014-O-21)

CHAPTER 9 VETERANS COMMITTEE

3-9-1: VETERANS COMMITTEE CREATED:

There is hereby created a Veterans Committee. (Ord. 2016-O-26)

3-9-2: DUTIES:

A. The Veterans Committee is an advisory committee which shall study and make recommendations to the President and Board of Trustees on matters relating to the maintenance, improvement and use of the memorial corner (at Willow Springs Road and Route 171). Projects approved by the Veterans Committee will go in front of the Village Board for final approval before project implementation. All

projects shall be funded by the Village of Willow Springs Car Show and outside donations. (Ord. 2016-O-26)

B. The Veterans Committee shall submit reports to the President and Board of Trustees not less than once every six (6) months, and shall submit such other reports or studies as the President and Board of Trustees may from time to time request. (Ord. 2016-O-26)

3-6-3: MEMBERSHIP; TERMS:

A. The Veterans Committee shall consist of five (5) members appointed by the Village President with the advice and consent of the Board of Trustees. (Ord. 2016-O-26)
B. The members of the Events Committee shall consist of two Village Trustees, two persons from local veterans' groups and one person residing in the Village. The term of the initial Veterans Committee members shall expire on April 30, 2018. Thereafter, all terms shall be for two (2) years, to expire on April 30 which is two (2) years hence from the date of appointment. (Ord. 2016-O-26)
C. A chairperson of the Veterans Committee shall be appointed by the Village President at the time of the initial appointment and upon each two (2) year appointment thereafter. (Ord. 2016-O-26)
D. Failure to attend three (3) consecutive Veterans Committee meetings without being excused by the chairperson shall, upon notice to the member, constitute resignation from the Veterans Committee. (Ord. 2016-O-26)
E. Veterans Committee members shall serve without compensation. (Ord. 2016-O-26)

3-6-4: MEETINGS:

The Veterans Committee shall schedule at least one regular meeting quarterly and may, upon call of the chairperson or any three (3) members, call additional meetings. Meetings shall be held in the Village Hall at such times deemed appropriate by the chairperson. A quorum shall consist of three (3) members of the Committee. The chairperson shall preside at such meetings and shall otherwise supervise the affairs of the Committee. It shall be the chairperson's duty to maintain a written summary of the proceedings of the Committee which shall be provided to the Village Clerk and shall be available for inspection by the President and Board of Trustees. The Veterans Committee may provide for its own rules of order and procedure for the conduct of its meetings. (Ord. 2016-O-26)

TITLE 4
BUSINESS REGULATIONS

CHAPTER 1
GENERAL BUSINESS LICENSE REGULATIONS

4-1-1: DEFINITIONS:

Unless specifically defined otherwise within this chapter, the following words and terms when used in this chapter shall be construed as herein defined:

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of a building located on the same lot with the principal use of the building.

AMUSEMENT: Any theatrical, dramatic, musical or spectacular performance, motion picture show, circus, rodeo, animal act, athletic contest, sport, coin operated music box, jukebox, games of skill, golf practice, gun ranges or similar exhibition, and includes, without being limited thereto, poultry, animal and flower shows, skating, dancing, swimming, racing or riding on animals or vehicles, baseball, basketball, softball, football, tennis, golf, hockey, track and field games, bowling, billiard and pool games, and any other exhibition, performance and entertainment not herein named, shown, exhibited or staged within the corporate limits of the village and for which an admission charge is made.

COMMERCIAL ESTABLISHMENT: Shall include the following activities of commerce or commercial activities located in the village:

A. Food Establishment: A building or premises or a portion thereof, the principal use of which is for the sale or dispensing or distribution or storage of food or foodstuff off the premises and out of the building.

B. Food Service Establishment: Any place where food that is intended for individual service and consumption is routinely provided completely prepared. The term includes any such place, regardless of whether consumption is in, on or off the premises, and regardless of whether there is a charge for the food. The term shall include bakeries and ice cream parlors. The term does not include a private home where food is prepared for individual family consumption, and it does not include a retail food store that does not cook or combine ready to eat potentially hazardous foods for human consumption.

C. Occasional Food Service Establishment: Any food service establishment which operates with no regularity or for a limited period of time and is operated by a charitable, religious, educational, municipal or other not for profit organizations and operated not for profit but purely for social purposes or organizational fund raising only and the food is prepared and served by voluntary personnel from the

membership of or affiliated with the charitable, religious, educational, Municipal or other not for profit organization.

D. "Service establishment" is a building or premises or a portion thereof, the principal use of which is for the rendering of personal or material services for profit, the wholesale distribution or storage of material goods or chattels, the sale or servicing or storage of motor equipment, the washing or cleaning or dyeing or repair of fabrics or wearing apparel or footwear on the premises, the storage or assembly or distribution or servicing or repair of building materials or electrical equipment or mechanical equipment, the storage or distribution of fuels or petroleum products, the services of printing or blueprinting or photocopying or multi-lithing or publishing or duplicating or similar reproduction services, the provision of facilities for instruction or training or participating in or presentation of the fine arts, or athletic skills or dexterity or physical skills or dexterity.

E. "Retail service establishment" shall mean a retail store not licensed as a food business, but whose activities may consist of buying, selling, storing, handling or dealing in one or more of a variety of goods including, but not limited to, packaged food, tobacco, paint, wallpaper, hardware, furniture, dry goods, clothing, shoes, fabrics, floor coverings, flowers and plants, toys, pottery, gifts, pictures, electrical goods, jewelry, automobile and truck parts, cycles, books and newspapers.

F. "Temporary food service establishment" means any food service establishment which is operated by a person for profit and not by a charitable, religious, educational, Municipal or other not-for-profit organization, and which has no permanent location and operates for only a specified period of time at certain locations (i.e., carnivals, fairs, public displays, exhibitions, etc.)

OWNER: Any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in a commercial establishment to maintain and manage its operation.

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

SERVICE ACCOMMODATION: The seating place where one patron or customer to be served can be seated or, in lieu of seating space, two (2) lineal feet of counter space or two (2) square feet of floor space which may be used or occupied by one patron or customer to be served while standing or sitting.

MOBILE FOOD UNIT: Any food service establishment or vehicle from which food is served without a fixed location and which is capable of being readily moved from location to location. This term does not include a food service establishment or mobile vehicle which serves only ice cream or ice cream products.

4-1-2: APPLICATION FOR LICENSE:

A. Except as otherwise provided, applications for all licenses required by this Chapter shall be made in writing and submitted to the Village Clerk on forms furnished by said Village Clerk. Each application shall state the name of the applicant (and in the case of a partnership, the name and address of all partners; and in case of a corporation, its president, secretary and registered agent), the license desired, the location to be used, if any, the time covered and the fees to be paid, and each ap plication shall contain such additional information as may be needed for the proper guidance of the Village Official in the issuing of the license applied for.

B. It shall be unlawful for any person to knowingly give false information or falsely affirm or swear to any matter in the application for a license or obtain such license by fraudulent means, or to display a fictitious or fraudulently altered license or permit, or otherwise to misuse such license. The corporate authorities shall suspend or revoke the license of any per son who violates the provisions of this Section and such suspension or revocation shall be in addition to any and all other penalties hereinafter provided.

4-1-3: PERSONS SUBJECT TO LICENSE:

Whenever in this Chapter a license is required for the maintenance, operation or conduct of any business or engaging in any activity or occupation, any person shall be subject to such requirement, if, by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation, or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the Village. No person shall engage in, manage or operate any business, profession or occupation set forth herein unless a license shall have been procured in accordance with this Chapter. (Ord. 84-0-4, 4-12-84)

4-1-4: LICENSE YEAR, TERMINATION:

The license year for the Village shall commence on January 1 and terminate on December 31 in each year, where no provision to the contrary is made. All licenses whenever issued shall terminate on December 31 in each year.

In the first year that this ordinance is in effect, all present license holders shall be required to pay two-thirds (2/3) of the specified license fee since four (4) months of the fee has previously been paid (January 1 to April 30).

All new applicants for license shall be required to pay the full fee for the period of January 1 to December 31.

4-1-5: LICENSE PROCEDURES; RENEWALS:

A. All licensable commercial activities or establishments as described in Section 4-1-14 of this Chapter, shall file with the Village Clerk an application for a license to operate the commercial activity in the Village no later than November 15 prior to each subsequent license year or not less than thirty (30) days before the applicant desires to commence operation in the Village. If any person fails to file its renewal application by November 15 of each year, an additional fee of ten dollars ($10.00) shall be charged for each day after November 15 until the date of said renewal application is received in the office of the Village Clerk. Delinquency may also result in suspension and/or revocation of the right to conduct commercial activities within the Village.

B. All licenses authorized to be issued and required to be procured shall be issued by the President and Board of Trustees.

C. The required fee for each license issued shall be collected in full at the time the application for a license, or the renewal thereof, is filed with the Village Clerk. In no event shall any rebate or refund be made of any license fee, or part thereof, by reason of the death of the licensee or by any reason of nonuse of the license or discontinuance of the operation of the commercial establishment.

D. In the first year that this Chapter is in effect, the requirement that all applications be received no later than November 15 shall be waived. However, any application received after January 1 shall be charged an additional fee of ten dollars ($10.00) for each day until the date of said renewal application is received in the office of the Village Clerk. (Ord. 85-0-19, 11-23-85)

4-1-6: INVESTIGATIONS:

Upon receipt of an application for a license where ordinances of the Village necessitate an inspection or investigation before

the issuance of such permit or license, the Village Clerk shall refer such application to the proper officer or employee for making such investigation within seventy two (72) hours from the receipt of the application. The officer or employee charged with the duty of making the investigation or inspection shall make a report thereon to the President and Board of Trustees favorable or otherwise within four (4) weeks after receiving the application or a copy thereof. The Village Health Officer shall make or cause to be made an inspection in connection with the care and handling of food and all other matters relating to sanitary conditions. The Building Commissioner shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise provided shall be made by the Chief of Police or by some other officer or employee designated by the Village President.

4-1-7: RECORDS AND STANDARDS:

A. The Village Clerk shall maintain a record of all commercial establishments and commercial licenses issued under this Chapter. These records shall be used for the purpose of classifying, inspecting and licensing all commercial establishments in the Village. Subject to the terms and provisions of this Chapter, upon payment in full of the required license fee to the Village, the Village shall issue a license tag or sticker or certificate or similar evidence of license which shall be displayed by the owner of the commercial establishment in a conspicuous place of the licensed premises within ten (10) days after receipt of said license.

B. No license for the operation of a commercial establishment in the Village shall be issued if one or more of the following conditions are determined to exist:

1. The building or premises of the commercial establishment does not comply with the provisions and terms of the Village's Building Code, zoning ordinance, fire regulations, health regulations, or with other applicable ordinances and regulations of the Village.

2. The building or premises of the commercial establishment are in a condition of being unsanitary or unsafe so as to endanger the public safety, health or welfare.

3. The owner of the commercial establishment or such legal entity comprising the commercial establishment is indebted to the Village.

4-1-8: LOCATION OF LICENSE:

No license for the operation of a commercial establishment in the Village shall permit the operation of a commercial establishment in any location other than the location stated on the license. For the purpose of this Section, all buildings containing the principal or accessory uses shall be connected or on the same lot or parcel.

4-1-9: CHANGE OF LICENSE LOCATION; BUSINESS:

A. The location of any licensed commercial establishment or of any permitted act, may be changed provided:

1. Ten (10) days' written notice thereof is given to the Village Clerk;

2. The Village's Building Code and zoning ordinances are complied with; and

3. Any new license fee required by the change of location or expansion of business activities is paid.

4-1-10: NUISANCES PROHIBITED:

No business or commercial establishment, licensed, or not, shall be conducted or operated as to amount to a nuisance in fact.

4-1-11: REGULATORY INSPECTIONS:

A. It shall be the duty of the Village President to determine whether or not all licenses are in compliance with all applicable ordinance and regulatory requirements during the period of the license. The President may authorize other Village officials and employees to make whatever inspections of the premises of a licensed business are reasonably necessary to secure compliance with any code or ordinance provision or to detect violations thereof, or to protect the public health, safety and welfare.

B. As a condition to the issuance of any license under this Chapter, the applicant shall agree to permit authorized Village officials or employees to enter the business or commercial establishment, including those areas of the premises not open to the general public, for the purposes of deter mining whether or not the licensee has complied with all regulatory requirements.

C. Whenever inspections of the commercial establishment are reasonably necessary to determine whether compliance with all applicable ordinances of the Village exist or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto, for the purpose of making the inspection, any officer or employee of the Village who is authorized or directed to make such inspection at any reasonable time.

4-1-12: REVOCATION AND APPEAL:

A. Unless otherwise provided, any license issued under this Chapter may be revoked by the Village President after notice and hearing as provided hereafter in subsection B1 and B2 of this Section for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for the license.

2. Any violation by the licensee of this Chapter or other Village ordinances relating to the license, the subject matter of the license, or to the premises occupied.

3. Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.

4. Failure of the licensee to pay any indebtedness, fine or penalty owing to the Village.

5. Refusal to permit inspections or interference with an authorized Village officer or employee while in the performance of his duties in making such inspections as provided in Section 4-8-11 of this Chapter.

6. When the conduct of any licensee, agent or employee is so inimical to the public health, safety and general welfare and/or the continued operation of the business constitutes a nuisance and thus gives rise to an emergency.

Said revocation, if ordered, shall not be in lieu of any other provision imposing a penalty for the violation of any provisions of this Village Code.

B. The Village President shall conduct a hearing for the purpose of determining whether or not the license should be revoked in accordance with the following subsections:

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

2. The Village Attorney shall represent the Village at the hearing. The licensee shall be permitted counsel and have the right to submit evidence and cross-examine witnesses. The Village President shall serve as the hearing officer and shall render the decision.

C. Any person aggrieved by the decision of the Village President in connection with the revocation of a license as provided in subsection A of this Section, shall have the right to appeal to the Village Board of Trustees. Such appeal shall be taken by filing with the Board of Trustees, within ten (10) days after notice of a revocation, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee in the same manner as provided in this Section. The decision of a majority of the Board of Trustees present at the hearing of such appeal shall be required to reverse the decision of the Village President. (Ord. 84-0-4, 4-12-84)

4-1-13: PRORATION OF LICENSE FEES:

When any license is issued after January 1 in any year, the license fee so provided for in this Chapter shall be prorated over the remainder of the year by dividing the license fee required by twelve (12), which gives the amount of the license fee per month, and deducting for the months already passed; provided, however, that any license issued for a portion of a month shall be considered a full month and included in the months remaining of the then calendar year; further provided, that the minimum fee to be so paid shall be twenty five dollars ($25.00). Except as otherwise provided, all license fees shall become a part of the General Corporate Fund. (Ord. 85-0-19, 11-23-85)

4-1-14: ENUMERATION OF LICENSES, FEES:

It shall be unlawful for any person as herein defined to engage in or operate any business, business establishment, commercial enterprise, trade, occupation or activities named in this Section without first paying the license fee listed in Schedules A, B, C and D hereafter:

SCHEDULE A - GENERAL BUSINESS, MANUFACTURING

Ambulance service per vehicle	$ 135.00
Amusement park	350.00
	plus $50.00 per ride
Amusements, events or activities not specifically listed herein	150.00 per event
Animal kennel or hospital	350.00
Auctioneers, per day	130.00
Automobile, truck, motorcycle repair shop	360.00
Automobile, truck, motorcycle sales, new or used	600.00
Automobile wrecker and salvage	600.00
Automobile filling stations	600.00
Bakery shop	200.00
Beverage dealer for the sale of nonalcoholic beverages at retail or wholesale	200.00
Boat service and repairs	200.00
Bowling alley	300.00
Bus garages and storage	200.00
Butcher	175.00
Carnival, circus	200.00 per day
Car wash:	
1. Automatic	200.00
2. Self-service	180.00
Chemical storage, distribution and processing	600.00
Chemical waste material storage	600.00 per each 100-55
	gallon storage capacity
Contractors having a fixed place of business within the Village:	
1. General	350.00

2. Other:	200.00
Acoustical	
Building demolition	
Building relocation (movers)	
Carpenter - siding	
Concrete or cement	
Drainlayer	
Dry wall	
Electrical	
Excavating	
Fence	
Flooring and tile	
Garage	
Glazing	
Heating, ventilation, air conditioning and refrigeration	
Lathing and plastering	
Masonry	
Painting and decorating	
Paving	
Plumbing	
Roofing and Insulation	
Scavengers	
Sewer	
Sheet metal	
Contractor storage yard	300.00
Christmas tree sales	175.00
Dealers in deadly weapons	450.00
Department store	250.00
Drug store	200.00
Dry cleaning, off premises	250.00
Dry cleaning, on premises	350.00
Dry cleaning, self-service or coin operated	35.00 each machine
Dry goods	200.00

Florist	175.00
Fruit and notions stands	175.00
Furniture, retail or wholesale	200.00
Furniture moving, handling, storage	250.00
Garages (storage)	200.00
General business	200.00
Grocery store	200.00
Hardware store	200.00
Health club (Ord. 84-0-4, 4-21-84)	425.00
Heliports, including related business and service activities (Ord. 85-0-19, 11-23-85)	25,100.00
Hotel or motel	300.00
Ice cream parlor and/or soda fountain	200.00
Itinerant merchants, peddlers (Ord. 15-O-2010)	150.00 per day or 600 per week
Jeweler	200.00
Junk dealer, scrap metal	350.00
Laundromat, self-service, per machine, washers and dryers	10.00
Laundry	175.00
Lumberyards	350.00
Machine shop	300.00
Manufacturing, being the manufacture, processing, fabrication, blending, research or development of products	450.00
Massage parlor	450.00
Mobile food unit	250.00 per unit
Monument dealer	200.00
Movie theatres	300.00
Music store, records	200.00
News agency	200.00
Office supply, stationery	200.00
Photography studio, equipment	200.00
Poolroom	325.00
Printer	200.00
Propane gas, storage and wholesale or retail sale	1,100.00

Publishers	200.00
Radio, electrical appliances and repairs	200.00
Racquetball and/or sports club	300.00
Rental, automobiles	300.00
Rental service stores	250.00
Retail gas and oil station, minimum	300.00
For more than three (3) pumps (each additional)	20.00
Rooming or boarding house	350.00
Scavenger	250.00
Shoe dealer	200.00
Shoe repairer	200.00
Shooting gallery	300.00
Sporting goods	200.00
Stable	250.00
Horses other than in riding stables or for team purposes, each	35.00
Tailor (Ord. 84-0-4, 4-12-84)	200.00
Taxicabs, operator	300.00
	plus $35.00 per vehicle
Telephone company call-switching facilities	1,100.00
(Ord. 85-0-13, 10-30-85)	
Tourist camp	350.00
Trades personnel, licensed (plumber, carpenter, etc)	180.00
Trucking terminals	350.00
Undertaker or embalmer	200.00
Warehouses, per location	250.00
Wholesale oil station	350.00

(Ordinance 26-O-2009, 22-O-2011)

SCHEDULE B - FOOD SERVICE ESTABLISHMENTS

The annual license fee for each food service establishment shall be as follows:

Service Accommodation	Yearly License Fee
0 to 15 persons	$250.00
16 to 50 persons	350.00
51 to 75 persons	400.00
76 to 100 persons	450.00
101 to 150 persons	500.00
151 to 200 persons	550.00
201 to 300 persons	600.00
301 to 400 persons	650.00
Over 400 persons	700.00

The periodic fee for each temporary food service establishment shall be ten dollars ($10.00) a day up to a maximum fee of twenty five dollars ($25.00) for a period not exceeding one week. If the period of operation for a temporary food service establishment exceeds one week, an additional periodic license shall be issued at a fee in accordance with the aforesaid.

In the event a food service establishment is operated as a part of, or incidental to the principal commercial activity of a licensee required to pay a license fee under Schedule A of this section, such food service establishment shall not be required to pay the license fee under this Schedule B. Nothing in this paragraph shall relieve a food service establishment from applying for a license or otherwise complying with all ordinances of the village. There shall be no license fee for an occasional food service establishment.

SCHEDULE C - COIN-OPERATED DEVICES, MACHINES

A. Except as provided in subsection B below, effective January 1, 2001, every owner or proprietor of a business or business establishment having a coin-operated device or machine or any coin-operated amusement device of any kind whatsoever, including, but not limited to, video and electronic games and machines and billiard tables, jukebox or vending machine, automated teller machines, shall, in addition to the regular business license paid for such establishment, obtain and pay for each such coin-operated device or machine, an annual fee of one hundred fifty dollars ($150.00).

B. Any business licensee under this chapter, whose business operation is seasonal, and therefore, open less than six (6) months each calendar year, shall pay for each such coin-operated device or machine, an annual fee of seventy five dollars ($75.00).

SCHEDULE D- VILLAGE FACILITY RENTAL FEES

Location	Fee
Park Rental Fees	
Residents ($100.00 refundable and $150.00 non-refundable)	$250.00
Senior Center/Community Center	
Community Group, Dance Lessons, etc. 2 hour maximum	$37.50
Seminars, lectures 4 hours maximum	$100.00
Private parties, birthdays, graduation, showers, business or organization use ($100.00 refundable and $187.50 non-refundable) 6 hour maximum	$287.50

(Ord. 26-O-2009)

4-1-15: LICENSE NOT TO PRECLUDE OTHER LICENSES:

The license required in this chapter shall be in addition to any vehicle license, liquor license, building permit, inspection fees or any other fees or charges that may be required by other village ordinances, whether now existing or hereafter adopted. (Ord. 84-0-4, 4-12-1984)

4-1-16: PERSONS CONDUCTING MORE THAN ONE BUSINESS OR OCCUPATION:

In the event any person classified hereinbefore shall be engaged in another commercial activity listed herein in the same establishment, he shall pay a full license fee on each additional activity. (Ord. 84-0-4, 4-12-1984)

4-1-17: TRANSFER OF LICENSE:

No license granted under this chapter shall be assigned or transferred, nor shall any such license authorize any person to do business or act under it other than the person named therein. (Ord. 84-0-4, 4-12-1984)

4-1-18: ACTIVITIES, ORGANIZATIONS EXCLUDED:

A. The terms and provisions of this chapter shall not be made applicable to a building or premises or other portion thereof, the principal use of which is for the practice of medicine or dentistry or similar type of medical, professional or personal services, the practice of law, the operation of general office activities; provided, however, that such activities shall be subject to the terms and provisions of this chapter when accessory to the operation of commercial establishments as herein defined.

B. The license fee requirements of this chapter shall not apply to activities sponsored or conducted by religious, educational, charitable, civic or political organizations or institutions, except to the extent that such organization or institution routinely engages in the sale, serving or preparation of food or drink; or to governmental institutions or agencies acting in either a governmental or proprietary capacity; or to any franchised public utility except to the extent that such franchised public utility engages in the sale or preparation of food or drink for its employees; or to carriers regulated exclusively by the federal government; or to home occupations allowed under the zoning ordinance; or to private clubs except to the extent that such club routinely engages in the sale or preparation of food or drink for its members or their guests. Nothing in this section shall be deemed to diminish the authority of the village to perform any of its necessary or ordinary regulatory functions, nor shall any organization as described in this section be relieved of the responsibility of filing an application and securing a license as is otherwise provided by this chapter. (Ord. 84-0-4, 4-12-1984)

4-1-19: TENT SALES:

Sales of quality merchandise normally sold in the business establishment shall be permitted, under the following conditions, from a tent or similar structure:

A. The village board shall have the right to approve or reject all such tent sales upon application by the business owner.

B. Tent sales are allowed only in B-1 business district and C-1 commercial district.

C. The tent shall be erected so as to provide parking for at least fifty (50) vehicles on the applicant's property. No tent sales will be allowed that require parking on a street or public way.

D. No tent sales shall be allowed that exceed a fourteen (14) day period.

E. The applicant shall pay a fee of one hundred dollars ($100.00) for such license. (Ord. 88-0-21, 6-23-1988)

4-1-20: REGULATION OF COIN OPERATED DEVICES:

A. "Coin operated devices" as used herein shall mean all coin operated devices and machines including, but not limited to, all amusement devices, games and machines, video game machines and devices, cigarette machines, ice, milk, food, candy, soft drink, juice, water or other vending machines and jukeboxes.

B. All coin operated devices shall be operated and maintained wholly within the interior of the business or business establishment operating, owning or leasing same. The outdoor storage, maintenance or operation of a coin operated device is strictly prohibited. (Ord. 99-0-16, 4-22-1999)

4-1-21: SMOKING RESTRICTIONS:

A. Definitions:

Bar: Means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

Department: Means the Department of Public Health.

Employee: Means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits, or a person who volunteers his or her services for a non-profit entity.

Employer: Means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

Enclosed Area: Means all space between a floor and a ceiling that is enclosed or partially enclosed with (I) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

Enclosed or Partially Enclosed Sports Arena: Means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

Gaming Equipment or Supplies: Means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

Gaming Facility: Means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

Healthcare Facility: Means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare Facility" includes all waiting rooms, hallways, private rooms, semi-private rooms, and wards within healthcare facilities.

Place of Employment: Means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in Section 21K of this Chapter, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment".

Private Club: Means a not-for-profit association that 1) has been in active and continuous existence for at least January 1, 2005, whether incorporated or not, 2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, 3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purposes, but not for pecuniary gain, and 4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

Private Residence: Means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

Public Place: Means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 21K of this Chapter, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, education facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodations that are rented to guests, but excludes private residences.

Restaurant: Means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

Retail Tobacco Store: Means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for buying tobacco and related smoking accessories and in which the sale of other products is merely incidental.

Smoke or Smoking: Means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

State Agency: Has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

Village: Means the Village of Willow Springs, Cook County, Illinois.

B. Smoking in Public Places of Employment and Governmental Vehicles Prohibited.

No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. Smoking is prohibited in indoor public places and workplaces unless specifically exempted by Section 21F of this Chapter.

C. Posting of Signs; Removal of Ashtrays.

1. "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Section by the owner, operator, manager, or other person in control of that place.

2. Each public place and place of employment where smoking is prohibited by this Section shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

3. All ashtrays shall be removed from any area where smoking is prohibited by this Section by the owner, operator, manager, or other person having control of the area.

D. Smoking prohibited in student dormitories.

Notwithstanding any other provision of this Section, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

E. Designation of other non-smoking areas.

Notwithstanding any other provision of this Section, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in subsections 1 and 2 of Section 21C of this Chapter.

F. Exemptions.

Notwithstanding any other provision of this Section, smoking is allowed in the following areas:

1. Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

2. Retail tobacco stores are not exempted from this Section and shall not be permitted to operate in the Village of Willow Springs.

3. Hookah bars are not exempted from this Section and shall not be permitted to operate in the Village of Willow Springs.

4. Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

5. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into non-smoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or non-smoking may not be changed, except to permanently add additional non-smoking rooms.

G. Enforcement; Complaints.

1. The Willow Springs Police Department shall enforce the provisions of this Chapter and may assess fines pursuant to Section 21H of this Chapter.

2. Any person may register a complaint with the Willow Springs Police Department for a violation of this Chapter. In addition any person may register a complaint with the Department of Public Health or a State-certified local public health department for a violation of the Smoke Free Illinois Act 410 ILCS 821 et. seq.

H. Violations.

1. A person, corporation, partnership, association or other entity who violates Section 21B of this Chapter shall be fined pursuant to this Sub-Section. Each day that a violation occurs is a separate violation.

2. A person who smokes in an area where smoking is prohibited under Section 21B of this Ordinance shall be fined in an amount that is not less than $100 and

not more than $250. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 21B of this Ordinance shall be fined (i) not less than $250 for the first violation, (ii) not less than $500 for the second violation within one year after the first violation, and (iii) not less than $2,500 for each additional violation within one year after the first violation.

3. Proceedings to enforce violations of this Chapter may be initiated and conducted in accordance with and pursuant to the provisions of the Village Code providing for Administrative Adjudication of Code Violations or by any other means provided by law.

I. Injunctions. The Village of Willow Springs through its corporation counsel or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Section.

J. Discrimination Prohibited. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this Section.

K. Entrances, exits, windows, and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Chapter so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means. (Ord. 2008-O-01, Ord. 2009-O-22)

CHAPTER 2
BUSINESS AND OCCUPATIONAL TAX REGULATIONS

4-2-1: RETAILERS' OCCUPATION TAX:

A. Established: A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail at the rate of one percent (1%) of the gross receipts from such sales made in the course of such business in accordance with the provisions of the Illinois Revised Statutes, chapter 24, section 8-11-1. (Ord., 8-11-55; amd. 1983 Code)

B. Report to be Filed: Every person engaged in such business in the Village shall file on or before the fifteenth day of each calendar month, the report to the State Department of Revenue required by Section Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 28, 1933, as amended.

C. Tax to be Paid: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month. (Ord., 8-11-55)

4-2-2: SERVICE OCCUPATION TAX:

A. Tax Imposed: A tax is hereby imposed upon all persons engaged in this Municipality in the business of making sales of service at the rate of one percent (1%) of the cost price of all tangible personal property transferred by said servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of chapter 24, section 8-11-5 of the Illinois Municipal Code.

B. File Report: Every supplier or serviceman required to account for municipal service occupation tax for the benefit of this Municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by section nine of the Service Occupation Tax Act.

C. Payment of Tax: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed. (Ord. 69-5-11a, 8-14-69)

4-2-3: MUNICIPAL USE TAX:

A. Tax Imposed: A tax is hereby imposed in accordance with the provisions of chapter 24, section 8-11-6 of the Illinois Municipal Code upon the privilege of using in the Municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of one percent (1%) of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955.

B. Collection: Such tax shall be collected by the Illinois Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued. (Ord. 74-22, 11-14-74)

4-2-4: MUNICIPAL AUTOMOBILE RENTING OCCUPATION TAX:

A. Tax Imposed: A tax is hereby imposed upon all persons engaged in the business of renting automobiles in this Village at the rate of one percent (1%) of the gross receipts from such rentals made in the course of such business while this Section is in effect, according to the provisions of the Illinois Revised Statutes, chapter 24, section 8-11-7.

B. File Report: Every such person engaged in such business in the Village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by sections 2 and 3 of "An Act in Relation to a Tax Upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 29, 1933, as amended.

C. Payment of Tax: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the renting of automobiles during the preceding month. (Ord. 82-0-3, 1-14-82)

4-2-5: MUNICIPAL AUTOMOBILE RENTING USE TAX:

A. Tax Imposed: A tax is hereby imposed upon the privilege of using in this Village an automobile which is rented from a renter outside Illinois and which is titled or registered with an agency of this State's government in this Village at the rate of one percent (1%) of the rental price of such automobile while this Section is in effect, in accordance with the provisions of the Illinois Revised Statutes, chapter 24, section 8-11-8.

B. Tax to be Collected: The tax provided for in this Section shall be collected from the persons whose Illinois address for titling or registration purposes is given as being in this Village.

C. Payment of Tax: The tax imposed by this Section shall be paid to the Illinois Department of Revenue. (Ord. 82-0-2, 1-14-82)

4-2-6: SPORT AMUSEMENT TAX:

A. Definition: As used herein, the word "sport amusement" shall include both participative and exhibitive sports, including, but not by way of limitation, the following activities and sports: Any athletic contest, sport or game, including boxing, wrestling, skating, dancing, swimming, racing or riding animals or vehicles, baseball, basketball, softball, football, tennis, racquetball, handball, golf, hockey, track and field games, soccer, rugby, bowling, billiards and pool games, including the giving of lessons or demonstrations of any of the above-described activities characterized as amusements under this Section. (Ord. 80-10, 7-15-80)

B. Tax Imposed: A tax is hereby imposed upon all persons, operating amusements within the corporate limits of the Village in an amount equal to three percent (3%) of the gross receipts collected in the form of fees or charges, irrespective of whether such fees or charges are characterized as admission fees, membership fees, service or use charges or rent. Gross receipts as defined herein shall be exclusive of any tax imposed by the United States government, the State, or any other government unit. (Ord. 80-10, 7-15-80; amd. 1983 Code)

As distinguished from private clubs operated on a not-for-profit basis, the persons taxed hereunder shall be those operating sports as a business for profit, irrespective of whether such sport is offered generally to the public or requires membership as a precondition to participation or observation of the sport.

C. Payment; Collection: The tax imposed herein shall be due and payable on the twenty fifth day of the month following the preceding calendar month during which the gross receipts were received. The tax shall be paid to and collected by the Village Clerk.

D. Books and Records: Each person required to pay the tax provided for hereunder shall either personally or through his or its authorized agents, maintain complete books and records covering the operation of the amusement so taxed, indicating therein all receipts from the operation of said business, as herein defined. Such books and records shall be maintained on the premises wherein the amusement is located and shall be subject to inspection by the Village Clerk or his authorized agents at all reasonable times.

E. Exemptions: Any person liable for the payment of the sport amusement tax provided for in this Section shall be exempt from the payment of any Municipal license fee required under this Village Code, directly and specifically related to the activities constituting the sport amusement tax.

F. Reports: On or before the twenty fifth day of each month each person liable for the payment of a tax hereunder shall file with the Village Clerk a written report in such form as the Clerk may from time to time provide, stating the gross receipts collected during the preceding month in the form of fees or charges as herein defined.

G. Penalty: Any person who shall fail or refuse to pay any required tax or who shall fail to complete or allow the inspection of any books and records required herein, or who shall fail to file the written report of the gross receipts collected during the preceding month, or who shall wilfully and knowingly maintain false books or falsely report the gross receipts' taxes hereunder or shall otherwise violate any term of this Section shall be liable for the penalty and fines provided for in Section 1-4-1 of this Village Code. In addition, if any violation is not corrected within ten (10) days after written notice from the Village Clerk of any violation, the person responsible for the operation of the sport amusement with respect to which the violation occurs shall be prohibited from operating same for a period of thirty (30) days. For the purpose of this Section, each day during which a violation of this Section shall exist, shall constitute a separate and distinct offense. (Ord. 80-10, 7-15-80)

4-2-7: FOREIGN FIRE INSURANCE TAX:

A. Tax Levied: All corporations, companies and associations not incorporated under the laws of this State, which are engaged in business in the Village organized under any general or special laws of this State in effecting fire insurance, shall pay to the Treasurer for the maintenance, use and benefit of the Fire District contracted by the

Village thereof, two percent (2%) of the gross receipts received by their agency in the Village, said two percent (2%) to be paid by said companies, corporations or associations upon the amount of all premiums which during the year ending on every July 1 shall have been received for any insurance effected or agreed to be effected in the Village by or with such companies, corporations or associations respectively.

B. Reports: Every person who shall act as agent or otherwise for or on behalf of any such corporation, company or association shall, on or before July 15 of each and every year, render to the Clerk a full, true and just account, verified by his oath, of all the premiums which during the year ending on July 1 preceding such report shall have been received by him or any other person for him in behalf of any such corporation, company or association, and shall specify in such report the amounts received for fire insurance.

C. Payments: Such agents shall also pay to the Treasurer at the time of rendering the aforesaid report, the said two percent (2%) fixed by this Chapter by which the companies, corporations or associations represented by them are severally chargeable by virtue of this Chapter. The Village shall forward all foreign fire insurance revenues to the Fire District contracted by the Village within 30 days after receipt. (Ord., 3-25-1897, 2014-O-21)

4-2-8: MUNICIPAL REPLACEMENT VEHICLE TAX:

A. Tax Imposed: A tax is hereby imposed upon each vehicle, as defined in section 1-146 of the Illinois Vehicle Code, purchased by this Village by or on behalf of an insurance company to replace a vehicle of an insured person in settlement of a total loss claimed. The tax shall be in the amount of fifty dollars ($50.00) per vehicle purchased.

B. Certificate Required: Every such insurance company that purchases a replacement vehicle as defined herein shall complete and file with the Illinois Department of Revenue a replacement vehicle certificate. (Form RVT-7).

C. Payment: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed. (Ord. 84-0-7, 5-10-84)

CHAPTER 3
ALCOHOLIC LIQUOR REGULATIONS

4-3-1: TITLE; EFFECTIVE DATE:

A. Short Title: The provisions of this chapter may be cited and referred to as the *WILLOW SPRINGS LIQUOR CONTROL ORDINANCE*. (Ord. 14-O-2016)

4-3-2: PURPOSE:

It is the policy of the village to strictly limit the sale of alcoholic liquor at retail within the village in accordance with the terms, conditions and regulations herein. It is deemed conducive to the promotion of this public policy to limit the number of licenses that allow the sale of alcoholic liquor at retail. (Ord. 35-O-2000, 11-21-2000, 14-O-2016)

4-3-3: DEFINITIONS:

Unless the context otherwise requires, the following words and terms used in this chapter shall be construed according to these definitions:

ALCOHOL: The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

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

BEER: A beverage obtained by alcoholic fermentation or concoction of barley, or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

CONSUMPTION SALES: The sale or offering for sale at retail of any alcoholic liquor for consumption on the premises where sold.

FAST-FOOD RESTAURANT: Shall mean, but not be limited to, a restaurant that has: patrons ordering food from a counter area or service window; patrons picking up food or beverages from a counter area or service window; payment for food or beverages at the time they are ordered; menus limited to food items requiring minimal preparation; menus not offering a wide variety of foods from all major food groups; food and beverages being available for carryout; the presence of drive-up facilities; patrons not paying gratuities; restaurants not having waiters or waitresses; food and beverages not being served on or in permanent plates or containers and/or not being served with permanent utensils; not having individual menus for each patron; patrons bussing their own tables; food being prepared in an area not entirely separated from patrons by full walls; and trash containers being contained within the restaurant eating area. The foregoing factors may be considered by the local liquor control commissioner in determining whether a business is a "fast food restaurant". The determination of the local liquor control commissioner shall be based upon the totality of the circumstances.

LICENSED PREMISES: The premises described in the license.

LICENSEE: Any person receiving a license under this chapter.

LOCAL LIQUOR CONTROL COMMISSIONER: When used herein or when mentioned in this chapter as the "Local Commissioner", the reference is being made to the village president.

ORIGINAL PACKAGE: Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

OWNER: Shall include all persons who are owners or lessees or otherwise who are in control of any place where the sale of alcoholic liquor is carried on, whether they be individuals, a partnership including all partners thereof, or a corporation including the shareholders, directors and officers thereof.

PACKAGE SALES: The sale or offering for sale at retail of alcoholic liquor in the original package and not to be consumed or in fact consumed in whole or in part on the premises where sold.

PERSON: Any person, firm, partnership or corporation.

BALLROOM/BANQUET FACILITY: Any public place which has a seating capacity of not less than forty five (45) persons and where the primary business conducted upon the premises is that of a ballroom/banquet hall where not less than seventy five percent (75%) of the retail floor area (exclusive of dance floor area) at which an activity is catering of private parties, either exclusively or in conjunction with a “restaurant” business; and, where there is service for consumption at tables of a full multiple course meal at a prearranged fixed unit price, or hors d’oeuvres, buffet or smorgasbord, and at which alcoholic liquor may be served or sold as incidental to such food services. Each of such private parties must be prearranged and under sponsorship of a particular person or organization. (Ord. 14-O-2016)

RESTAURANT: Any public place held out to the public as a place where meals are regularly served and where adequate provision is made for sanitary kitchen and dining equipment and a sufficient number of employees to prepare, cook and serve a reasonable variety of meals for customers. The mere availability of snack items, prepackaged food items, cold sandwiches or similar foods shall not be sufficient to meet this definition. It is the intent of this chapter that a restaurant shall have full service of meals. A fast food restaurant is not a premises to be licensed as a restaurant hereunder. (Ord. 14-O-2016)

RETAILER: A person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

SALE: Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

SELL AT RETAIL AND SALE AT RETAIL: The sale for use or consumption and not for resale in any form.

SPIRITS: Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

VILLAGE: The village of Willow Springs, Illinois, a municipal corporation, as defined by state statutes.

WINE: Any alcoholic beverage obtained by fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of "alcohol" or "spirits" as above defined. (Ord. 35-O-2000, 11-21-2000)

4-3-4: EXCEPTIONS TO REGULATIONS:

A. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent (0.5%), or less, of alcohol by volume.

B. Nothing herein contained shall prevent the possession and transportation of alcoholic liquor for the personal use of the possessor, his family and guests, or prevent the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the products thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his family and his guests; and provided further that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or any hospital or other institution caring for sick and diseased persons from possessing alcoholic liquor for the treatment of bona fide patients of such hospital or other institution; and provided further that any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions for duly licensed physicians; and provided further that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this chapter. (Ord. 35-O-2000, 11-21-2000)

4-3-5: LOCAL LIQUOR CONTROL COMMISSIONER DESIGNATED; POWERS AND DUTIES:

A. Village President To Serve As Commissioner: The village president shall be the "Local Commissioner" as defined in the liquor control act, section 5/4-2 (herein the "Local Commissioner"), and shall be charged with the administration of the liquor control act and of such ordinances and resolutions related to alcoholic liquor as may be enacted by the president and board of trustees of the village.

B. Compensation: The village board shall establish by ordinance any compensation to be paid to the local commissioner as said board may from time to time deem necessary for the proper performance of the duties vested in him P[19P] .

C. Powers And Duties: The local commissioner shall have all of the powers and duties set forth in the liquor control act, including:

1. To grant and/or suspend for not more than thirty (30) days or revoke for cause, all local licenses issued to persons or entities for premises within the village. In addition to any suspension, the local commissioner may levy a fine on the licensee. The fine imposed shall not exceed one thousand dollars ($1,000.00) for each violation. Each day on which a violation continues shall constitute a separate violation. Not more than ten thousand dollars ($10,000.00) in fines may be imposed against any licensee during any license year.

2. To enter or to authorize any law enforcement officer to enter, at any time, upon a premises licensed hereunder, to determine whether any of the provisions of the state statutes or this code, or any rules or regulations adopted by the local commissioner or by the Illinois liquor control commission have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

3. To receive complaints from any citizen within the village when any provision of the state statutes or this code have been or are being violated and act upon such complaints in the manner provided by law.

4. To receive local liquor license fees and deposit same to the credit of the village.

5. To examine, or cause to be examined, under oath, any applicant for a local license or for the renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, or any licensee against whom a citation proceeding has been instituted by the Illinois liquor control commission; to examine, or cause to be examined, the books and records of any such applicant or licensee; and to hear testimony and take evidence for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the local commissioner under this subsection, he may authorize his agent to act on his behalf.

6. To order, by issuance of a written order, any licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, if the local commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the village; except, that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.

7. To make such reasonable rules and regulations as he may deem necessary in the performance of his duties.

D. Keeping of Records: The local commissioner, or his designated agent, shall keep a record of all proceedings, transactions, communications and official acts. The local commissioner, or his designated agent, shall be custodian of all records for the local commissioner and shall perform such other duties as the local commissioner may prescribe. (Ord. 35-O-2000, 11-21-2000)

4-3-6: INSPECTION POWERS:

The local commissioner, and any other law enforcing officer or other village employees, as directed by the local commissioner, are hereby given the power and authority to enter, at any time, upon any licensed premises to determine whether any of the provisions of the Illinois liquor control act of 1934, 235 Illinois Compiled Statutes 5/1-1 et seq., (herein the "Illinois Liquor Control Act") or any of the provisions of other ordinances of the village or any regulations or rules adopted by the state of Illinois liquor commission or the local commissioner have been or are being violated, and at such time to examine the premises of said licensee in connection therewith. (Ord. 35-O-2000, 11-21-2000)

4-3-7: LICENSE REQUIRED FOR SALE, CONSUMPTION:

It shall be unlawful for any person, either by himself or (his) agent, or any person acting as an agent, barkeeper, clerk or servant of another, to sell or offer for sale at retail, to deliver or to keep with the intention of selling at retail or delivering alcoholic liquor within the village, without first having obtained a license to do so, as is hereinafter provided. It shall also be unlawful for any person himself, or acting through the agency of another person, to sell or offer any alcoholic liquor for sale at retail in the village in violation of the terms and conditions of such license or of the provisions of this chapter. (Ord. 35-O-2000, 11-21-2000)

4-3-8: APPLICATIONS FOR LICENSE TO SELL ALCOHOLIC LIQUOR:

A. Application For License: Applications for licenses hereunder shall be made to the local commissioner, in writing, under oath, and signed by the applicant, in accordance with the directions set forth in the application to be provided by the local commissioner. A "Liquor License Personal Interest Form" shall be completed in writing, under oath, for each person required to sign the application and each manager employed or to be employed at the licensed premises. A complete application for any license renewal (i.e., payment of all required fees, completed liquor license application together with all attachments required thereto and all required liquor license personal interest forms) shall be submitted at least ninety (90) days prior to the beginning of any license year, i.e., on or before February 1. Failure to do so may result in a delay in the renewal license being issued. The liquor license application shall contain, at a minimum, the following information, as well as any and all other required submittals and information that may be required by the local commissioner:

1. Applicant's name, mailing and residence address and telephone number;

2. That applicant is a citizen of the United States;

3. Applicant's place of birth and, if a naturalized citizen, the time and place of naturalization;

4. That applicant has never been convicted of a felony or any other offenses prohibited under section 4-3-14 of this chapter;

5. The name of the business and the street address and legal description of the premises for which the license is sought. Applicant shall also submit proof of ownership of the premises, such as an owner's title insurance policy or other proof of ownership deemed sufficient by the local commissioner. In the event applicant leases the premises, then a copy of said executed lease, certified by the applicant and the lessor under the lease to be a true and accurate copy of applicant's lease, shall be submitted with the completed application, together with the address and telephone number of the lessor; (Ord. 14-O-2016)

6. That the proposed location for a license is not within one hundred feet (100') 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. The distance of one hundred feet (100') shall, in all cases, be measured from the property boundary of the proposed location for a license nearest to the property boundary line of the aforementioned use;

7. That applicant will not violate any of the laws or ordinances of the village, the state of Illinois or of the United States in the conduct of his place of business;

8. The name, age, address and telephone number of the person or persons who will manage the business of the applicant in the village, which person shall also be required to complete a liquor license personal interest form and otherwise be qualified hereunder;

9. The length of time that said applicant has been in business and the nature of applicant's business experiences;

10. The application shall contain applicant's statement as to whether or not applicant has ever made application for a license to sell alcoholic liquor to any other governmental entity and the disposition or status of such application;

11. Whether or not the applicant, individually or any firm or entity with which the applicant has been connected with previously as a sole proprietor, shareholder, partner or manager had been issued any previous license for the sale or handling of alcoholic liquor, which license had been revoked or suspended by the federal government or by any state, county or local government, and the reasons or causes for

such revocation or suspension. Any such statement shall include information identifying: a) the previous jurisdiction issuing such license; b) the licensee(s) by names and addresses; c) the address of the licensed premises; and d) the name of the licensed establishment and the date or dates of such revocation or suspension;

12. A verified financial statement showing the assets and liabilities of the applicant dated no later than thirty (30) days prior to the date of application. The financial statement shall be deemed "confidential" by the village. Such financial statement may be enclosed in a sealed envelope that is filed with the local commissioner. The financial information submitted shall be information available for consideration by the local commissioner in the review of the application for the initial license or for any renewal of the license. Likewise, verified financial statements shall be submitted for all persons who will share the profits or losses of a partnership which seeks a license, as well as for shareholders owning more than five percent (5%) of the issued and outstanding shares of a corporation which applies for a license;

13. The applicant's retailers' occupation tax (ROT) registration number and a statement whether the applicant is delinquent in the payment of the retailers' occupation tax (sales tax) and, if so, the reasons therefor;

14. Whether the applicant, any individual required to be identified in the application, i.e., shareholders, partners or managers, or any other person, directly or indirectly interested in the place of business is a law enforcement officer or public official, and if so, the particulars thereof;

15. A floor plan, diagram, or drawing deemed suitable by the local commissioner, illustrating the premises, in which alcoholic liquor is to be sold;

16. The current zoning of the premises at which the applicant's place of business is to be operated;

17. Whether the applicant possesses a current federal wagering stamp and if so , the reasons therefor; (Ord. 14-O-2016)

18. Whether the applicant has ever been convicted of a gaming offense or a felony and if so the particulars thereof; (Ord. 14-O-2016)

19. Copies of all employees BASSET certifications; (Ord. 14-O-2016)

20. Such additional information as the local commissioner may deem necessary in order to establish the character of the applicant; and

21. A "Liquor License Personal Interest Form", in the following form shall be completed, signed and submitted with each application, whether initial application or renewal application, for each of the following:

a. In the case of a sole owner, the applicant;

b. In the case of a partnership, shall be furnished as to each partner;

c. In the case of a corporation, for each shareholder owning more than five percent (5%) of the issued and outstanding shares of the corporation and each officer and director thereof; and

d. In case the business of licensee is to be managed by a person, or persons, each of such manager(s).

The form of the "Liquor License Personal Interest Form" is as follows:

VILLAGE OF WILLOW SPRINGS

LIQUOR LICENSE PERSONAL INTEREST FORM

(To be attached to each liquor license application (whether initial or renewal) by each person designated in Village Code Section 4-3-8A(18).)

1. Name of applicant as shown on liquor license application:

2. Name and home residence address of person having personal interest:

3. Home and business telephone numbers:

4. Sex:

5. Date and place of birth (attach copy of birth certificate if born in the United States):

6. Social Security number:

7. Position in the business, i.e., partner, shareholder, directors, officers or manager;

8. Percent of ownership, if any:

9. Driver's license number and state of issuance (attach a copy of current driver's license):

10. Citizenship:

If naturalized, date and place of naturalization and certificate of naturalization number:

11. Have you ever been convicted of a felony under any federal or state law? If yes, give detailed particulars:

12. Have you ever been convicted of being the keeper of a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution? If yes, give detailed particulars: (Ord. 14-O-2016)

13. Have you ever been convicted of pandering or other crime or misdemeanor opposed to decency and morality? If yes, give detailed particulars:

14. Have you ever been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor and/or have you ever forfeited a bond to appear in court to answer charges for any such violation? If yes, give detailed particulars:

15. Have you ever been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of the "Criminal Code of 1961," as heretofore or hereafter amended, or as proscribed by any statute replaced by any of the aforesaid statutory provisions? If yes, give detailed particulars:

16. Have you ever made an application for a liquor license which has been denied? If yes, give detailed particulars:

17. Have you ever had any previous liquor license revoked? If yes, give detailed particulars:

18. Are you a law enforcing public official, a member of a local liquor control commission, a mayor, alderman, or member of any city council or commission, a president, trustee or member of any village board of trustees, or the president or member of a county board? If yes, give detailed particulars:

19. Do you hold a federal wagering stamp or federal gaming device stamp issued for the current tax period?

Dated: _____

Signature: _____

STATE OF ILLINOIS)

) SS

COUNTY OF COOK)

Subscribed and Sworn to before me this day of , 20 .

B. Payment Of Fees; Review Of Application: Applications for licenses, or renewals of licenses, shall be filed in duplicate, along with a cashier's check or certified check, payable to the village for the total amount of the initial application fee, if applicable, and the annual license fee being applied for, all of which shall be filed in the office of the village clerk. The village clerk, or duly authorized representative, shall deliver the check to the village treasurer, and shall forthwith cause a duplicate original of the application and supporting papers, including any sealed envelope containing the financial statements of applicants, to be delivered to the local commissioner. Upon receipt thereof, the local commissioner shall examine such application and the supporting documents and if same appear to be in order and complete, he/she shall make such further inquiry or examination as may be deemed appropriate under this chapter and under the circumstances. In the event the application is denied, only the amount remitted as the annual license fee and not the initial application fee shall be refunded by the village treasurer to the applicant.

C. Signature And Oath Required: Applications for licenses, and renewal of licenses, shall be signed by: 1) the applicant if a sole owner; 2) by a president and secretary, if applicant is a corporation, or by two (2) duly authorized agents of the corporation; 3) by all partners owning more than five percent (5%) of the partnership, if applicant is a partnership; and 4) in the case of all other forms of ownership, by at least two (2) authorized agents. All applications shall be verified by applicant by affidavit under oath. (Ord. 35-O-2000, 11-21-2000)

4-3-9: LICENSE CLASSIFICATIONS, FEES, NUMBER OF LICENSES:

Licenses to sell alcoholic liquor at retail shall be of the following classes: (Ord. 35-O-2000, 11-21-2000)

A. Class R-B License: A class R-B license shall entitle the licensee to make sales at retail of alcoholic liquor only in a restaurant for use or consumption only on the premises where sold. A class R-B license shall have a closing hour of two o'clock (2:00) A.M., provided, however, that a class R-B license shall require that the service of complete sit down meals, as defined and explained in the definition of "Restaurant" in section 4-3-3 of this chapter, be fully available for all patrons on the licensed premises until no less than one hour before the closing hour of the licensed premises. The annual license fee for a class R-B license shall be two thousand five hundred dollars ($2,500.00). There shall be no more than six (6) class R-B licenses issued and outstanding in the village at any one time. (Ord. 8-O-2002, 3-14-2002, 14-O-2016)

A-1. Class R-B-1 License: A class R-B-1 license shall entitle the licensee to make sales at retail of alcoholic liquor only in a ballroom or banquet facility for use or consumption only on the premises where sold. A class R-B -1 license shall have a closing hour of two o'clock (2:00) A.M., The annual license fee for a class R-B-1 license shall be two thousand five hundred dollars ($2,500.00). There shall be no more than two (2) class R-B-1 licenses issued and outstanding in the village at any one time. (Ord. 14-O-2016)

B. Class A License: A class A license shall entitle the licensee to make sales at retail of alcoholic liquor from the premises specified for use or consumption on or off the premises where sold. A class A license shall have a closing hour of two o'clock (2:00) A.M. No "amusements/entertainments", as defined and regulated by chapter 4 of this title, shall be permitted in any premises holding a class A license unless the license required under chapter 4 of this title has been properly obtained and maintained in full force and effect by licensee. The annual license fee for a class A license shall be two thousand five hundred dollars ($2,500.00). There shall be no more than two (2) class A licenses issued and outstanding in the village at any one time. (Ord. 14-O-2016)

C. Class B License: A class B license shall entitle the licensee to make package sales at retail of alcoholic liquor only for use and consumption off the premises where sold, where the package sales of alcoholic liquor is the primary business conducted on the premises (i.e., a liquor store) as determined by the local commissioner. A class B license shall have a closing hour of twelve o'clock (12:00) midnight. The annual license fee for a class B license shall be three thousand dollars ($3,000.00). There shall be no more than one (1) class B licenses issued and outstanding in the village at any one time. (Ord. 14-O-2016)

D. Class B-1 License: A class B-1 license shall entitle the licensee to make package sales at retail of alcoholic liquor only for use and consumption off the premises where sold when the package sales of liquor is not the primary business conducted on the premises as determined by the local commissioner. A class B-1 license shall have a closing hour of twelve o'clock (12:00) midnight. The annual license fee for a class B-1 license shall be two thousand dollars ($2,000.00). There shall be no more than two (2) class B-1 licenses issued and outstanding in the village at any one time. (Ord. 14-O-2016)

E. Class C License: A class C license shall entitle the licensee to make sales at retail of beer and wine only for use or consumption on the premises where sold. A class C license shall have a closing hour of twelve o'clock (12:00) midnight. The annual license fee for a class C license shall be one thousand two hundred fifty dollars ($1,250.00). There shall be no more than one (1) class C license issued and outstanding in the village at any one time. (Ord. 35-O-2000, 11-21-2000, 14-O-2016)

F. Class D License: A class D license shall authorize the sale on the specified premises of alcoholic liquor only for consumption on said premises when the primary business conducted upon said premises is that of a recreational facility. For the purpose of this class D license, a "recreational facility" shall be defined as a racquetball club, tennis club, health/fitness club, sports complex or bowling alley, wherein at least eighty five percent (85%) of the floor area is devoted to recreational purposes other than the sale or consumption of alcoholic liquor. No "amusements/entertainments", as defined and regulated by chapter 4 of this title, shall be permitted at any recreational facility holding a class D license. Any licensee holding a class D license shall also comply

with the requirements of subsection 4-3-25N of this chapter. A class D license shall entitle the licensee to make sales at retail of alcoholic liquor only from that portion of the premises so designated for such sales and only for use and consumption on the premises where sold. A class D license shall allow the sale of alcoholic liquor only during the hours that the recreational facility at the licensed premises is open for use, but in no event shall the sale of alcoholic liquor extend beyond eleven o'clock (11:00) P.M. The park district is allowed to serve alcohol on the premises up to twelve o'clock (12:00) midnight, Sunday through Thursday, and one o'clock (1:00) A.M. on Fridays and Saturdays. The annual license fee for a class D license shall be two thousand five hundred dollars ($2,500.00). There shall be no more than one class D license issued and outstanding in the village at any one time. (Ord. 35-O-2000, 11-21-2000; amd. Ord. 18-O-2005, 9-22-2005, 14-O-2016)

G. Class E License: A class E license shall be a temporary permit for the sale at retail of alcoholic liquor at any banquet, picnic, bazaar, fair or similar assembly where food or drink is sold, served or dispensed. Such temporary permits shall be issued only to an organized church, society, fraternal or benevolent organization organized or conducted not for pecuniary profit as determined by the local commissioner or any entity approved by local commissioner. Such temporary permits shall not permit the sale of any alcoholic liquors in any place where the sale thereof is prohibited by law or by ordinance of the village. Such permits shall be issued for a specific location, with a closing hour of eleven o'clock (11:00) P.M. The fee for such temporary permits shall be six hundred dollars ($600.00) and said permits shall permit the licensee to sell at retail said alcoholic liquors only for a period of four (4) days or less. Said period to be designated by dates in said license. There shall be no restriction as to the number of class E licenses issued and outstanding in the village at any one time. Every application for a class E license shall be accompanied by a certificate of insurance naming the village as an additional insured thereon issued by a company or companies acceptable to the local commissioner evidencing the existence of the following policies of insurance: (Ord. 14-O-2016)

1. Liquor liability insurance in accordance with the Illinois liquor control act with minimum limits of one million dollars ($1,000,000.00) bodily injury, per person and per occurrence; and five hundred thousand dollars ($500,000.00) property damage; and

2. A comprehensive general liability policy of insurance with minimum limits of one million dollars ($1,000,000.00) bodily injury and property damage, per person and per occurrence.

H. Class G License. A class G license shall authorize establishments to manufacture beer and to store the manufactured beer on the licensed premises, to sell and offer for retail the beer manufactured on the premises for consumption on premises or sale by the package for consumption off premise from ten o’clock (10:00) a.m. to two o’clock (2:00) a.m. Monday through Sunday. The annual license fee for a class G license shall be two thousand dollars ($2,000.00). There shall be no more than one (1) class

G license issued and outstanding in the village at any one time. (Ord. 2013-O-13; 14-O-2016)

I. Class H License. A class H license shall authorize establishments to sell and offer for retail wine and/or craft beer in the original package for consumption off premise as well as such wine or craft beer being offered as a tasting sample or as part of a brew it yourself beer or wine making class, event, demonstration or similar activity, all of which are attended by persons at least 21 years of age, offered to the retail purchasers for a fee which retail sale may include: (1) tastings of beer or wine; (2) storage on the premises of beer or wine during its fermentation process; (3) beer and wine drafted by other companies and (4) delivery of finished beer or wine to the purchaser for consumption off premises. Tastings shall not exceed forty-eight (48) ounces of beer or twenty-four (24) ounces of wine, in one day/event. The annual license fee for a class H license shall be two thousand five hundred_dollars ($2,500.00). There shall be no more than one class H license issued and outstanding in the village at any one time. The retail sale of wine and/or craft beer pursuant to a class H license is expressly subject to the following further condition:

(1.) No person holding a class H license issued pursuant to this chapter shall sell, offer, deliver, or permit to be sold, offered for sale, given away or delivered, any wine and/or craft beer except between the hours of ten o'clock (10:00) A.M. and eleven o'clock (11:00) P.M. Monday through Sunday.

(Ord. 2015-O-18, Ord. 2016-O-02, Ord. 2016-O-14)

4-3-10: INCREASE/DECREASE NUMBER OF LICENSES; NONTRANSFERABILITY:

A. Increase Or Decrease In Number:

1. Number of Licenses; Increase and Decrease: The board of trustees shall determine, by ordinance, the number of licenses that are available in each classification. A liquor license may be issued to an applicant by the local commissioner only after such license has been created by the board of trustees. Neither the local commissioner nor any other person or entity may issue liquor licenses in a number that is in excess of the number authorized for each classification by the board of trustees. An up to date schedule of the authorized number of licenses available in each classification shall be maintained by, and available from, the President or Village Clerk. When a liquor license expires and is not renewed or is revoked or terminated, the number of authorized licenses in a particular class shall automatically be reduced by the total number of non-renewed, revoked or terminated licenses. The local commissioner shall notify, in writing, the village clerk and board of trustees of the revocation or termination of any authorized license within seven (7) days of such occurrence. (Ord. 2016-O-14)

B. License Nontransferable: A liquor license is nontransferable. In the case of any sale, change of ownership, or change of location, the license issued to the transferor will be revoked and the transferee, or the same owner(s) who has relocated, must apply for a new license. (Ord. 35-O-2000, 11-21-2000)

4-3-11: LICENSE TERM; LICENSE FEES; LICENSE FOR PART OF YEAR; RENEWAL; FORFEITURE:

A. License Term: A license hereunder shall be issued for one year from May 1 to April 30 of the succeeding year, regardless of the date of issuance. Any license issued after May 1 in any year shall, nonetheless, expire on April 30 following the date of issuance. All licenses shall expire on April 30 at eleven fifty nine o'clock (11:59) P.M. of each year.

B. License Fee: All license fees, and initial expense, shall be payable in advance, and at the time the application for license, or license renewal, is made.

C. License For Part Of Year: For any annual license provided by this chapter and issued prior to November 1 in any calendar year, the full prescribed annual fee shall be paid. For any such license issued on or after November 1 in any calendar year and expiring on April 30 following, one-half (1/2) the prescribed annual fee shall be paid. There shall be no refund for any unused portion of an annual license fee stated herein. Whether such license is terminated, revoked or suspended, either voluntarily, involuntarily or by operation of law.

D. Renewal Of License: Any licensee may apply for renewal of a license at the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the president and board of trustees from decreasing the number of licenses to be issued within the village as a total or to be issued within the village within any class of licenses.

E. Failure To Renew: Failure to renew a license by completing all required application requirements and submittals, including the payment of the required license fee, prior to May 1, in any given year, shall be considered by the local commissioner as an abandonment by such licensee of his right to a renewal of such license.

F. Cessation Of Business; Forfeiture Of License: Any licensee who ceases to do business or closes his place of business for a period of more than thirty (30) successive days without prior written notification to the local commissioner shall have his license automatically terminate and the number of licenses in that class shall immediately be reduced by one. (Ord. 35-O-2000, 11-21-2000, 2016-O-14)

4-3-12: INITIAL LICENSE EXPENSE:

In connection with the first application of any person applying for a license under this chapter (whether or not the issuance of such license would require an amendatory ordinance authorizing an increase in the number of licenses authorized to be issued), said person shall pay at the time of such application a nonrefundable initial license expense of one thousand five hundred dollars ($1,500.00) in addition to the annual license fees required in this chapter. The initial license expense shall be for the purpose of defraying any and all costs which the village may incur as a result of the consideration and investigations of said application. The initial license expense shall not be refundable regardless of whether or not a license is granted. (Ord. 35-O-2000, 11-21-2000)

4-3-13: HOURS OF OPERATION:

A. It shall be unlawful for a licensee hereunder holding a class R-B, class A, class C, class D or class E license to deliver, sell or offer for sale at retail any alcoholic liquor in the village for use or consumption on the premises where sold between the closing hours of the specified license class and eleven o'clock (11:00) A.M. (Ord. 8-O-2001, 4-12-2001)

B. It shall be unlawful for a licensee hereunder holding a class B or class B-1 license to deliver, sell or offer for sale at retail any alcoholic liquor in the village between the closing hours of the specified license class and seven o'clock (7:00) A.M.

C. In the event the premises remains open after the prohibited hours to conduct business other than the sale of alcoholic liquor, then during a period of one hour after the prohibited hours for the sale of alcoholic liquor, no person, licensee, agent or employee of any licensee, shall be present or permitted behind any bar, counter or table where alcoholic liquor is sold, dispensed or given away. After the prohibited hours for the sale of alcoholic liquor, every person on the premises of any licensee who has a license to sell alcoholic liquor, shall have fifteen (15) minutes to consume any alcoholic liquor that has been served to them before the closing hour. After this fifteen (15) minute period, it shall be the responsibility of the licensee to clear all tables, bars or counters of any alcoholic liquor. (Ord. 35-O-2000, 11-21-2000)

4-3-14: PERSONS INELIGIBLE FOR LICENSE:

No license authorized hereunder shall be issued to:

A. A person who is not over twenty one (21) years of age.

B. A person who is not a resident of the village and a citizen of the United States of America.

C. A person who is not of good character and reputation in the community in which he resides.

D. A person who has been convicted of a felony under any federal or state law, unless the local commissioner determines, after investigation, that such person has been sufficiently rehabilitated to warrant the public trust.

E. A person who has been convicted of being the keeper a place of prostitution or keeping a place of juvenile prostitution, promoting prostitution that involves keeping a place of prostitution, or promoting juvenile prostitution that involves keeping a place of juvenile prostitution. (Ord. 2016-O-14)

F. A person who has been convicted of pandering, sexual molestation or other crime or misdemeanor opposed to decency and morality.

G. A person whose license to sell alcoholic liquor, whether issued under this chapter or by any other governmental entity has been revoked for cause.

H. A person who at the time of application for renewal of license issued hereunder would not be eligible for such license upon a first application.

I. A partnership, unless all of the partners of such partnership shall be qualified to obtain a license as individuals except for reason of residency.

J. A corporation or limited liability company:

1. If any officer, member,_manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residency; and

2. Unless it is incorporated in Illinois and is in good standing under the laws of Illinois, or unless it is an out-of-state or foreign corporation which is qualified under the Illinois business corporation act to transact business in Illinois and is in good standing under the state of incorporation.
(Ord. 2016-O-14)

K. A person whose place of business is conducted and physically controlled and operated by a manager or agent unless such manager or agent possesses the same qualifications required of an individual licensee hereunder.

L. A person who has been convicted of a violation of any federal or state law concerning the sale or use of drugs, or the manufacture, possession or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges of any such violation. (Ord. 2016-O-14)

M. A person who does not either own the premises (or the beneficial interest in a land trust owning the premises) for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

N. A person who is not a beneficial owner of the business to be operated by the licensee.

O. Any law enforcing public official, the village president, member of the board of trustees or any other elected public official of the village.

P. A person or entity to whom a federal wagering stamp has been issued by the federal government for the current tax period unless the person is eligible to be issued a license under the raffles act or the Illinois pull tabs and jar games act. (Ord. 35-O-2000, 11-21-2000, 2016-O-14)

Q. A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28.3 of, the Criminal Code of 1961 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforesaid statutory provisions. (Ord. 2016-O-14)

R. A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises at least equal to the maximum liability amounts set forth in the Illinois Liquor Control Act. (Ord. 2016-O-14)

4-3-15: INVESTIGATION OF APPLICANT; CHIEF OF POLICE:

A. Upon receipt of an application for a license to sell alcoholic liquor, the local commissioner shall direct the applicant to the chief of police for the purpose of a background investigation. The chief of police shall conduct an investigation into the fitness and character of the applicant, and no license shall be issued until said investigation is completed and the results forwarded to the local commissioner.

B. The investigation by the chief of police shall include:

1. A signed waiver from the applicant waiving his right to privacy and agreeing to hold the chief of police and the village harmless as a result of such investigation;

2. Submission by the applicant to fingerprinting and a record search;

3. The photographing of said applicant to be used for those purposes deemed necessary by the chief of police;

4. Interviews with persons or companies that may assist in the gaining of background information concerning the applicant; and

5. Any and all other functions deemed necessary by the chief of police to adequately investigate the applicant.

C. If the application for license includes more than one individual, then each such individual listed on the application shall be subject to the foregoing requirements. Additionally, all persons required to complete and submit with any application hereunder (initial or renewal) a liquor license personal interest form under section 4-3-8 of this chapter shall also be subject to the foregoing investigation requirements. (Ord. 35-O-2000, 11-21-2000)

4-3-16: EXAMINATION OF APPLICANT; LOCAL COMMISSIONER:

The local commissioner shall have the right to examine or cause to be examined, under oath, any person applying for a license or for a renewal thereof. Such rights shall also extend to all persons required to complete and submit with any application hereunder (initial or renewal) a liquor license personal interest form under section 4-3-8 of this chapter. Likewise, these rights of examination shall extend to a licensee applying for renewal, as well as any licensee upon whom notice of revocation or suspension has been served, as provided by the Illinois liquor control act or by this chapter. The local commissioner shall have the further right to examine or to cause examination to be made of the books and records of any person applying for a license, or a renewal of a license, as well as any licensee upon whom a notice of revocation or suspension has been served as provided by the Illinois liquor control act or by this chapter, or similarly of the officers and agents of a corporate person, as well as that of a licensee or its officers or agents, to hear testimony and take proof for his information in the performance of his duties and for such purpose to issue subpoenas which shall be effective in any part of the state, for the purpose of obtaining any of the information desired by the local commissioner under this section or under this chapter. The local commissioner may authorize an agent to act on his behalf, as provided by state statute. (Ord. 35-O-2000, 11-21-2000)

4-3-17: ISSUANCE OF LICENSE; CONTENTS; TIME LIMITATION ON NONUSE:

A. Upon strict compliance by the applicant with the provisions of this chapter and upon the written approval by the local commissioner of said application, a license shall be issued.

B. Each license shall state thereon the classification of license, the name of the licensee, the address of the licensed premises, and the term of the license.

C. Any license issued under this chapter must be used by the licensee within sixty (60) days after the date of issuance, otherwise, the license may be revoked by the local commissioner. (Ord. 35-O-2000, 11-21-2000)

4-3-18: INSURANCE REQUIREMENTS:

A. No license shall be granted to any applicant until such applicant shall furnish evidence satisfactory to the local commissioner that such applicant is covered by a policy of

liquor liability insurance with coverage limits no less than one million dollars ($1,000,000.00) per person and per occurrence.

B. Each licensee shall furnish the local commissioner with a certificate of such insurance prior to the issuance of the license and annually, if renewed. In the event of a cancellation, the local commissioner shall be notified immediately by the licensee of such cancellation. The failure to secure and continuously maintain insurance coverage as stated herein shall be grounds for the immediate suspension of business activities and/or revocation of the liquor license by the local commissioner.

C. No license shall be issued to any applicant until such applicant shall furnish a bond with a corporate surety, such corporate surety to be a surety company authorized to act as surety and to be approved by the local commissioner. Such bond shall provide against any violation by the principal, its agents, or employees of any of the terms of this chapter, rules and regulations now in force, or which may hereafter be enforced in the village affecting the operation of such business. The penalty of such bonds shall be one thousand dollars ($1,000.00). (Ord. 35-O-2000, 11-21-2000)

4-3-19: CHANGE OF LOCATION:

A license issued hereunder shall permit the sale of alcoholic liquor of the type specified only in the premises that are described in the application and license. The location for such operation may be temporarily or permanently changed only upon the written authorization permitting such a change issued by the local commissioner. No change of location shall be authorized by the local commissioner unless the proposed temporary or new permanent location is a proper one for the retail sale of liquor under the Illinois liquor control act and the provisions of this chapter. (Ord. 35-O-2000, 11-21-2000)

4-3-20: PERSONAL NATURE OF LICENSE, RESTRICTIONS ON TRANSFER; REFUND:

A. Personal Nature Of License; Nontransferability: Any license issued hereunder shall be purely a personal privilege and, not a vested right, and which shall expire not later than April 30 after the issuance unless sooner revoked as provided in this chapter and such license shall not constitute property nor shall it be subject to attachment, garnishment or execution nor shall it be alienable, assignable in any manner or fashion, or otherwise transferable, voluntarily or involuntarily, nor shall it be subject to be encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease and terminate upon the death of the licensee. Such license shall also cease and terminate upon the insolvency or bankruptcy of any licensee; provided, however, that the executor or administrator of the estate of any deceased licensee or the trustee of any insolvent or bankrupt licensee, when such estate consists in part of a business that is licensed under this chapter to sell alcoholic liquors, may continue the business of the sale at retail of such alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or

insolvency or bankruptcy until the expiration of such license but no longer than six (6) months after the death, bankruptcy or insolvency of such licensee whichever is the first to occur.

B. Refund Of License Fee: There shall be no refund of the license fee for any portion of a year during which the licensee ceases to engage in the business of selling alcoholic liquor. (Ord. 35-O-2000, 11-21-2000)

4-3-21: CHANGE IN PERSONNEL OR CORPORATE OWNERSHIP:

A. Partnership Terminated: In the event that a partnership which is the licensee is terminated by reason of the death, insolvency, removal, adjudication of bankruptcy or mental incompetency of a partner, the surviving or remaining partners, as agents then qualified to become a licensee under this chapter, may apply for the transfer of the license held by the former partnership, to a new partnership in which they are the only partners or to one or more of the partners, as individuals, or to a corporation as such transferee, if otherwise qualified, as required under this chapter and the Illinois liquor control act; provided that there shall be no transfer of location of such license to premises other than the licensed premises, unless such other premises conforms to the requirements of this chapter as to location and condition for a licensed premises, and then only as any such change of location is approved in accordance with the provisions of section 4-3-19 of this chapter.

B. Changes In Licensee:

1. Any changes in partners, officers, directors, shareholders or persons holding directly or beneficially more than five percent (5%) of the stock or ownership interest of a licensee, or any managers of the establishments licensed under this chapter, or if a manager or managers are to be used when they were not previously by the licensee, shall be reported in writing to the local commissioner within ten (10) days of the change. In addition, an investigation fee of two hundred dollars ($200.00) shall be submitted together with such report. Whereupon the local commissioner shall require all such changed personnel, including managers, to complete the "Liquor License Personal Interest Form" pursuant to section 4-3-8 of this chapter and the local commissioner shall make such further investigation as he deems necessary to consider the eligibility of such persons.

2. When a license has been issued for a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, said license shall terminate.

3. When a license has been issued to a corporation and a change takes place in officers, directors, managers or shareholders of more than five percent (5%) of the stock resulting in the holding of such office, position or such shares of stock by one who is not eligible for a license, said license shall terminate.

4. When a license has been issued to an individual who is no longer eligible for a license, said license shall terminate. (Ord. 35-O-2000, 11-21-2000)

4-3-22: POSTING LICENSES AND WARNING SIGNS:

Licenses issued hereunder shall be framed and posted and maintained in a conspicuous place in the licensed premises where they will be visible to customers. Licensees shall also post the birth defects warning sign as required by state law. (Ord. 35-O-2000, 11-21-2000)

4-3-23: LOCATION RESTRICTION:

All licensed premises shall be located only in a business/commercial district as established by the village's official zoning ordinance and zoning map, as may be amended from time to time. (Ord. 35-O-2000, 11-21-2000)

4-3-24: STANDARDS FOR LICENSED PREMISES; INSPECTIONS:

A. Sanitary Premises: The licensed premises shall be kept in a clean and sanitary condition and shall be kept in full compliance with any building code or health code, and any revisions thereof from time to time enacted by the village president and board of trustees and shall be opened by the licensee at any time for inspection by the local commissioner and the chief of police or other authorized official of the village.

B. Lighting Requirements: All rooms where alcoholic liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial light so that all parts of the interior of the premises shall be clearly visible. No window display of alcoholic liquor shall be permitted. The exterior of the licensed premises shall be adequately lighted at night by artificial light.

C. Plans And Specifications: In the event the licensed premises is to be reconstructed or modified in any way from that provided during the license application or license renewal process, then a copy of the plans showing the dimensions and layout of the reconstructed or modified premises shall be submitted to the local commissioner for prior approval by the building department and the local commissioner. (Ord. 35-O-2000, 11-21-2000)

4-3-25: PROHIBITED TRANSACTIONS AND MISCELLANEOUS REGULATIONS FOR LICENSED PREMISES:

A. Serving Liquor By Minors: No person under the age of twenty one (21) years may serve, draw or mix any alcoholic liquor as an agent or employee of the licensee.

B. Sale By Certain Persons: No person under the age of twenty one (21) years, nor any customer of any age may register, by mechanical or electronic means, the sale of any alcoholic liquor.

C. Cash Sales Required: All sales of alcoholic liquor within the village shall be made for cash or its equivalent, which may include credit and debit cards and checks.

D. Transactions Confined To Licensed Premises; Peddling Prohibited: All sales shall be transacted on the licensed premises and the delivery of alcoholic liquor shall be made to the purchaser on the licensed premises. It shall be unlawful to peddle or deliver alcoholic liquor in the village. Delivery of alcoholic liquor shall only be permitted pursuant to state law.

E. Fraud: Any licensee who, in the process of obtaining his license, or a renewal thereof, furnishes false information or who withholds or fails to furnish or disclose information that would affect his qualifications as a licensee hereunder, shall be subject, upon discovery thereof, to have such license suspended or revoked after due notice and appropriate proceedings thereon as specified in this chapter or in the Illinois liquor control act.

F. Storage Of Liquor: Licensee shall store alcoholic liquor only on the licensed premises and at no other place in the village.

G. Compliance With Additional Restrictions: Nothing in this chapter shall excuse or relieve the owner, proprietor or person in charge of the business being conducted on the licensed premises from complying with or conforming to the restrictions and requirements of all Village Ordinances, the Illinois liquor control act, Illinois statutes or federal law. No Licensee or person in charge of Licensed Premises shall permit or allow the violations of any Village ordinance, Illinois Statute or federal law upon the Licensed Premises by any person.

H. Soliciting Liquor On Licensed Premises: It shall be unlawful for licensee, its manager, or other person in charge of any premises where alcoholic liquor is sold or offered for sale for consumption thereon to engage, employ, or permit the engagement or employment of any person who shall solicit any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for said person, or any other person therein; nor shall any person solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or herself or any other person therein. Provided, however, that nothing herein contained shall prohibit any manager, waiter or waitress who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager, waiter or waitress.

I. Indecent Conduct Or Publications: It shall be unlawful for any licensee, its manager, or other person in charge of premises licensed to sell alcoholic liquor to permit the following kinds of conduct, or to sell books, magazines, coin-operated motion picture devices, films, or movies depicting, describing, or relating to the following kinds of conduct on such premises:

1. The performance of acts, or simulated acts, of 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 breasts, buttocks, anus, or genitals;

3. The actual or simulated displaying of the breasts, pubic hair, anus, vulva, or genitals; and

4. Striptease shows or lingerie fashion shows.

J. No Amusements/Entertainments: No licensee shall have or offer amusements/ entertainments on the licensed premises as defined and regulated in chapter 4 of this title unless such licensee complies with all regulations and licensing procedures thereunder and pays all fees required for such amusements/entertainments.

K. Limitation On Number Of Amusement Devices: No licensee shall lease, own, operate, maintain or otherwise have or possess more than four (4) amusement devices of any kind, as defined in section 4-1-14 of this title, on the licensed premises at any time. Further, there may not be more than two (2) of any one kind of such amusement devices on the licensed premises at any time.

L. Temporary Signs Prohibited: In addition to licensees' obligations to strictly comply with the village's sign regulations in title 9A, chapter 8 of this code, no licensee shall place, erect, construct or in any way use any temporary informational or advertising signs anywhere on the exterior of the licensed premises. Such temporary signs shall include, but not be limited to, posters, banners, canvas or plastic signs and the like. The local commissioner shall determine, in his sole reasonable judgment, whether any particular sign is a temporary sign subject to the prohibition hereunder.

M. Separation Of Licensed Premises; Class D Licenses: Since a class D license is issued to a licensee where the retail sale of alcoholic liquor is incidental to the primary activities and operation at the licensed premises, the applicant for such license must submit to the local commissioner with any initial application or renewal application for license, a detailed plan of the entire premises to show the specific area of the licensed premises to be used for the sale of alcoholic liquor. Such area, and no other area within the licensed premises may be used by the licensee for the sale of alcoholic liquor at retail. Provided, further, that if the primary activity and operation at the licensee's premises is used by any person(s) under the age of twenty one (21) years, then such applicant must further provide the local commissioner with a written plan to demonstrate the method and means that the applicant will use and employ to control and prohibit the access to the area where the alcoholic liquor is to be sold by such minors frequenting the licensed premises. (Ord. 35-O-2000, 11-21-2000)

N. Notify Police of Illegal Activity: It shall be the duty of each licensee to immediately notify the police department of conduct on the licensed premises which disturbs, tends to disturb or aids in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, illegal gambling, prostitution or the solicitation therefor and the sale, delivery or use of controlled substances, and no licensee shall knowingly permit such conduct upon any licensed premises owned or possessed by the licensee or under his control. (Ord. 2016-O-13, Ord. 2016-O-14)

4-3-26: SALES TO CERTAIN PERSONS PROHIBITED:

A. Sales Prohibited: No licensee or any officer, associate, member, representative, agent or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of twenty one (21) years, or to any intoxicated person, except in the conduct of a "sting operation" against an employee of the licensee, written notice of which has been given by the licensee to the local commissioner and the chief of police not more than thirty (30) nor less than ten (10) days prior to the operation.

B. Presumption Of Sales To Minors: If a person under the age of twenty one (21) years is in possession of alcoholic liquor on premises licensed to sell alcoholic liquor for consumption on such premises, it shall be presumed that the licensee sold, gave, or delivered such alcoholic liquor to the minor in possession thereof.

C. Refusal Of Sale To Minors Without Identification: For the purpose of preventing the violation of this section, any licensee, or its agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty one (21) years.

D. Warning Notice: Every licensee shall display at all times in a prominent place a printed card which shall be issued by the village clerk and which shall read substantially as follows:

WARNING

YOU ARE SUBJECT TO FINE UP TO THE MAXIMUM AMOUNT PERMITTED UNDER THE VILLAGE CODE OF THE VILLAGE OF WILLOW SPRINGS OR STATE STATUTE IF YOU ARE UNDER 21 YEARS OF AGE AND PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.

(Ord. 35-O-2000, 11-21-2000)

4-3-27: PURCHASE OR ACCEPTANCE OF GIFT OF ALCOHOLIC LIQUOR BY PERSONS OF NONAGE; PROOF OF AGE AND IDENTIFICATION CARDS:

A. Authority To Require Identification: The licensee, officer, representative, agent or employee of such licensee, at the time of any sale, gift or delivery of alcoholic liquor, shall require positive identification and proof of age of the recipient by means of a card or other document issued by a federal, state, county or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the federal selective service act, or an identification card issued to a member of the armed forces. Such document shall contain the name, signature, date of birth and a readily recognizable photograph of the face of the person to whom the same is issued.

B. False Identification; Purchase Without Identification Prohibited: No person shall misrepresent his or her age by any means for the purpose of purchasing or obtaining alcoholic liquor. Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor in his or her possession. No person described in the provisions of this section shall purchase or accept a gift of alcoholic liquor without at that time possessing and exhibiting positive identification and proof of age as defined in this section.

C. Possession Or Consumption Of Liquor:

1. Prohibited Generally: It shall be unlawful for any person under the age of twenty one (21) to possess or consume alcoholic liquor anywhere in the village.

2. Exemptions: The possession or consumption by a person under twenty one (21) years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption of an alcoholic liquor by a person under twenty one (21) years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under twenty one (21) years of age in the privacy of a home, is not prohibited by this section. (Ord. 35-O-2000, 11-21-2000)

4-3-28: SUSPENSION OR REVOCATION OF LICENSE; NOTICE; HEARING; FINES:

A. Authority: The local commissioner may suspend for not more than thirty (30) days, or revoke any license issued pursuant to the provisions of this chapter, if he determines that the licensee has violated any of the provisions of the liquor control act of the state of Illinois, or the provisions of this chapter, or any applicable rules or regulations established by the Illinois liquor control commission or any applicable rules or regulations established by said local commissioner.

B. Public Hearing: No such license shall be revoked or suspended except after a public hearing by the local commissioner with a minimum three (3) day written notice sent to the licensee prior to the hearing affording said licensee an opportunity to appear and defend. An official record of the hearing and proceedings by the local commissioner shall be taken and prepared by a certified court reporter or certified shorthand reporter. Provided, however, that if the local commissioner has reason to

believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the village or the Village is advised of a state liquor code violation, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses. (Ord. 2016-O-14)

C. Decision Of Local Commissioner: The local commissioner shall within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason or reasons for such determination in a written order of revocation or suspension setting forth the amount of any fine, the period of any suspension, or that the license has been revoked, and shall serve a copy of the written order within five (5) days thereafter upon the licensee.

D. Appeal: The licensee, after the receipt of the order of suspension or revocation shall have the privilege within a period of twenty (20) days after the receipt of such order of suspension or revocation of appealing the order to the Illinois liquor control commission. The appeal to the Illinois liquor control commission shall be limited to a review of the official record of the hearing and proceedings before the local commissioner. A certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter shall be filed by the local commissioner within five (5) days after notice of the filing of such appeal, if the appellant licensee pays for the cost of the transcript. The Illinois liquor control commission shall review the propriety of the order or action of the local commissioner and shall consider the following questions:

1. Whether the local commissioner has proceeded in the manner provided by law;

2. Whether the order is supported by the findings; and

3. Whether the findings are supported by substantial evidence in light of the whole record.

Review of the decisions of the local commissioner shall be limited to a review of the certified official record of the proceedings of the local commissioner. No new or additional evidence shall be admitted or considered.

E. Costs: Any licensee or licensed premises determined by the local commissioner to have violated any of the provisions of the liquor control act, or any ordinance or resolution of the village, or any rule or regulation established by the local commissioner, or the Illinois liquor control commission, shall pay to the village the costs incurred by the village in investigating and conducting hearing(s) on said violation(s). The local commissioner shall determine the costs incurred by the village

for said hearing, including, but not limited to: court reporter fees, the costs of transcripts or records, attorney fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the village or such lesser sum as the local commissioner may allow. The licensee shall pay said costs to the village within thirty (30) days of notification of the costs by the local commissioner. Failure to pay said costs within thirty (30) days of notification is a violation of this section and may be cause for license suspension or revocation, or the levy of a fine. In the event of an appeal to the Illinois liquor control commission, and in cases where the appeal is taken pursuant to the administrative review act, payment is due thirty (30) days after the entry of an order finally affirming the determination of the local commissioner.

F. Fines: In addition to suspension, the local commissioner may levy a fine on the licensee for violations as defined in subsection A of this section. Such fine shall not exceed one thousand dollars ($1,000.00) for each violation; each day on which each violation continues shall constitute a separate violation. Not more than ten thousand dollars ($10,000.00) in fines under this section may be imposed against any licensee during the period of his license. (Ord. 35-O-2000, 11-21-2000)

4-3-29: CONSUMPTION OF ALCOHOLIC LIQUOR IN PUBLIC PLACES PROHIBITED:

It shall be unlawful for any person to drink, consume, transport, carry or possess any alcoholic liquor, except in the original package and with the seal unbroken, on the public street, sidewalk, parkway, public parking lot or semipublic parking lot. The term "semi-public parking lot" shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise or commercial establishment. (Ord. 35-O-2000, 11-21-2000)

4-3-30: HAPPY HOURS:

(a) All licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

(b) No licensee or employee or agent of such licensee shall:

1. Serve more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;

2. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public; or as provided in subsection (c) herein.

(c) A licensee may:

1. Offer free food or entertainment at any time;
2. Include drinks of alcoholic liquor as part of a meal package;
3. Sell or offer for sale a party package only if the licensee:
   (a) offers food in the dedicated event space;
   (b) limits the party package to no more than 3 hours;
   (c) distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
   (d) excludes individuals not participating in the party package from the dedicated event space;
4. Include drinks of alcoholic liquor as part of a hotel package;
5. Negotiate drinks of alcoholic liquor as part of a hotel package;
6. Provide room service to persons renting rooms at a hotel;
7. Sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
8. Advertise events permitted under this subsection;
9. Include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed under another section of this chapter that (a) restricts dates of operation to dates during which there is an event at an adjacent stadium, (b) restricts hours of serving alcoholic liquor to 2 hours before the event and one hour after the event, (c) restricts alcoholic liquor sales to beer and wine, (d) requires tickets for admission to the establishment, and (e) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and
10. Discount any drink of alcoholic liquor during a specified time period only if:
    (a) the price of the drink of alcoholic liquor is not changed during the time that it is discounted;
    (b) the period of time during which any drink of alcoholic liquor is discounted does not exceed 4 hours per day and 15 hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;
    (c) the drink of alcoholic liquor is not discounted between the hours of 10:00 p.m. and the licensed premises' closing hour; and
    (d) notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least 7 days prior to the specified time.

(d) A violation of subsection (c) herein shall be grounds for suspension or revocation of the licensee’s license.

(e) As used in subsection (c):

"Dedicated event space" means a room or rooms or other clearly delineated space within a liquor licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.

"Meal package" means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a liquor licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.

"Party package" means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

(Ord. 2016-O-14)

4-3-31: BASSET TRAINING:

Any liquor license holder shall at all times cause the sale, offer for sale, and/or serving of alcoholic liquor to be performed exclusively by persons who have received a beverage alcohol sellers and servers education and training (BASSET) certification from an entity that has obtained a BASSET license from the Illinois Liquor Control Commission in accordance with the Illinois Liquor Control Act, as amended from time to time. In addition to having all bartenders and waitstaff that sell or serve alcoholic liquor to be BASSET certified, every employee posted at any entrance to the licensed premises to check identification of admittees shall also be BASSET certified. (Ord. 2016-O-14)

4-3-32: VIOLATION OF RETAILERS' OCCUPATION TAX ACT:

In addition to other grounds specified in this chapter, the local commissioner may refuse the issuance or renewal of a retail liquor dealer's license or suspend or revoke such license for any of the following violations of the retailers' occupation tax act, approved June 28, 1933, as amended:

A. Failure to make a tax return;

B. The filing of fraudulent return;

C. Failure to pay all or part of any tax or penalty finally determined to be due;

D. Failure to keep books and records;

E. Failure to secure and display a certificate or subcertificates of registration;

F. Wilful violation of any rule or regulation of the state department of revenue relating to the administration and enforcement of tax liability. (Ord. 35-O-2000, 11-21-2000)

4-3-33: VIOLATIONS AND PENALTIES:

A. Liability For Violations: Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him personally.

B. Penalties Generally: Unless another penalty is expressly provided for in this chapter, any person violating any provision of this chapter shall be fined not less than two hundred dollars ($200.00), nor more than seven hundred fifty dollars ($750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a licensee convicted of violating any provisions of this chapter may be subject to having his license revoked, suspended or not renewed by the local commissioner.

C. License Revocation As Additional Penalty: Whenever any licensee shall have been convicted by any court of a violation of any of the provisions of the liquor control act, or of this chapter, or any other ordinances of the village controlling or regulating the sale of alcoholic liquors, the licensee shall, in addition to all other penalties for such offense, incur a forfeiture of any local retail liquor dealer's license issued pursuant to this chapter and all monies that have been paid therefor. (Ord. 35-O-2000, 11-21-2000)

4-3-34:VIDEO GAMING:

A. The definitions of the Illinois Video Gaming Act, 230 ILCS 40/1, et seq., are incorporated and adopted into this section by reference.

B. The following activities or forms of gambling are allowed provided all applicable licenses are obtained: (i) the keeping, possession, ownership, use of a video gaming terminal in a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment, which is licensed by the Gaming Board to conduct or allow such specific activities under the Video Gaming Act, 230 ILCS 40/1, et seq.

C. The annual license fee for each licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment shall be one hundred dollars ($100.00) with no proration if licensee only operates for a portion of the calendar year.

D. The annual license fee for each video gaming terminal shall be twenty-five dollars ($25.00) with no proration if licensee only operates for a portion of the calendar year. No more than five video gaming terminals may be located on any licensed premises.

E. All licensed establishments and each licensed gaming terminal must display the license or sticker obtained from the Gaming Board and/or Village at all times.

F. All limitations on hours of operation, proximity to schools, places of worship, and gambling facilities, and other restrictions, as listed in the Video Gaming Act, shall apply to any license issued by the Village. (Ord 2016-O-13)

CHAPTER 4
AMUSEMENTS, ENTERTAINMENTS

4-4-1: DEFINITION:

AMUSEMENTS, ENTERTAINMENTS: Shall include both participative and exhibitive amusements and entertainments, including, but not by way of limitation, the following: live band or orchestra performances; any theatrical, dramatic, musical or spectacular performance; any discotheque, lounge, tavern or club wherein musical entertainment is provided by a person spinning records or playing tapes of recorded music.

4-4-2: LICENSE REQUIRED:

The amusements, entertainments license shall be in addition to any other licenses provided for in this Code P^{20P} , including a general business license and alcoholic liquor license, if applicable.

4-4-3: LICENSE FEES:

A. Criteria for Charges: The license fee to be charged to any establishment providing amusements or entertainment as defined herein shall be based upon:

1. Total occupancy of such establishment as determined by the Willow Springs Fire Department, and

2. The type of liquor license which the establishment holds.

B. Occupancy Determination: The Willow Springs Fire Department shall each year make an inspection and survey of each establishment providing such amusements or entertainments as defined herein and certify the total occupancy of each such

establishment to the Village Clerk. The Village Clerk shall keep such survey on file for public inspection.

C. Fee Amounts: The fees shall be as follows:

12:00 o'clock license - $7.50 per person, per year.

2:00 o'clock license - $10.00 per person, per year.

4:00 o'clock license - $12.50 per person, per year.

D. Collection of Fee: The Village Clerk shall by April 1 of each year notify each establishment of its total occupancy, type of liquor license, and total license fee to be paid under this ordinance. Every such license shall expire on the last day of April next after its issuance.

4-4-4: PENALTY:

Any person who shall fail or refuse to pay such required license fee shall be liable for the penalty and fines provided for in Section 1-4-1 of the Village Code. For purposes of this Chapter, each day during which a violation of this Chapter shall exist shall constitute a separate and distinct offense. (Ord. 80-9, 7-15-80; amd. 1983 Code)

CHAPTER 5
SALES REGULATIONS

ARTICLE A. ITINERANT MERCHANTS

4-5A-1: DEFINITION:

ITINERANT MERCHANT: Every person who shall sell or offer for sale at wholesale, retail or as a commission merchant, or barter or exchange any goods, wares or merchandise traveling from place to place along or upon the streets or alleys of the Village, or at the doors of houses, apartments or stores, or who shall offer for sale or sell and deliver immediately from a wagon, push cart, other vehicle or stand.

4-5A-2: LICENSE REQUIRED; APPLICATION:

No person shall engage in the business of itinerant merchant in the Village, as defined herein, without first having obtained a license therefor.

Application for such license shall be made as provided in Section 4-1B-2 of this Village Code. In addition to the information required pursuant to the aforesaid Section, the applicant shall give his place of birth, height, weight, color of eyes and hair and telephone

number; the kind of goods, wares, merchandise or property to be peddled, the manner of selling and the mode of conveying same; the name of the firm, company, organization or association which he represents; the make of automobile or other vehicle and the license number of the automobile or other vehicle, if any, to be used while engaged in the occupation of itinerant merchant. Each applicant who shows evidence of good character and pays the license fee provided for herein shall be issued a license to engage in the occupation of itinerant merchant. No such license shall be issued until the application shall have been referred to the Police Department for verification of the information contained in such application and for consideration of the good character of the applicant and until the Police Department shall certify that said applicant has been fingerprinted.

4-5A-3: CONTENT OF LICENSE:

Each license issued shall set forth the kind of goods, wares, merchandise or property desired to be peddled or hawked, the manner of selling, and the mode of conveying the same, and time for which the license is granted.

4-5A-4: LICENSE FEES:

The fee for each license issued hereunder shall be as provided in Chapter 1 of this Title.

4-5A-5: CONDITIONS AND RESTRICTIONS OF LICENSE:

A. Hawking; Sound Devices: No person, whether holding an itinerant merchant license or not, in going along the streets, alleys or public places of the Village, or in such close proximity thereto as to be audible therein, shall call out, cry or use or operate any whistle, bell, horn, radio, phonograph or other sound-making device for the purpose of advertising any goods, wares or merchandise for sale, barter or exchange, or of inviting the patronage of any person to any business whatever.

B. Hours for Door to Door Peddling: No itinerant merchant shall sell or offer for sale, barter or exchange any goods, wares or merchandise of any kind along or upon any street, alley, public area or other place in the Village, except between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. of the official time of the Village.

Hours for Stationary Peddling: No itinerant merchant shall sell or offer for sale, barter or exchange any goods, wares or merchandise of any kind on any street, alley, public place or any other place in the Village, except between the hours of eight o’clock (8:00) A.M. and dusk or at the discretion of the Village Administrator. (Ord. 15-O-2010)

C. Quitting Private Premises: It shall be unlawful for any itinerant merchant to refuse or fail to leave any private premises in the Village upon being requested to do so by the owner, occupant or person in charge thereof.

D. Conduct to be Orderly: No itinerant merchant shall vex, annoy or harass any person by importuning such person to purchase or look at his goods or wares, nor shall any such itinerant merchant enter any private house without being invited.

4-5A-6: FRAUD:

Any licensed itinerant merchant who shall be guilty of any fraud, cheating, misrepresentation or imposition, either directly or indirectly through the agency of any other person, while acting as a peddler, or who shall peddle, sell, or offer for sale, barter or exchange, by himself or any other person, any kind of goods, wares, merchandise or articles, or use or suffer to be used any other mode of conveyance than that specified in his license, shall be subject to the penalty provided in this Code. (Ord. 83-0-14, 12-8-83)

ARTICLE B. CHRISTMAS TREE SALES

4-5B-1: LICENSE REQUIRED:

No person shall store, sell or offer for sale within the Village any pine, balsam, spruce, fir or other trees, or any branches or parts thereof which have been cut for use as Christmas trees or for ornamental or decorative purposes, without first having obtained a license to do so from the Village Clerk. No license shall be granted except for locations that are properly zoned.

4-5B-2: LICENSING INSPECTION:

The Fire Chief shall inspect each location for which a license is requested and no license shall be issued for any location that will create a fire hazard within the Village.

4-5B-3: LICENSE FEE:

The fee for each license issued hereunder shall be as provided in Chapter 1 of this Title.

4-5B-4: BOND:

For each location for the sale of said articles, a cash bond in the amount of one thousand dollars ($1,000.00) shall be deposited with the Comptroller and shall be for the purpose of indemnifying the Village against having any location remain in an unsanitary and unhealthy condition after the Christmas season. Said cash bond shall be refunded within five (5) days after the discontinuance or termination of the Christmas tree sale business so long as the location for the sale of all above described articles has been placed in a sanitary and safe condition. (1963 Code; amd. 1983 Code)

CHAPTER 6
SERVICE OCCUPATIONS; ESTABLISHMENTS

ARTICLE A. PUBLIC GARAGES; WRECKERS

4-6A-1: DEFINITIONS:

AUTOMOBILE REPAIR SHOP: Any building, structure, premises, enclosure or other place where the business of doing repair work on or for automobiles, auto cars, auto trucks, motorcycles, or any of the component parts thereof, the repairing of, or the adding of parts thereto or the polishing, washing, greasing, painting or refinishing of such vehicles is carried on.

AUTOMOBILE SALESROOM: Shall mean any building, structure, premises, enclosure, lot, or other place where the business of dealing in new or used or secondhand automobiles, trucks or any similar self propelled vehicles or parts thereof, is conducted or carried on.

AUTO WRECKER: Any person who sells, buys or deals in used automobiles, which automobiles are dismantled, taken apart and not used again as a motor vehicle.

PUBLIC GARAGE: Any building, structure, premises, enclosure, vacant property or other place, except a public thoroughfare, designed and maintained to be used for the storage of motor vehicles where two (2) or more automobiles, autocars, or any similar self propelled vehicles are stored or parked in a condition ready for use.

REGULAR CAR: A motor vehicle regularly stored in such public garage.

TRANSIENT CAR: A motor vehicle stored for hire in a public garage for a limited period in excess of twenty four (24) hours but not stored regularly in such garage.

4-6A-2: LICENSING PROVISIONS:

A. Required: No person shall manage, conduct, operate or carry on the business of a public garage, automobile repair shop, auto salesroom or automobile wrecker without having first obtained a license therefor.

B. Application: The application for such license for the business of managing, conducting, operating or carrying on a public garage, automobile repair shop, auto salesroom or automobile wrecker shall conform to the general provisions of Chapter 1 of this Title relating to applications for licenses, and in addition thereto, shall specify the location of the building or place in which it is proposed to conduct such business, the construction of the building, the number of square feet in any building, premises or vacant property where such business shall be conducted. Every such application

shall be approved by the President and Board of Trustees, the Building Commissioner and the License Committee before a license shall be issued. (Ord. 1970-2, 4-3-70)

C. Fee: The annual license fee for each such business shall be as provided in Chapter 1 of this Title. (Ord. 1970-2, 4-3-70; amd. 1983 Code)

4-6A-3: STORAGE OF VEHICLES:

No owner or operator of a public garage, automobile repair shop or automobile salesroom shall store any vehicles on any vacant lot or unimproved premises. All vehicles which are not in operating condition or which have been involved in an accident and have been damaged to such an extent as to be unsightly shall be stored within an enclosed building. (Ord. 1970-2, 4-3-70)

4-6A-4: GARAGE REGULATIONS:

A. Record of License Tags: It is hereby made the duty of each and every person operating a public garage to keep for public inspection a record of the license numbers and engine numbers of all motor vehicles taken in or held in charge by the garage for the purpose of selling, rental, liverage, storage or repair.

B. Register of Vehicles: It shall be the duty of the owner or operator of any public garage to provide a register in book form, in which the owner or driver of any transient car to be stored in such public garage shall enter legibly in writing, in the English language, at the time any such motor vehicle is brought therein for storage, the date so delivered, the owner's name and address, the chauffeur's or driver's name and address, the trade or other name of the motor vehicle, its type, color, engine number, serial number, State license number, and Village license number, together with such other distinguishing marks as the owner or operator of such garage may deem necessary in order to fully identify such vehicle. When any such transient vehicle is claimed and taken out by its owner or authorized representative, it shall be the duty of the owner or operator of such public garage to note the date when the same is taken out.

It shall be necessary for such owner or operator of such public garage to require the signing of the garage register for a car regularly stored therein, except upon the initial date of storage.

C. Records Inspection by Police: The garage register of any public garage shall, at all times, be open to inspection and investigation by all members of the Police Department of the Village. (Ord., 4-28-60)

D. Obliterated Engine Numbers; Police to be Notified: It shall be the duty of the owner or operator of any such public garage to at once notify the Chief of Police, immediately upon the discovery by such owner or operator, or any employee thereof, of any alteration or obliteration of any engine number on any motor vehicle stored in such public garage, and to hold such motor vehicle for a period of at least twenty four (24) hours or until complete investigation of all facts surrounding such alteration or obliteration shall have been made by the Police Department of the Village. If resistance is made, notice shall at once be given to the Police Department or to any police officer within call.

4-6A-5: AUTO WRECKER REGULATIONS:

A. Storage: Storage of any automobile by an auto wrecker, as hereinbefore defined, is hereby prohibited on any vacant property or premises and such business shall be conducted only within a building or structure.

B. Bond: Before any person shall be issued a license to engage in a business as an auto wrecker, he shall first file with the Clerk a bond to be approved by the Village Board in the sum of twenty thousand dollars ($20,000.00), assuring that the applicant will truly and faithfully comply with all laws and Statutes covering the conduct of the business, including the registering of wrecked automobiles.

C. Location: No person shall operate or conduct the business of auto wrecker except in the exact location mentioned in the license granted by the Village. (Ord., 4-28-60)

B. Bond: Before any person shall be issued a license to engage in a business as an auto wrecker, he shall first file with the Clerk a bond to be approved by the Village Board in the sum of twenty thousand dollars ($20,000.00), assuring that the applicant will truly and faithfully comply with all laws and statutes covering the conduct of the business, including the registering of wrecked automobiles.

C. Location: No person shall operate or conduct the business of auto wrecker except in the exact location mentioned in the license granted by the Village. (Ord., 4-28-60)

4-6A-6: AUTOMOBILE SALESROOM REGULATIONS:

A. The hours of operation for automobile salesrooms shall be between the hours of nine o'clock (9:00) A.M. and ten o'clock (10:00) P.M.

B. A maximum of ten (10) vehicles shall be offered for sale at any one time by any automobile salesroom. (Ord. 87-0-1, 1-8-87)

ARTICLE B. RIDING STABLES

4-6B-1: DEFINITION:

RIDING STABLE: Any barn, stable, building or other place, the principal use of which, or the chief source of profit of which, is derived from the boarding of horses or the keeping of horses, or the renting of horses to the public for hire. Such definition shall be construed as including what was formerly known as a boarding stable.

4-6B-2: LICENSING PROVISIONS:

A. Required: No person shall conduct or operate a riding stable or engage in the business of a riding stable keeper without first obtaining a license so to do.

B. Application: An application for license shall be made as provided in Chapter 1 of this Title.

C. Fee: The fee for each license issued hereunder shall be as provided in Chapter 1 of this Title.

D. License Requirements: No riding stable license shall be issued unless the following conditions precedent have been complied with:

The stable for the use of which the license is applied has been inspected by the Health Officer and has been certified by him to be in a clean condition.

The walls and ceilings of the stable have been whitewashed and are in a clean condition.

A suitable concrete manure box has been provided in the stable.

An underground septic tank and leach field has been installed with drain so constructed as to permit urine from the stable to run in the tank.

The barns and fences appurtenant to the stable are kept in a clean and orderly condition, with all exterior wood properly painted.

4-6B-3: OPERATION AND LOCATION REGULATIONS:

A. Area Restrictions: The President and Board of Trustees take cognizance of the fact and hereby declare that the area, of approximately two hundred fifty (250) acres, described immediately hereafter in this Section is a residence area. It shall be unlawful for any person to conduct a riding stable in or on any lot, fronting on any street, or within fifty feet (50') of such street or unplotted territory, anywhere in the North West One Quarter (NW 1/4) of Section Thirty-Four (34), the East Half (E 1/2) and South West Quarter (SW1/4) of Section Thirty-Two (32), also the North Half (N 1/2) Section Five (5), all of the above described territory being in Township Thirty-Eight (38) North, Range Twelve (12) East of the Third (3rd) Principal Meridian, in the Townships of Palos and Lyons, County of Cook and State of Illinois and within the corporate limits of the Village.

B. Inspection: The Building Commissioner and Health Officer shall from time to time inspect, or cause to be inspected, each riding stable for the purpose of ascertaining whether the provisions of this Chapter are being observed by each riding stable keeper. (Ord., 5-27-43; amd. 1983 Code)

ARTICLE C. MASSAGE ESTABLISHMENT REGULATIONS

4-6C-1: PURPOSE:

This Article is to establish minimum requirements and standards for commercial massage establishments in the Village of Willow Springs in order to protect and maintain the public health, safety and welfare, to insure safe, clean and sanitary conditions and to prevent the spread of disease.

4-6C-2: DEFINITIONS:

MASSAGE ESTABLISHMENT: Any premises, place of business, or membership club, where there is conducted the business or activity of furnishing, providing or giving for a fee or other form of consideration a massage, fomentation, bath, manipulation of the human body, electric or magnetic treatment, alcohol rub or other similar massage service or procedure or any nonmedical and/or nonsurgical manipulative exercises are practiced upon the human body with or without the use of mechanical or electronic therapeutic or bathing devices.

MASSAGE ESTABLISHMENT (EXCEPTION): The words "Massage Establishment" and the provisions of this Article shall not apply to any duly licensed physician, surgeon, osteopath, chiropractor or to other persons duly licensed by the State of Illinois to treat, manipulate, operate upon, or prescribe for the persons or bodies of human beings and who are actually practicing said licensed profession or to graduate nurses, or to students of medicine, surgery, osteopathy, chiropractic or similar professional callings actually attending accredited schools.

MASSAGE TECHNICIAN: Any person, male or female, who in connection with the activities of a message establishment administers to another person, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, manipulation of the human body, or other similar procedure as stated in this Section.

PERSON: Any natural person, firm, partnership, corporation, or association. (Ord. 76-3, 4-22-76)

4-6C-3: LICENSING PROVISIONS:

A. Required, Application: No person shall conduct or operate a massage establishment without first having obtained a license therefor. Application for such license shall be made as provided in Chapter 1 of this Title.

B. Investigation: The Village Clerk shall refer each application for license to the proper Village officer or officers, including but not limited to the Health Officer, in order to ascertain if the issuance of such license would be inimicable to the public peace, health, safety, morals and general welfare of the Village and its inhabitants.

1. The Police Chief shall investigate and shall ascertain whether or not the applicant and all persons directly or indirectly interested in the license or proposed business as owner, partners, officers, managers, employees, or other persons to be in charge of the premises are reputed to be persons of good moral character. He shall also ascertain whether or not any of such persons have been convicted of a felony or any crime involving fraud, embezzlement, or moral turpitude, or any offenses involving prostitution, lewd conduct, or offenses resulting from a reduction of the aforementioned offenses, or whether such person shall have had a license or permit for a similar business or liquor license suspended, canceled or revoked. The police chief shall cause fingerprints to be taken of the applicant and any other person referred to in this subsection. The police chief shall prepare a report of his findings and submit same to the license committee along with his recommendations, if any.

2. The aforesaid investigating officers shall file with the village clerk their reports in writing, stating the extent of their investigation, sources of information, particulars of objections and their recommendations.

C. Fee: The fee for each license granted hereunder shall be as provided in chapter 1 of this title. (Ord. 76-3, 4-22-1976; amd. 1983 Code)

4-6C-4: REGULATIONS FOR OPERATION:

A. Premises And Health: No massage establishment shall be operated, established or maintained in the village that does not comply with the following minimum standards:

1. The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after each use on a patron or employee.

2. Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from clean storage areas.

3. Clean linen and towels shall be provided for each massage patron. Common use of towels or linens shall not be permitted.

4. All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected.

5. Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers and cabinets.

6. Adequate bathing, dressing, locker and toilet 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, toilet and massage room facilities shall be provided. Separate toilet and lavatory facilities shall be maintained for employees and/or licensed personnel.

7. 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 rooms, or 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. Where carpeting is used on the floors, it shall be kept dry.

8. The premises shall be equipped with a service sink for custodial services.

9. Eating in the massage work areas shall not be permitted.

10. Animals, except for seeing eye dogs accompanying a blind patron or employee, shall not be permitted in the massage work area.

11. All massage technicians and employees shall wash their hands thoroughly before administering massage manipulations to each patron accommodated. No person suffering from a communicable disease shall work or be employed in a massage establishment. No person suffering from a communicable disease shall be accommodated as a patron therein. (Ord. 76-3, 4-22-1976)

B. Segregation Of Sexes: (Rep. by Ord. 17-O-2005, 9-22-2005)

C. Prohibited Practices: It shall be prohibited for any person to massage any other person, give or administer any bath or baths, or to give or administer any of the procedures or services set forth in this article for immoral purposes, or in a manner intended to arouse, appeal or to gratify the lust or passions or sexual desires of such other person.

D. Records: A person operating a massage establishment shall maintain a current file of all persons employed by him. Such file shall contain true names and aliases used by each such employee, age, birthdate, height, weight, color of hair and eyes, sex, home address, phone numbers, social security number, birth certificate, photograph and date of employment and termination of employment. Such person shall make all records immediately available upon demand of any law enforcement officer.

E. Communication Devices: A person operating a massage establishment shall not permit communication devices to be installed or used in any manner on the premises so as to interfere with or hinder inspections by law enforcement officers.

F. Posting Ordinance: A person operating a massage establishment shall post and continually keep posted a copy of this Article at a conspicuous place inside the premises.

G. Supervision: The licensee or a manager approved in connection with issuance of a license herein shall be present on the licensed premises at all times when the establishment is in operation.

H. Hours: No person shall conduct or operate a massage establishment between the hours of ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. of the following day.

I. Inspection: Any person operating a massage establishment shall, during business hours be responsible for, and provide, that any premises used for the purpose of a massage establishment shall be readily accessible and open for inspection by law enforcement officers or other employees of the Village who are charged with enforcement of health and safety or penal laws of the Village, the County or the State. (Ord. 76-3, 4-22-76)

4-6C-5: MASSAGE TECHNICIAN:

Any person who administers massage services or manipulative exercises shall be a certified member of the American Massage Therapy Association and shall display such certificate posted at a conspicuous place inside the premises.

4-6C-6: EXEMPTION:

Any full service beauty salon, the majority of whose revenue is derived from services associated with hair-setting and cutting, nail sculpture and related services, and who offers massages on a limited basis, shall be exempt from the provisions of Sections 4-6C-3, and 4-6C-4 of this code. (Ord. 87-0-23B, 12-10-87)

ARTICLE D. VETERINARY HOSPITALS

4-6D-1: DEFINITION:

VETERINARY HOSPITAL: Any institution, place or enclosure used for the harboring or reception for the care and treatment of two (2) or more dogs, cats or other animals. (Ord. 73-12, 11-23-73)

4-6D-2: LICENSING PROVISIONS:

A. License Required, Fee: No person shall engage in the business of a veterinary hospital without first obtaining a license therefor. The annual license fee for such veterinary hospital shall be as provided in Chapter 1 of this Title.

B. Application: An application for a veterinary hospital license shall be made in conformity with the general requirements of the Village relating to applications for

licenses as set forth in Chapter 1 of this Title. The Health Officer shall cause an investigation to be made of the premises named and described in the application for the purpose of determining the fitness and suitability of said premises for such business from a sanitation standpoint. (Ord. 73-12, 11-23-73; amd. 1983 Code)

4-6D-3: OPERATION REGULATIONS AND RESTRICTIONS:

A. Licensed Veterinarian Required: It shall be unlawful to operate any veterinary hospital unless such hospital has at least one licensed veterinarian in attendance at all times.

B. Sanitary Conditions Required: All veterinary hospitals shall be kept free and clean from all decaying food and from filth of any kind. All parts of said buildings, premises and enclosures shall be disinfected from time to time and shall be kept in a sanitary condition. The health officer shall periodically inspect such place of business to determine whether or not the provisions of this article relative to the health and sanitation thereof are being complied with.

C. Animal Housing Restrictions: No animal shall be housed or kept out of doors on said premises, and no kennel shall be established or maintained on said premises.

D. Incinerators Prohibited: It shall be unlawful to maintain, use or operate an incinerator on said premises. (Ord. 73-12, 11-23-1973)

ARTICLE E. CONTRACTORS

4-6E-1: REGISTRATION PROVISIONS:

A. Registration Required: No person shall conduct, manage, operate or carry on the business of concrete or cement contractor; mason (brick or stone) contractor; carpenter contractor; electric contractor; lathing contractor; plaster contractor; excavating contractor; heating contractor; roofing contractor; drain layer; sewer contractor; plumbing contractor; septic tank contractor; or any other contracting business; or otherwise engage in the construction, erection, finishing, repairing, wrecking, or alteration of buildings or other structures without first obtaining either an annual business registration or temporary contractor's registration, as hereinafter provided.

B. Application: Application for an annual registration for a contractor whose place of business is located within the village, shall be made in the same manner as provided in chapter 1 of this title for licenses.

C. Fee, Annual: Each of the contracting businesses described in this code shall be and are hereby considered as separate businesses, requiring a separate registration for the conduct thereof. The fee for each registration issued hereunder shall be as provided in the fee schedule contained in section 4-1-14 of this title. (Ord. 12-O-2003, 5-22-2003)

4-6E-2: TEMPORARY CONTRACTOR'S REGISTRATION:

A contractor whose place of business is not within the village may obtain a temporary contractor's registration for individual jobs within the village in lieu of the annual registration (provided, that the individual job does not pertain to more than one building or structure) upon complying with the provisions hereof, applying for such temporary contractor's registration at the office of the village clerk, and the payment of one hundred dollars ($100.00) for such temporary contractor's registration. (Ord. 12-O-2003, 5-22-2003)

4-6E-3: BOND REQUIRED:

Contractors registered hereunder must file with the clerk and keep in force during the registration period, a bond to the village in the penal sum of ten thousand dollars ($10,000.00), with sureties to be approved by the president and board of trustees, conditioned upon the faithful observance and performance of all regulations of the village concerning such business and the work performed thereunder, then in force or which may thereafter be in force; further to indemnify, save and keep harmless the village from loss, cost, damages, expense or liability of any kind whatsoever which the village may suffer or which may accrue against, be charged to, or recovered from the village from or by reason of any act or thing done by such contractor, or by any negligence in the execution of any work done by such contractor, or by or on account of any improper work done under or by virtue of the authority issued or granted under the provisions of this code. (Ord. 12-O-2003, 5-22-2003)

4-6E-4: COMPLIANCE WITH BUILDING AND INSPECTION REQUIREMENTS:

Any person securing a registration hereunder shall comply with, and pay, all required building permit and inspection fees and charges and shall perform his work in accordance with the requirements of this code, and shall be subject to such inspection of the work as shall be deemed necessary by the building commissioner who shall have the right to enter at all times for the purpose of inspecting work being performed within the village. (Ord. 12-O-2003, 5-22-2003)

CHAPTER 7
COIN OPERATED, SELF-SERVICE DEVICES

ARTICLE A. SELF-SERVICE LAUNDRIES

4-7A-1: DEFINITION:

SELF-SERVICE LAUNDRIES: Any establishment in which coin operated facilities are available for washing clothes or for drying clothes or both, and which is open and available to the general public for use. (Ord., 1-24-1963)

4-7A-2: LICENSE REQUIRED, FEE:

It shall be unlawful to establish or operate any self-service laundry without first having secured a license therefor. Applications for such licenses shall be made as provided in chapter 1 of this title. The fee for each license issued hereunder shall be as provided in chapter 1 of this title. (Ord., 1-24-1963; amd. 1983 Code)

4-7A-3: HOURS OF OPERATION RESTRICTED:

It shall be unlawful to keep any such establishment open for business between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M. unless there is an adult attendant in charge of the premises during such hours. (Ord., 1-24-1963)

4-7A-4: EQUIPMENT INSTALLATION:

Installation of all equipment in such establishments shall be in conformity with all provisions of this Code relating to such installations.

4-7A-5: INSPECTIONS:

It shall be the duty of the President and Village Board to cause such inspection to be made of the premises as may be necessary for the purpose. (Ord., 1-24-63)

ARTICLE B. AUTOMATIC DRY CLEANING MACHINES

4-7B-1: DEFINITION:

AUTOMATIC DRY CLEANING MACHINE: Any device or apparatus for the cleaning of clothes or fabrics, and designed to be used or operated by any but the owner, or an employee of the owner thereof, which machine or device makes use of or contains perchlorethylene or any other chemical solvent or substance which may cause harm to human beings by reason of inhalation or contact.

4-7B-2: COMPLIANCE WITH REGULATIONS REQUIRED:

It shall be unlawful to install, operate or maintain any automatic dry cleaning machine as hereinafter defined except in compliance with the provisions of this Article or without complying with all of the provisions pertaining to the installation and operation of such machine herein contained; or in violation of any laws, rules, or regulations of the Department of Public Health, relating thereto. (Ord., 1-24-63)

4-7B-3: LICENSE REQUIRED; APPLICATION; FEE:

No person shall engage in the business of operating automatic dry cleaning machines in the Village without first having obtained a license therefor. Application for such license shall be made as provided in Chapter 1 of this Title. The fee for each license issued

hereunder shall be as provided in Chapter 1 of this Title. In the event any licensee shall secure additional machines during the license year, then the additional fee for each additional machine, as required in Chapter 1 of this Title, shall be paid to the Village Clerk within ten (10) days from the date of installation of said machine(s). (1983 Code)

4-7B-4: INSTALLATION REGULATIONS:

Each machine shall be completely enclosed by a cabinet and shall be vented with intake at the top and the outlet at or near the bottom of such machine. Groups of machines may be entirely enclosed or supported on all open sides by an enclosure topped with a hood vented as provided for each individual machine.

The exhaust system must maintain a minimum flow of one hundred (100) cubic feet per minute face velocity through the loading door whenever the door is open.

The discharge stack for the machines and for the room in which the machines are located shall extend at least two feet (2') above the level of any window which can be opened located within fifty feet (50') of the outlet of the stack, and shall be at least fifty feet (50') away from any fresh air intake leading to any premises.

The machines must be so constructed as to prevent the loading door from being opened during the normal cycle of operation. Each machine shall be equipped with a transparent door or port to allow visual examination of the status of the cleaning cycle.

Any connection of such machine with the water supply system must be equipped with an air gap or vacuum breaker in the line upstream from the condenser; with no control valves downstream from such gap or breaker. Waste water shall be discharged through an air gap.

The room in which such machine is installed shall be ventilated so that there shall be a minimum flow of air per machine from the area to which the public is admitted, of at least five hundred (500) cubic feet per machine per minute in a room where there are no more than three (3) machines installed; four hundred (400) cubic feet per minute where there are no more than eight (8) machines installed; three hundred seventy five (375) cubic feet per minute where there are no more than sixteen (16) machines installed; and three hundred sixty (360) cubic feet per minute where there are more than seventeen (17) machines installed. For this purpose each cleaning cell shall be considered as one machine.

Each machine must be so designed and constructed as to prevent the leakage of liquids, gas or vapors.

4-7B-5: OPERATION REGULATIONS:

No automatic dry cleaning machine shall be operated unless all the equipment described in the foregoing Section is properly installed and in good operating working condition.

No establishment for which a license is required under the provisions of this Article shall be open for business, and it shall be unlawful to admit the public or customers into the room where such machines are located unless there is on duty in the establishment at all times a competent person in charge of the establishment, and in charge of the operation of such machines. There shall be warning signs posted in places of easy observation warning of the dangers in the event leakage of liquids, gas or vapor occurs. It shall be unlawful to permit any residue containing solvent to flow into the sewer system of the Village. Tightly covered metal containers may be used for temporary storage of such waste outside the building. Such containers shall bear labels indicating the contents and dangers involved in handling, and shall be locked if in an unenclosed place.

At least one legible sign shall be maintained in a place available to customers giving the name, address and phone number of the owner of the establishment, and of the service department or agency responsible for the proper maintenance of the machines.

4-7B-6: INSPECTIONS:

It shall be the duty of the President and Village Board to cause such inspections to be made as are necessary to see to the enforcement of the provisions of this Article. (Ord., 1-24-63)

CHAPTER 8
FOOD SERVICE REGULATIONS

ARTICLE A. FOOD SERVICE ESTABLISHMENTS

4-8A-1: PURPOSE, INTENT AND DEFINITIONS:

The purpose of this Article is to insure that all foods served in the Village are served in a safe and healthful manner. The rules and regulations set forth herein represent good food service practices and it is the intent hereof to encourage that all food be served accordingly. Provided, however, it is expressly intended that the provisions hereof shall not be applicable to the service of food during a religious or organizational ritual or the reenactment thereof. The following words and phrases, when used in this Article, shall have the meanings respectively ascribed to them in this Section, except when the context otherwise requires and except where another definition may be set forth:

APPROVED: Acceptable to the President and Board of Trustees based on the determination of the Health Officer as to conformance with the appropriate rules and regulations set forth herein and good public health practices.

EMPLOYEE: Any person working on the premises of a food service establishment who engages in management or supervision, food preparation or service, or who comes in contact with any food utensil or preparation or service equipment.

FOOD: Any raw, cooked or processed edible substance, beverage or ingredients including ice used or intended for use or for sale in whole or in part for human consumption.

FOOD SERVICE ESTABLISHMENT: Any place where food that is intended for individual service and consumption is routinely provided, completely prepared. The term includes any such place, regardless of whether consumption is in, on or off the premises, and regardless of whether there is a charge for the food. The term does not include a private home where food is prepared for individual family consumption and it does not include a retail food store that does not cook or combine ready-to-eat potentially hazardous foods for human consumption.

HEALTH OFFICER: That person appointed by the President and Board of Trustees in accordance with this Village Code.

KITCHEN or FOOD PREPARATION AREA: An ascertainable room or area which is separate and distinct from other facilities within a food service establishment and which contains all necessary equipment for the type and volume of foods being prepared and served.

MOBILE FOOD UNIT: Any food service establishment or vehicle from which food is served without a fixed location and which is capable of being readily moved from location to location. This term does not include a food service establishment or mobile vehicle which serves only ice cream or ice cream products.

NEW ESTABLISHMENT: Any food service establishment not in existence upon the effective date hereof.

OCCASIONAL FOOD SERVICE ESTABLISHMENT: Any food service establishment which operates with no regularity or for a limited period of time and is operated by a charitable, religious, educational, Municipal or other not-for-profit organizations and operated not for profit but purely for social purposes or organizational fund raising only and the food is prepared and served by voluntary personnel from the membership of or affiliated with the charitable, religious, educational, Municipal or other not-for-profit organization.

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

RULES AND REGULATIONS: Those rules and regulations set forth in SectionT 4-8A-9 Tof this Article.

TEMPORARY FOOD ESTABLISHMENT: Any food service establishment which is operated by a person for profit and not by a charitable, religious, educational, Municipal or other not-for-profit organization, and which has no permanent location and operates for only a specified period of time at certain locations (i.e., carnivals, fairs, public displays, exhibitions, etc.).

4-8A-2: LICENSE REQUIRED:

It shall be unlawful for any person to operate a food service establishment, a temporary food service establishment or occasional food service establishment without first obtaining a license to do so. A separate license shall be required for each such food service establishment, temporary food service establishment or occasional food service establishment.

4-8A-3: APPLICATION FOR LICENSE:

An application for a food service establishment license, a temporary food service establishment license or occasional food service establishment license shall be made in writing to the Village Clerk, and the appropriate license fee as provided for in this Article shall accompany the signed application. The application shall be on a form provided for that purpose and shall include the name and residence address of the person desiring same. If the applicant is a partnership or firm, the application shall contain the names and residence addresses of each of its members; if a limited partnership, the name and residence address of each general partner thereof, and if a corporation, the application shall contain the names and residence addresses of its principal officers. If the applicant is a religious or service organization, the application shall contain the name and residence address of the minister or president, whichever applies. In addition to said statements, there shall be set forth in said application, the location or proposed location and type of food service establishment, temporary food service establishment or occasional food service establishment, the number of employees to be engaged on the premises of such establishment, and such other information as the Village Clerk may require, and as may be required pursuant to the provisions of Chapter 1 of this Title. The application shall be signed by the applicant or applicants.

In the case of a new establishment, the applicant or applicants shall submit preliminary design plans to the Health Officer for his approval.

When an occasional food service establishment has a regular schedule of events including events whose dates of operation may be tentative or unknown at the time an application for said license is made, said schedule of events must be attached to the application. This said schedule may be modified or added to, provided written notice of said modification or addition is submitted to the Village not less than thirty (30) days prior to the event for which said modification or addition is made. When an occasional food service establishment has no regular schedule of hours, dates or locations for operation, a list of all possible hours, dates and locations must be attached to the application.

4-8A-4: LICENSE INSPECTION; INSPECTION FEE:

Upon receipt of the application for a new license or renewal of an existing license, together with the appropriate fee, the Village Clerk shall notify the Health Officer to make an inspection of the food service establishment, temporary food service establishment or occasional food service establishment for which a license is sought.

When inspection reveals that the applicable requirements of this Article and the rules and regulations have been complied with and the food service operation is approved, and compliance has been made with all other ordinances of the Village, a license shall be issued to the applicant as provided in Chapter 1 of this Title, after payment of the Village inspection fee of $40.00 plus the required Cook County inspection fee (as determined from time to time). (Ord. 26-O-2009)

At least once each two (2) months the Health Officer shall make an inspection of each food service establishment and the Health Officer shall make such additional inspections and reinspections from time to time as shall be necessary for the enforcement of this Article. In the case of temporary food service establishments and occasional food service establishments, the Health Officer shall make such inspections and reinspections from time to time as shall be necessary for the enforcement of this Article.

It is intended that all food be prepared on the premises of the food service establishments, temporary food service establishments or occasional food service establishments immediately before serving or in an approved said establishment and delivered to the place of service in an approved manner. If food is prepared elsewhere, the name and address of the preparers must be available on request of the Health Officer, at the place of service, on the day of service and for ninety (90) days thereafter.

4-8A-5: LICENSE FEES:

The amount of the annual license fee for each food service establishment shall be as established in Chapter 1 of this Title.

4-8A-6: LICENSE YEAR, TERMINATION:

The license year for the Village shall commence on May 1 and terminate on April 30 in each year, where no provision to the contrary is made. All licenses whenever issued shall terminate on April 30 in each year.

4-8A-7: LICENSE PROCEDURES; RENEWALS:

A. All licensable food service establishments as described in Section 4-8A-2 this Article shall file with the Village Clerk an application for a license to operate a food service establishment in the Village no later than March 15 prior to each subsequent license year or not less than thirty (30) days before the applicant desires to commence operation in the Village. If any person fails to file its renewal application by March 15 of each year, an additional fee of ten dollars ($10.00) shall be charged for each day after March 15 until the date of said renewal application is received in the office of the Village Clerk. Delinquency may also result in suspension and/or revocation of the right to conduct food service activities within the Village.

B. All licenses authorized to be issued and required to be procured shall be issued by the President and Board of Trustees. The President and Board of Trustees may authorize

a person or persons to assist them in the granting and issuing of licenses as herein provided.

C. The required fee for each license issued shall be collected in full at the time the application for a license, or the renewal thereof, is filed with the Village Clerk. In no event shall any rebate or refund be made of any license fee, or part thereof, by reason of the death of the licensee or by any reason of nonuse of the license or discontinuance of the operation of the food service establishment.

4-8A-8: PRORATION OF LICENSE FEE:

When any license is issued after May 1 in any year, the license fee provided for in this Article shall be prorated over the remainder of the year by dividing the license fee required by twelve (12), which gives the amount of the license fee per month, and deducting for the months already passed; provided, however, that any license issued for a portion of a month shall be considered a full month and included in the months remaining of the then calendar year; further provided, that the minimum fee to be so paid shall be twenty five dollars ($25.00). Except as otherwise provided, all license fees shall become a part of the General Corporate Fund.

4-8A-9: RULES AND REGULATIONS:

A. Adopted: Adopted and applicable to the operation of a food service establishment and temporary food service establishment in the Village are those rules and regulations set forth with particularity in that booklet entitled, "Rules and Regulations Food Service Sanitation", 1983 Edition, effective January 23, 1983, published by the State of Illinois Department of Public Health, three (3) copies of which booklet are on file in the office of the Village Clerk for public use, inspection and examination, and which three (3) copies have been on file for public use, inspection and examination for more than thirty (30) days prior to the effective date hereof, which foregoing rules and regulations are hereby adopted by reference and made a part hereof as if fully set forth herein.

B. Standards Established: In any case where a provision of this Article is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of the Village existing on the effective date of this Article, the provisions which, in the judgment of the Health Officer, establish the higher standard for the promotion and protection of the health and safety of the residents shall prevail. In any case where this Article is found to be in conflict with a provision of any other ordinance or code of the Village existing on the effective date of this Article which establishes the lower standard for the protection and promotion of the health and safety of the residents, the provisions of this Article shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Article.

4-8A-10: INSPECTION NOTICES:

A. Content of Notice: Whenever the Health Officer makes an inspection and discovers that any of the requirements of this Article have been violated, he shall notify the licensee or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Officer shall:

1. Set forth the specific violations found.

2. Establish a specific and reasonable period of time for the correction of the violations found.

3. State that the failure to comply with any notice issued in accordance with the provisions of this Article may result in immediate suspension of the license or other prosecution.

4. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Officer within the period of time established in the notice of correction.

B. Service of Notices: Notices provided for under this Article shall be deemed to have been properly served when a copy of the original inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. The original of such notice shall be filed with the records of the Health Officer.

4-8A-11: CORRECTION OF VIOLATIONS:

The completed inspection report form shall specify a reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

A. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Health Officer.

B. All violations shall be corrected as soon as possible, but in any event, within ten (10) days following inspection. Within fifteen (15) days after the inspection, the holder of the permit, license or certificate shall submit a written report to the Health Officer stating that the violations have been corrected. A follow-up inspection shall be conducted to confirm the correction.

C. In the case of temporary food service establishments or occasional food service establishments, all violations shall be corrected within twenty four (24) hours. If violations are not corrected within twenty four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the Health Officer.

D. The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing will be provided if a written request is filed with the Health Officer within ten (10) days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.

E. Whenever a food service establishment is required under these provisions to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

4-8A-12: EXAMINATION AND CONDEMNATION OF FOOD:

Food may be examined or sampled by the Health Officer as often as may be necessary to determine freedom from adulteration or misbranding. The Health Officer may, upon written notice to the owner or person in charge, place a hold order on any food which he determines, or has probable cause to believe to be unwholesome, or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice or tag placed on food by the Health Officer and neither such food nor the containers thereof, shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without the permission of the Health Officer, except on order by a court of competent jurisdiction.

4-8A-13: SUSPENSION OR REVOCATION OF LICENSE:

A. When the conduct or operation of any food service establishment, temporary food service establishment or occasional food service establishment shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare or where the holder of any aforesaid license shall have refused to allow inspection of his premises or has refused to furnish a sample of his food for testing or otherwise violates the provisions of this Article, the Village President shall be authorized to summarily order the cessation of operation of such establishment, the suspension of any license and where appropriate, the closing of the premises for a period not to exceed ten (10) days.

B. In the case of food service establishments or an occasional food service establishment which has had its license suspended as outlined in subsection A above, within eight (8) days after he has so acted, the Village President shall call a hearing for the purpose of determining whether or not the license should be revoked. In the case of a temporary food service establishment, the suspension as outlined in subsection A above shall constitute an automatic revocation. However, such revocation shall not prejudice an applicant in applying for another temporary food service establishment license.

4-8A-14: APPEAL:

Any person aggrieved by the decision of the Village President in regard to the denial of an application for a license pursuant to this Article, or in connection with the revocation of a license issued hereunder, as provided hereinabove, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee in the same manner as provided above. The decision of the Board of Trustees on such appeal shall be final. (Ord. 83-0-12, 12-8-83)

ARTICLE B. MOBILE FOOD UNITS

4-8B-1: DEFINITION:

MOBILE FOOD UNIT: Any food service establishment or vehicle from which food is served without a fixed location and which is capable of being readily moved from location to location. This term does not include a food service establishment or vehicle which serves only ice cream products.

4-8B-2: LICENSE PROCEDURES, FEES AND REGULATIONS:

The license procedures and fees for mobile food units shall be as required in Chapters 1 and 8A of this Title. Further, the regulations contained in this Article shall be in addition to, and shall not supersede, the regulations contained in said Chapters 1 and 8A of this Title.

4-8B-3: GENERAL OPERATION, PROHIBITED:

It shall be unlawful to sell or otherwise distribute food from a mobile food unit on the public streets and ways of the Village. The distribution of food by mobile food units shall be limited to off-street premises, such as construction sites, industrial or other commercial areas. Permission from the owner or person in charge of such premises shall be obtained prior to the distribution of food from a mobile food unit.

4-8B-4: ESTABLISHED ROUTE:

Prior to doing any business within the Village, a licensed mobile food unit shall give notice in writing to the Health Officer of its established route, listing such location, within the limitations set forth in SectionT 4-8B-3 Thereof, wherein a mobile food unit will sell or otherwise distribute food. A mobile food unit shall be required to give notice in writing to the Health Officer prior to any changes in its established route.

4-8B-5: INSPECTIONS:

It shall be the duty of the Health Officer to regularly inspect all mobile food units. The method and frequency of such inspections shall be as deemed necessary by the Health Officer. (Ord. 83-0-13, 12-8-83)

CHAPTER 9
LODGING AND DWELLING ESTABLISHMENTS

ARTICLE A. ROOMING HOUSES

4-9A-1: DEFINITION:

ROOMING HOUSE: Every dwelling house, rooming house, furnished rooming structure or portion thereof kept, held or used, where sleeping or lodging is provided (or which is equipped to provide lodging) by prearrangement for a definite period, for compensation for one or more persons in contradistinction to hotels open to transients.

4-9A-2: LICENSING PROVISIONS; APPLICATION:

A. Required: It shall be unlawful for any person to conduct, keep, manage or operate or cause to be conducted, kept, managed or operated, a rooming house without a license therefor. Application for such license shall be made as provided inT Chapter 1 Tof this Title.

B. Fee: The fee for such license issued hereunder shall be as provided inT Chapter 1 Tof this Title.

No rooming house shall provide for more than the number of persons permitted by the Zoning Regulations of the Village as amended and as may be amended from time to time.

C. Department Approval: Upon receipt of such application, it shall be the duty of the Village Clerk to submit the application to the Building Commissioner, to the Chief of the Fire Department, and to the Health Officer, who each authorizes the proper inspection, and no such license shall be issued by the Clerk until he has received the written approval from each of the officials.

1. Building Department: The Building Department shall determine that all the requirements of the Building Code, the Zoning Regulations, the Plumbing Code and

the Electrical Code of the Village are complied with and that the premises are safe and habitable and are provided with adequate facilities for heat, light and ventilation.

2. Fire Department: The Chief of the Fire Department shall determine that all fire hazards have been eliminated from the premises; that the premises have proper and sufficient fire extinguishing equipment; that the premises comply with all regulations and recommendations of the Bureau of Fire Prevention; and that the occupants of the building have adequate fire protection.

3. Health Department: The Health Officer shall determine that all regulations and orders of the Illinois Department of Health, the Department of Health of the Village and the provisions of this Article pertaining to the sanitation of the rooming house premises and every part thereof and to the preservation of the health of the occupants thereof have been complied with.

It shall be the duty of the Health Officer to have printed such portions of this Article as he may deem requisite, and cause the same to be displayed in each room of any such rooming house, and have made such inspections as are necessary from time to time assuring the proper healthful occupancy of such establishments.

4-9A-3: BUILDING AND PREMISES REQUIREMENTS:

A. Conformity with Regulations: No house or building hereafter constructed or erected in the Village shall be used as a rooming house; and no house or building heretofore erected and not now used for such purpose, or any building, house or portion thereof which is now used or intended to be used or occupied for rooming house purposes shall be converted into, used as or leased for a rooming house unless such building and every part thereof shall conform to the requirements of this Article and to such other requirements of the Building, Zoning and Health Regulations of the Village as may apply.

B. Basement and Third Floor Occupancy: No license shall be issued to any person proposing to use a basement or any part thereof as habitable rooms for rooming house purposes. Third floor occupancy of any frame dwelling shall not be permitted without the written approval of the Building Commissioner, Chief of the Fire Department and the Health Officer.

C. Exits: Each and every rooming house in Willow Springs, as herein defined, housing persons on the third floor shall be provided with at least two (2) inside stairways leading from the ground to each floor providing habitable rooms, and further that each and every rooming house where less than three (3) stories are occupied shall be provided with two (2) inside stairways in all cases when occupied by more than five (5) persons on the second floor (including members of the family) or in all cases where the total number of persons housed in the building exceeds eight (8) (including members of the family).

D. Bathroom and Toilet: In every rooming house, water closet, lavatory and bathing facilities shall be provided on each floor, and water closets shall be provided in the ratio of at least one water closet to every eight (8) occupants or fraction thereof.

E. Air Space: No room in any such rooming house shall be occupied as a sleeping room by any human being unless there is at least six hundred (600) cubic feet of air space, exclusive of wardrobe and closet space, for each and every person occupying any such room.

F. Light Housekeeping: No person who shall keep, conduct, operate or maintain such rooming houses shall permit in any living or sleeping room, the cooking or preparation of food or meals or the storage of food stuff, and light housekeeping, so called, shall not be permitted in any living or sleeping room.

G. Accessory Building: No accessory building shall be used for rooming house purposes.

4-9A-4: INSPECTION:

At least once a year after such license has been issued as herein provided or more often if deemed necessary and before the renewal of any such license to conduct, keep or operate any such rooming house, it shall be the duty of the Building Commissioner, Fire Chief and Health Officer to inspect the premises and determine that the provisions of the Village Code and the terms and conditions of this Article are being complied with.

4-9A-5: REGISTER:

The landlord, proprietor, keeper, manager or clerk of every such rooming house as defined herein shall enter the name and address of every person who becomes a lodger, boarder or guest therein. Such register shall also show the number or location of the room or bed occupied by such person, the date of his or her arrival, and the period for which he engaged board or lodging. The register shall also be accessible, without charge, to any police officer or duly authorized agent of the Department of Health, Fire Department, Building Department or Clerk of the Village.

4-9A-6: NUISANCE DECLARED:

The maintenance or use of any rooming house as herein defined in violation of the provisions of this Article is hereby declared to be and shall constitute a nuisance and may be abated accordingly. (1963 Code; amd. 1983 Code)

ARTICLE B. MOTELS

4-9B-1: REGULATIONS ESTABLISHED:

A. Compliance Required: The operation of motels and tourist camps, or any other facilities for the accommodation of overnight travelers by whatever name, shall be

and the same are hereby prohibited, except upon compliance with the terms and provisions hereof.

B. State and Local Regulations: No establishment shall be operated except in conformity with the existing laws of the Village and laws of the State with reference to the accommodation of transients.

4-9B-2: BUILDING AND PREMISES REQUIREMENTS:

A. Conformity: No building or structure of any kind shall be permitted for the purpose of accommodating travelers unless the same are substantially built and are in full conformance with all sanitary and health requirements of the Village normally required for any other residential structure, unless the same shall conform fully to the structural requirements of the Building Code and to the fire safety and fire prevention provisions of this Code. Each living unit shall have running water and toilet facilities.

B. Zoning: No such facilities or structures shall be constructed except in conformity with the Zoning Regulations of the Village.

C. Units Per Structure: In the event any motel or tourist camp shall consist of eight (8) living units or less, all of the living units shall be constructed in one building or structure. No separate or additional units shall be constructed unless the same are added onto and made a part of an existing building until there are at least eight (8) living units in the building.

In the event the motel or tourist camp shall consist of more than eight (8) units, then not less than eight (8) living units shall be combined into each single building and no additional living units shall be constructed unless they shall be added onto and made a part of an existing building until there are at least eight (8) living units in each building. To whatever extent possible, considering the number of units involved, no building shall contain less than eight (8) units. It shall be permissible to have as many more than eight (8) units in a building as desired.

D. Heating Facilities: Any heating facilities shall be of good and substantial construction. All of the structures shall be of fireproof construction as defined by the Building Code. All of the structures shall have a central heating unit and heating facilities shall conform in all respects with the Building Code.

E. Parking Facilities: There shall be ample parking facilities available on any premises used for the construction of the facilities with a minimum space of not less than one car for each living unit. Paved driveways and walks shall be constructed, leading from the street to each living unit.

4-9B-3: MANAGEMENT:

Every motel, tourist camp or other establishment for the accommodation of overnight travelers shall be in charge of a resident manager who shall be of good moral character and responsible at all times for maintaining the grounds, buildings and facilities in a sanitary, safe and usable condition. There shall be an office or room for every establishment where incoming occupants shall be registered and where the registration records of the establishment shall be maintained at all times and kept available and open for inspection at all times by the Municipal authorities. Either the manager, or some person authorized by him, shall be in attendance at the establishment all of the time that there are any transients or occupants of the same. (1963 Code)

CHAPTER 10
LANDFILLS

4-10-1: DEFINITIONS:

COVER MATERIAL: Solid materials, substances or compounds consisting solely of dirt, slag, clay, ashes or cinders, or like material, provided the same may be readily pulverized, spread, and compacted so as to form an effective cover seal over said fill.

FILL: Any solid materials, substances or compounds, including (but not by way of limitation of the generality of the foregoing) wood, concrete, plaster, dirt, slag, clay, bricks, ashes, cinders, stone, gravel, glass, rubber, and metal scrap, subject, however, to the following limitations.

> The term "fill" shall not include highly flammable, toxic, explosive, or odorous materials and, specifically, the following: oxidizing materials, radioactive material, flammable solids, potentially explosive chemicals or highly toxic materials as the said terms are defined in section 20.2 of the Fire Prevention Code (1965 edition) recommended by the American Insurance Association successor to the National Board of Fire Underwriters; and shall not include "garbage" as the said term is defined in section 11-19-2 of chapter 24, Illinois Revised Statutes and in section 1001 of chapter 111 1/2, Illinois Revised Statutes or any other organic matter whatsoever, excepting such as may be incidentally a part of any substance, material or compound permitted as fill hereunder. In no event shall any such garbage or other organic matter comprise in amount more than five percent (5%) of the aggregate of such permitted fill at any time.

FILL SITE: The location or place at or upon which any fill is deposited or any landfill is established and operated.

PERSON: Any natural individual, firm, trust, partnership, association or corporation, in his, her, or its own capacity or as administrator, conservator, executor, trustee, receiver, or other legal representative.

SANITARY LANDFILL: The method of operation or process whereby fill is deposited in any pit, hole, excavation, pond, or other low place, and then compacted by mechanical equipment and covered by a layer of cover material.

4-10-2: ENFORCEMENT:

The Chief of Police is hereby charged with the enforcement of this Chapter. In the exercise of his duties hereunder, the said Chief shall be governed by the standards set forth in this Chapter.

4-10-3: PERMIT PROVISIONS:

A. Required: No person shall maintain or operate any sanitary landfill or place for the disposal of fill within the Village without first having obtained a permit to do so.

B. Application: Every application for a permit hereunder shall be made in writing to the Village Clerk on a form to be provided for that purpose. Such application shall contain the name and the place of business of the applicant. If the applicant is a partnership or firm, the application shall contain the names and addresses of each of its members; if a limited partnership, the names and residence addresses of each of its general partners and limited partners; and, if a corporation, the names and residence addresses of its officers, directors and shareholders, and if a trustee, the names and residence addresses of the beneficiaries of the trust.

The application shall also be accompanied by the following:

Plat of survey of the proposed fill site showing the location of all existing roadways and easements.

Legal description of the subject property, and a statement of the ownership thereof, which statement shall disclose the names and residence addresses of all parties having an interest in such property.

Description of the plan of filling the land or method of operation of the proposed sanitary landfill, including a detailed description of the types, capacities, and kinds of equipment and apparatus proposed to be used.

Topographic map or survey showing all existing grades and drainage courses on the land proposed to be filled.

Diagrams and a written description of the location and extent of all proposed earthwork, access roads, fill operations, equipment, personnel, and the estimated daily or weekly volume of fill to be deposited.

Such other information, including geological data, as may be required by the Board of Trustees.

C. Investigation and Report: The Village Plan Commission shall fully investigate all of the matters and things disclosed in the application for permit and the accompanying data and documentary materials. Said Commission shall examine the proposed fill site and shall coordinate all of its investigations and inquiries with the proper officers of the Municipal, County and State departments of public health.

Pursuant to its investigation aforesaid, the said Commission shall prepare and file with the Board of Trustees its report containing its findings, conclusions, and recommendations for approval or denial respecting the proposed plan for conducting any sanitary landfill hereunder. In the making of such report, the said Commission shall be governed by the standards and regulations set forth in this Chapter.

D. Bond Required: Every permittee hereunder shall execute a bond unto the Village with such good and sufficient sureties thereon as may be approved by the Board of Trustees, in such penal sum as the Board of Trustees may from time to time prescribe, for the term of the permit issued hereunder, or any renewal thereof, conditioned upon the faithful performance by the permittee, its contractors, agents, and employees of all duties imposed by State law or the ordinances of the Village. Said bond shall further indemnify and hold harmless the Village from any loss or expense incurred by reason of the failure of the said permittee, its contractors, agents, and employees, to conform fully with the requirements of this Chapter in and about the operation and maintenance of any sanitary landfill hereunder.

E. Insurance Coverage Required:

1. Every applicant hereunder shall submit satisfactory proof in the form of a certificate or certificates of insurance issued by an insurer authorized to transact business in the State of Illinois, showing that the applicant has procured comprehensive public liability insurance fully protecting the Village against any loss, damage or liability that may result from the applicant's proposed operations in the Village. Such insurance shall provide for limits of coverage of not less than one hundred thousand dollars ($100,000.00) for bodily injury to any one person; not less than three hundred thousand dollars ($300,000.00) for bodily injury to any group of persons resulting from any one accident.

2. The applicant shall also furnish proper proof in the form of a certificate or certificates of insurance issued by an insurer authorized to transact business in the State evidencing that said applicant has obtained workmen's compensation and occupational disease insurance fully protecting the Village against any and all claims of employees, subcontractors, and other persons, by reason of bodily injury or death, that may result from the applicant's proposed operations in the Village.

3. The applicant shall also furnish evidence of the expiration dates of the insurance coverages required hereunder, and shall certify that such coverage shall not be cancelled or modified except upon ten (10) days' prior written notice given to the Village. Upon the cancellation, expiration, or modification of any coverages required

hereunder without prior consent of the Village, any permit issued hereunder to said applicant shall become void.

F. Issuance: Every application hereunder shall be transmitted by the Village Clerk to the Village Plan Commission which shall recommend approval or denial thereof and such written recommendation shall be transmitted to the President and Board of Trustees for final approval or denial. No permit which has been recommended for approval by the Plan Commission shall be granted to any applicant therefor except upon approval by a majority vote of the corporate authorities and no permit which has been recommended for denial by the Plan Commission shall be granted to any applicant therefor except upon approval by a two-thirds (2/3) vote of the corporate authorities, and pursuant to the investigation and report required in this Chapter.

Every permit granted hereunder shall be issued by the Village Clerk and shall be made subject expressly to all of the provisions of this Chapter.

G. Term of Permit: Every permit granted hereunder shall be in force for the term of one year, beginning on May 1 and continuing until April 30 of the following year.

H. Revocation of Permit: Any permit issued hereunder may be revoked by the President at any time upon any violation by the permittee of any law, ordinance or regulation pertaining to the filling of any land or the operation or maintenance of any landfill in the Village.

4-10-4: PERMIT FEES:

The annual fees provided hereunder shall be paid irrespective of when the permit is issued; and no such fees shall be prorated or refunded. The annual fee for any permit issued hereunder shall be computed in accordance with the following schedule:

For the operation of any sanitary landfill upon any fill site of one acre or more, but less than five (5) acres	$200.00
For the operation of any sanitary landfill upon any fill site five (5) acres or more, but less than twenty five (25) acres	$450.00
For the operation of any sanitary landfill upon any fill site of twenty five (25) acres or more	$750.00

4-10-5: INSPECTION:

The Village through its proper officers, agents, or employees shall have the right to enter upon the fill site at any time for the purpose of making such inspections as may be necessary to determine if the land is being filled or the sanitary landfill is being operated and maintained in accordance with the requirements of this Chapter.

4-10-6: REGULATIONS FOR OPERATION:

The following regulations shall govern with respect to the filling of any land or the operation and maintenance of any sanitary landfill for which a permit is issued or required hereunder.

A. The permittee shall provide adequate drainage for the fill site and construct all necessary ditches, culverts, and drainage structures, so that surface waters and other drainage will not flood the fill site or erode or wash away any cover material.

B. The permittee shall not fill in or obstruct in any manner any existing drainage ditches, courses, channels, or structures.

C. The permittee shall not fill any land to a grade higher than that of land adjoining the fill site.

D. The permittee will not be permitted to fill any land when the seepage, drainage, or pumpage therefrom will cause any water supply in the vicinity to become polluted or contaminated.

E. The permittee will not deposit in, at, or upon the fill site any materials or substances other than fill as defined hereunder.

F. All land shall be so filled and every sanitary landfill (for which a permit is issued hereunder) shall be so maintained and operated as not to create any nuisance, or any hazard or menace to the public health, comfort, safety and general welfare.

G. No sanitary landfill shall be conducted upon any tract of land having an area of less than one acre.

H. All land shall be filled and every sanitary landfill shall be operated and maintained in strict accordance with the requirements of this Chapter; and all reasonable regulations promulgated in pursuance hereof; and the provisions of the Zoning Ordinance of the Village.

I. Materials may be salvaged from the fill by the permittee provided that such salvaged materials shall not be kept or stored on the fill site, and shall be removed therefrom not less frequently than weekly, and (pending their removal from the fill site) shall be stored in a neat and orderly manner.

J. No materials deposited upon the fill site shall be burned. Adequate fire fighting protection shall be provided by the permittee at all times on the fill site.

K. The fill deposited at the fill site shall be continuously compacted throughout each working day in layers of not to exceed two feet (2') and compaction shall be required to the extent that, after settling and weathering, the compacted fill (and cover material) will be substantially equivalent to, but not to exceed grade of land adjoining the fill site.

L. Cover material shall be spread and compacted continuously during each working day over the compacted fill to a depth of not less than two feet (2'); and such cover material shall be graded and seeded in such manner as to prevent erosion.

M. The permittee shall provide such equipment and machinery, and competent personnel, as shall be necessary to haul and transport fill and cover material to the fill site; to fill such site as required hereunder; to continuously and sufficiently compact the said fill; and to continuously accumulate, spread and compact the necessary cover material over such fill.

N. The permittee shall provide a dustless access road to the fill site, which shall be constructed and maintained by the permittee in a state of good repair at all times.

O. The permittee shall erect and maintain, subject to the approval of the Building Commissioner, such temporary or permanent gates and fences as may be required to prevent the entry of unauthorized persons upon the fill site.

P. Any and all operations connected with any sanitary landfill or the filling of any land hereunder may be carried on only between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. of any day, excepting Sunday, and at such other time or times as the Board of Trustees may approve.

Q. The filling of any land and the operation of any landfill shall be subject to such further regulations as may be deemed necessary by the Board of Trustees to insure compliance by the permittee with the standards set forth hereunder. (Ord. 68-4-4, 8-22-68)

4-10-7: SITE APPROVAL:

A. Public Hearing:

1. The President and Board of Trustees shall conduct a public hearing in the manner prescribed herein whenever required by the Illinois Environmental Protection Act, hereinafter referred to as the "Act".

2. The Village President, or senior Trustee in his absence, shall be chairman of all such hearings and shall conduct the proceeding which may have the following agenda:

a. Call to order and roll call;

b. Presentation of applicant's witnesses and evidence, subject to cross examination;

c. Presentation of objector's witnesses and evidence, if any, subject to cross examination;

d. Public comments;

e. Final arguments; and

f. Adjourn.

After the public hearing, the President and Board of Trustees shall prepare their written decision approving or denying the site approval request in the manner set forth in the Act.

3. Any resident, business located within the Village, or property owner adjoining the applicant, intending to support or object to any application for site approval may do so by either:

a. Presenting evidence at the public hearing in which case notice of intention to present evidence must be made in writing and filed in the office of the Village Clerk during regular business hours prior to the public hearing; or

b. By attending the public hearing and expressing an opinion in favor of or against such application.

4. Public notice of the hearing shall be given in the manner required by the Act.

B. Application Fee: Any person intending to file with the Village an application for site approval in accordance with the Act shall pay a nonrefundable application fee in the amount of two hundred fifty dollars ($250.00). All applications shall be filed in the office of the Village Clerk. No application will be accepted until payment of the application fee is made.

C. Professional Fees, Costs:

1. In addition to the application fee, all applicants for site approval shall be responsible for the payment of all professional fees and costs incurred by the Village in connection with the public hearing and all other work deemed necessary by the Village to comply with the Act. Said fees shall include, but not be limited to the following:

a. Consultant fees;

b. Village Engineer fees;

c. Attorney's fees; and

d. Court reporter (attending hearing and cost of transcript if requested) fees.

2. All fees set forth in this subsection shall be paid to the Village by the applicant within ten (10) days of receipt of invoice from the Village. (Ord. 82-0-6, 4-22-82)

4-10-8: PENALTY:

Any person violating any provision of this Chapter shall be fined not less than twenty five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Nothing contained in this Chapter shall be construed to abridge or impair any right or remedy under chapter 110, section 264, et seq., Illinois Revised Statutes. (Ord. 68-4-4, 8-22-68)

CHAPTER 11
LIQUID AND/OR GAS STORAGE TANKS

4-11-1: APPLICABILITY TO FIRE REGULATIONS:

Any person licensed under this Chapter shall be subject to all applicable fire regulations of the Village and to all penalties for violation thereof. Nothing in this Chapter shall be construed as limiting any of the fire prevention regulations or the provisions of the ordinances of the Village as are presently in force or will from time to time be amended. (Ord. 74-11, 4-25-1974)

4-11-2: LICENSE PROVISIONS:

A. Required: No person shall keep, own and/or store liquid or gas for use in any business without first obtaining a license for each storage tank or similar facility in which liquid or gas is kept on hand or stored. (Ord. 75-24, 10-23-1975)

B. Applications:

1. All applications for licenses shall be made in writing to the Clerk on a form provided for that purpose. (Ord. 74-11, 4-25-1974)

2. Every application for license shall contain the name, address and phone number of the applicant and shall state the types of liquids and/or gases stored, the number of storage tanks and location. If the applicant is a partnership or firm, the application shall contain the names and residence addresses of each of its members; if a limited partnership, the names and residence addresses of each general partner thereof; and if a corporation, the names and residence addresses of its principal officers. (Ord. 75-24, 10-23-1975)

C. Fees: The annual fee for any license issued under the provisions of this Section shall be as follows:

Capacity In Gallons	Annual License Fee
551 gallons to 2,000 gallons	$ 60.00
2,001 gallons to 12,000 gallons	85.00
12,001 gallons to 50,000 gallons	110.00
50,001 gallons to 100,000 gallons	120.00
100,001 gallons to 450,000 gallons	155.00
450,001 gallons on up	205.00

(Ord. 95-0-16, 7-13-1995)

D. Investigations: Prior to the issuance of any license, the Chief of the Fire Department and the Building Commissioner shall make or cause to be made such investigations as they deem necessary to determine whether the applicant's place of business and the methods and equipment intended to be used by such applicant comply with all the applicable provisions of the ordinances of the Village as are in force or from time to time amended, particularly those relating to building, zoning and fire prevention. No license shall be issued to any applicant whose place of business and methods and equipment do not comply with the applicable provisions of the ordinances of the Village as are in force or from time to time amended. Said Village officials shall indicate on the application for a license the results of their investigation and their approval or disapproval of said application. (Ord. 74-11, 4-25-1974)

4-11-3: SANITARY CONDITION REQUIREMENTS:

All places of business licensed under this Code shall be kept in a clean condition, free from accumulation of rags, waste paper and other combustible waste material. All storage tanks or containers used for the storage of liquids and/or gases and all buildings and premises where same are stored shall be constructed and maintained in accordance with the provisions of the Building and Fire Prevention Codes of the Village, and the licensee's activities shall comply with such provisions. No person shall smoke on any part of the premises where flammable liquids and/or gases are stored. (Ord. 75-24, 10-23-1975)

4-11-4: TESTS AND INSPECTIONS:

A. Pressure Tests Required: A pressure test shall be made for all tanks and lines used for the storage of liquids and/or gases at the time of installation of said tanks and lines and whenever there is reasonable cause to believe that any storage tank and its connecting piping may be leaking. Such tests shall be made by a person or company who, in the opinion of the Fire Chief of the Village, is qualified to make such tests. Such tests shall be made under the supervision of said Fire Chief. The results of said tests shall be sent to the Fire Department of the Village. No person engaging in any business licensed by the Village having such tanks or lines shall be issued a license

unless the results of the tests indicating satisfactory levels of safety and performance are supplied to the Fire Department of the Village. (Ord. 75-24, 10-23-1975)

B. Inspections: The Chief of the Fire Department shall inspect or cause to be inspected as often as he deems necessary, all premises, vehicles, containers and tanks, either above or below ground or in a building, to determine whether all applicable provisions of this Chapter are being complied with. (Ord. 74-11, 4-25-1974)

C. Payment Of Inspectors: Inspectors shall be paid by the Village. Payment shall be such as the Village Board of Trustees may prescribe or approve from time to time. (Ord. 75-24, 10-23-1975)

4-11-5: PERMIT APPLICATION FEES:

A. Permit application fees for the construction, remodeling and/or repair of any bulk storage tank(s) which stores or is proposed to store any chemical materials of any kind whatsoever, including, but not limited to, flammable liquids and/or gas and gas and petroleum substances, shall be the greater of: an amount equal to 1.5% of the value of the proposed construction, repair or remodeling or the fees listed as follows:

Up to 2,000 Gals-	$50.00
2,501 – 10,000 Gals-	$100.00
10,001 – 30,000 Gals-	$250.00
30,001 – 100,000 Gals-	$750.00
100,001 – 500,000 Gals	$1,500.00
500,001 – 1,000,000 Gals-	$3,000.00

(Ordinance 26-O-2009)

B. In addition to the permit application fee set forth in subsection A above, the applicant shall, at the time of the filing of a permit application, deposit with the Village a five hundred dollar ($500.00) nonrefundable plan review fee. In the event the Village incurs more than five hundred dollars ($500.00) for plan review costs, the applicant shall pay said additional costs before the issuance of the building permit. In the event the plan review fees are less than the sum of five hundred dollars ($500.00), the difference shall be a credit against the permit fee cost.

C. The bulk storage tank fees set forth herein are in addition to, and not a substitute for, any other required building permit fees set forth in this Code, such as building permit fees, electrical and plumbing fees. (Ord. 96-0-19, 12-12-1996)

CHAPTER 12
TAXICABS

4-12-1: DEFINITIONS:

Unless otherwise stated, whenever used in this Chapter the following terms shall respectively be deemed to mean:

DRIVER or CHAUFFEUR: Any person who is in actual physical control of a vehicle.

OPERATOR: Any person having the management or control of the operations of a taxicab.

OWNER: Any person having legal title to a vehicle or, whether under conditional sale or otherwise, having immediate right of possession or control thereof.

TAXICAB: Any motor vehicle or other vehicle, including limousines, used upon the streets of the Village for the transportation of passengers for hire, except buses subject to State regulation as a public utility.

TAXIMETER: A mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated either for distance traveled or for waiting time, or for both, and upon which charge shall be indicated by means of figures.

4-12-2: LICENSE REQUIRED:

Any person being the owner of a taxicab and maintaining a place of business, office or dispatch location within the Village shall not operate the same or permit the same to be operated on the public streets of the Village unless such vehicle be licensed as provided in this Chapter.

4-12-3: APPLICATION FOR LICENSE; ISSUANCE:

Application for license to operate a taxicab shall be made as provided inT Chapter 1 Tof this Title. The application shall be filed with the Village Clerk and shall contain the full name and address of the applicant, the nature of ownership, whether absolute, conditional or as lessee, the number of vehicles for which a license is desired, a description of each vehicle, including the make or manufacturer's name, seating capacity, motor serial

number if a motor vehicle, the length of time the vehicle has been in use and the number of miles said vehicle has been driven, the number of drivers to be employed and their names, resident addresses and such other information as the Board of Trustees may prescribe from time to time. Upon receipt of said application, the Village Clerk shall refer same to the Chief of Police of the Village who shall cause to be made the necessary investigations and inspections as hereinafter provided. Upon approval of the application by the Board of Trustees as hereinafter provided, and upon payment of the prescribed license fee, a license shall be issued by the Village Clerk to the owner of a taxicab authorizing said owner to operate same in the Village. All owners' licenses shall expire on December 31 following the date of issue.

4-12-4: EXAMINATION OF APPLICANT:

The Chief of Police, upon receipt of the application for a taxicab license, shall, in person or by some police officer designated by him, examine the applicant as to the truth of the statements made in such application, the applicant's knowledge of the provisions of this Chapter, of the traffic ordinances and of the geography of the Village, and the ability of the applicant to comply with the provisions of this Chapter. The Chief of Police shall also check the driving background of each driver designated in the application. No license shall be issued to an applicant if the results of said examination are unsatisfactory in any respect nor to an applicant who makes a false statement in his application. After said examination and the inspection of the vehicle as hereinafter required, the Chief of Police shall endorse on the application his recommendation as to whether or not the license shall be issued and shall forward the application to the Board of Trustees. The Board of Trustees shall determine whether the applicant is entitled to a license under the provisions of this Chapter. No license shall be issued unless such approval has been given.

4-12-5: LICENSE FEE:

The annual fee for taxicabs shall be as set forth in Section T 4-1-14, T Schedule A, of this Village Code.

4-12-6: INSPECTION; TESTS:

No taxicab shall be licensed until it has been inspected and approved by the Chief of Police and found to be in safe condition for the transportation of passengers, clean, of good appearance, well painted, the taximeter, if required, functioning properly and in full compliance with the provisions of this Chapter. Every owner of a taxicab shall submit such vehicle owned to the Chief of Police for inspection at the time application is made for license and at least once every six (6) months thereafter and at any time upon complaint or upon demand by the Board of Trustees. On every inspection, whether before or after the annual license is issued, a physical inspection shall be made by the Chief of Police or some police officer designated by him, including the following items: condition of tires, including spare tire, cleanliness, general appearance, accommodation for passengers and condition and accuracy of taximeter. Mechanical tests shall also be made by the Chief of Police or a testing garage or testing station approved by him, including

examination and testing of brakes, wheel alignment, horn, windshield wipers, rear view mirror, steering mechanism, headlights, taillights and stop lights. Tests shall also be made to ascertain that all doors are in working order and that all windows will move up and down.

If the tests are not satisfactory, the vehicle shall be disqualified for use as a taxicab. No owner or person in charge of such vehicle shall use it or permit it to be used in public passenger service until it has been repaired or reconditioned to the satisfaction of the Chief of Police and the inspection fee provided below, has been paid.

After every inspection the Chief of Police shall make a written report to the Board of Trustees of his findings, which shall be maintained in the Village Clerk's office with the application file.

The fee for each such inspection shall be fifteen dollars ($15.00) and shall be separate from the annual license fee set forth above and shall, in the case of the inspection at the time of application or annual renewal, be paid at the time of the filing of the annual or renewal application. For the subsequent inspections during the year, the inspection fees shall be paid at the time of the inspection.

4-12-7: INSURANCE:

Before any application for license or the annual renewal of a license to operate a taxicab shall be approved, the applicant shall furnish and deposit with the application the following:

A. A certificate from the Secretary of State of Illinois showing compliance by the licensee for such vehicle with the provisions of the statutes of the State of Illinois now or hereafter in force relating to the bonding or insuring of motor vehicles used for the carriage of passengers for hire.

B. A current Certificate of Insurance for a period, not less than the annual license year period, evidencing public liability insurance, including underinsured and uninsured motor vehicle coverage, not less than five hundred thousand dollars ($500,000.00) per person and in the amount of not less than one million dollars ($1,000,000.00) per accident or occurrence and five hundred thousand dollars ($500,000.00) for property damage.

C. Each such duplicate policy or Certificate of Insurance herein required shall provide for payment and satisfaction of any final judgment rendered as aforesaid and shall provide that suit may be brought in any court of competent jurisdiction upon such insurance policy by the owner of any such judgment, shall contain a description of each motor vehicle, giving the manufacturer's name, the serial number and the state license number, and shall also provide that said insurance policy cannot be cancelled by the company issuing the same without giving ten (10) days' notice in writing of

such cancellation to the Village, C/O the Village Clerk, either personally or by certified mail.

4-12-8: LICENSE CARD:

Upon approval of the application for license of a taxicab, a license card shall be delivered to the owners, of such size and form as the Board of Trustees shall prescribe, which license card shall be prominently displayed in each taxicab. The card shall contain the name of the owner and the official license number of the vehicle and the license year for which it is issued; it shall be signed by the Village President and attested by the Village Clerk and shall contain blank spaces upon which entry shall be made of the date of every inspection of the vehicle. The licensee shall reimburse the Village for the expense of said license card.

4-12-9: REGISTER OF LICENSED VEHICLES:

The Village Clerk shall keep a register of the name of each person owning or operating a vehicle licensed under this Chapter together with the license number and description, make and necessary dimensions of such vehicle, with the date and complete record of inspections made of it.

4-12-10: TAXIMETERS:

Every taxicab operated in the Village shall be equipped with a taximeter of a size and design approved by the Chief of Police. The driver of a taxicab, at the termination of his trip, shall throw the flag to the nonrecording position on the taximeter and call the passenger's attention to the fare registered. The taximeter shall not be changed until the fare has been paid or a charge ticket therefor made out and delivered to the person hiring such taxicab. Any person shall be entitled, upon request, to a receipt for the fare paid.

The taximeter shall be placed in the taxicab so as to be readily visible to passengers and shall be maintained in good operative condition at all times. It shall be tested for accuracy at least once every six (6) months, and at any time upon complaint, by the Chief of Police or some police officer designated by him, who shall test it by checking its registration over a course of known land and by checking its time registration. Errors in distance or time registration shall be corrected. No person other than a police officer shall change or tamper with the taximeter. No person shall transfer a taximeter to any other taxicab than the one in which it is installed unless a new inspection and certification thereof is made.

Each taximeter shall be provided with a flag at least three inches by two inches (3" X 2") in size, either painted red or bearing thereon in letters at least one inch (1") high the word "Vacant" or the words "For Hire." The flag post of such flag shall be kept up or towards a vertical position when the taxicab is for hire and shall be immediately pulled down and kept in a horizontal or lowered position at all times that such taxicab is engaged in the transportation of passengers for hire.

4-12-11: RATES OF FARE:

No person owning, operating or controlling any motor vehicle operated as a taxicab within the limits of the Village shall charge to exceed the following rates to be determined by the taximeter:

For the first mile or fraction thereof for one person	$ 1.30 (with an allowable minimum charge of $3.00 per trip)
For each succeeding quarter mile or fraction thereof	$ .30
For each 2 minutes of waiting or fraction thereof	$ .30

Waiting time shall include the time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called or the time consumed while standing at the direction of the passenger, but no charge shall be made for time lost for inefficiency of the taxicab or its operator or driver or time consumed by premature response to a call. For each additional passenger carried to the same destination, a charge not exceeding $1.00 for the entire trip may be made. When a taxicab or motor vehicle for hire is dismissed at a point beyond the four (4) mile circle measured from the point of embarkation in the four (4) mile circle measured from the Village Hall, a charge of $ .30 a mile or fraction thereof may be made for each mile or fraction thereof traversed in returning to said four (4) mile circle from point of dismissal of vehicle. No returning charge whatever shall be made for any distance traversed within the said four (4) mile circle regardless of the point of commencement or finish of the trip made.

4-12-12: PAYMENT OF FARES; CARDS AFFIXED TO VEHICLES:

A. Prepayment of Fare: Every driver of a taxicab shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request anywhere in the Village unless previously engaged or unable to do so. No driver of a licensed taxicab shall carry any other person than the first passenger first employing said taxicab without the consent of said passenger.

B. Rate Card shall be Fixed in Vehicle: There shall be fixed in each vehicle mentioned in SectionT 4-12-1 Tof this Chapter, which is used for the conveyance of passengers for hire, a card containing the name of the owner of said vehicle and number of his license and the rates of fare established herein. Said card shall be so fixed that it can be conveniently read by any person riding in said vehicle.

4-12-13: VEHICLE REQUIREMENTS:

A. Name of Owner Only on Door: Every vehicle licensed under the provisions of this Chapter shall have the name of the owner or company thereof plainly painted in letters at least two inches (2") in height in the center of the main panel of the door of said vehicle. If any licensee operates more than one taxicab, each vehicle shall be numbered with figures not less than two inches (2") high, and no two (2) vehicles shall bear the same number.

B. Condition of Taxicabs: All taxicabs licensed under this Chapter shall be kept in a safe, clean and sanitary condition and equipped with properly working brakes, lights and warning signals in accordance with the motor vehicles laws of the State of Illinois and the provisions of this Chapter. The horn, windshield wipers, rear view mirror, steering mechanism, wheel alignment, headlights, taillights, stop lights, doors and windows shall be kept in proper working condition at all times.

4-12-14: TRANSFER OF LICENSE:

The owner's taxicab license provided for in this Chapter shall not be transferable.

4-12-15: SUSPENSION; REVOCATION OF LICENSE:

The Village President and Board of Trustees shall, voting jointly, revoke or suspend the license of any owner operating any taxicab which is not in a safe condition or which does not comply with the requirements of this Chapter, including those as to the vehicle's physical condition and mechanical operation. Licenses when so suspended or revoked shall not be reissued or reinstated until the licensee is in compliance with this Chapter and/or such vehicle and its equipment have been put in fit condition for the use by the public in a manner satisfactory to the President and Board of Trustees. (Ord. 91-0-1, 1-10-91)

CHAPTER 13
MUNICIPAL ELECTRIC UTILITY TAX

4-13-1: DEFINITIONS:

As used in this Chapter, unless the context otherwise requires, the following definitions shall apply:

PERSON: Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation, the State of Illinois or any political subdivision thereof, and State university created by statute, or a receiver, trustee, conservator or other representative appointed by order of any court or by operation of law.

PERSON MAINTAINING A PLACE OF BUSINESS IN THIS STATE: Any person having or maintaining within the State of Illinois, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within the State of Illinois under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in the State of Illinois permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

PURCHASE AT RETAIL: Any acquisition of electricity by a purchaser for purposes of use or consumption and not for resale, but shall not include the use of electricity by a public utility as defined in section 8-11-2 of the Illinois Municipal Code TP[22TP] directly in the generation, production, transmission, delivery or sale of electricity.

PURCHASER: Any person who uses or consumes, within the corporate limits of the Village, electricity acquired in a purchase at retail.

TAX COLLECTOR: The person delivering electricity to the purchaser.

VILLAGE: The Village of Willow Springs. (Ord. 98-0-19, 8-27-1998)

4-13-2: MUNICIPAL ELECTRIC UTILITY TAX IMPOSED:

A. Pursuant to section 8-11-2 of the Illinois Municipal Code TP[23TP] and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:

1. For the first 2,000 kilowatt-hours used or consumed in a month; 0.559 cents per kilowatt-hour.

2. For the next 48,000 kilowatt-hours used or consumed in a month; 0.366 cents per kilowatt-hour.

3. For the next 50,000 kilowatt-hours used or consumed in a month; 0.330 cents per kilowatt-hour.

4. For the next 400,000 kilowatt-hours used or consumed in a month; 0.321 cents per kilowatt-hour.

5. For the next 500,000 kilowatt-hours used or consumed in a month; 0.311 cents per kilowatt-hour.

6. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.293 cents per kilowatt-hour.

7. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.288 cents per kilowatt-hour.

8. For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.284 cents per kilowatt-hour.

9. For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.279 cents per kilowatt-hour.

10. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.275 cents per kilowatt-hour.

B. The tax imposed in subsection A of this Section is in addition to all taxes, fees and other revenue measures imposed by the Village, the United States of America, the State of Illinois or any other political subdivision of the State of Illinois.

C. Notwithstanding any other provision of this Chapter, the tax provided for herein shall not be imposed if and to the extent that the imposition or collection of the tax would violate the Constitution or laws of the United States of America, or the constitution of the State of Illinois.

D. The tax provided for in subsection A of this Section shall be imposed with respect to the use or consumption of electricity by residential customers beginning with the first bill issued on or after September 1, 1998; and with respect to the use or consumption of electricity by nonresidential customers beginning with the first bill issued to such customers for delivery services in accordance with section 16-104 of the Illinois Public Utilities Act TP[24TP] , or the first bill issued to such customers on or after January 1, 2001, whichever issuance shall occur sooner. (Ord. 98-0-19, 8-27-1998)

4-13-3: COLLECTION OF MUNICIPAL ELECTRIC UTILITY TAX:

A. Subject to the provisions of SectionT 4-13-5 Tof this Chapter concerning the delivery of electricity to resellers, the tax imposed under this Chapter shall be collected from purchasers by the person maintaining a place of business in the State of Illinois who delivers the electricity to such purchasers. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.

B. Any tax required to be collected by this Chapter, and any tax in fact collected, shall constitute a debt due and owing to the Village by the person delivering the electricity, provided, that the person delivering the electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as

uncollectible after reasonable collection efforts have been made, and provided further, that if such charges are thereafter collected, the person delivering the electricity shall be obligated to remit such tax to the Village.

C. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax they collect to reimburse them for their expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax, and supplying data to the Village upon request. For purposes of this Chapter, any partial payment of a billed amount not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. (Ord. 98-0-19, 8-27-1998)

4-13-4: TAX REMITTANCE AND RETURN:

A. Every tax collector shall, on a monthly basis, file a return in a form prescribed by the Village Clerk. The return and the accompanying remittance shall be due on or before the last day of the month following the month during which the tax is collected or is required to be collected under this Chapter.

B. If the person delivering electricity fails to collect the tax from the purchaser or is excused from collecting the tax under this Chapter, then the purchaser shall file a return in a form prescribed by the Village Clerk and pay the tax directly to the Village on or before the last day of the month during which the electricity is used or consumed. (Ord. 98-0-19, 8-27-1998)

4-13-5: RESALES OF ELECTRICITY:

A. Electricity that is delivered to a person in the Village shall be considered to be for use and consumption by that person unless said person receiving the electricity has an active resale number issued by the Village Clerk and furnishes that number to the person who delivers the electricity, and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.

B. If a person who receives electricity in the Village claims to be an authorized reseller of electricity, that person shall apply to the Village Clerk for a resale number. The applicant shall state in such application facts showing why it is not liable for the tax imposed by this Chapter on any purchases of electricity and shall furnish such additional information as the Village Clerk may reasonably require.

C. Upon approval of the application, the Village Clerk shall assign a resale number to the applicant and shall certify the number to the applicant.

D. The Village Clerk may cancel the resale number of any person if:

1. That person fails to pay any tax payable under this Chapter for electricity used or consumed by that person; or

2. The resale number was obtained through misrepresentation; or

3. The resale number is no longer necessary because the person having obtained the number has discontinued making resales.

E. If a reseller has acquired electricity partly for use or consumption and partly for resale, the reseller shall pay the tax imposed by this Chapter directly to the Village pursuant to subsection T4-13-4B Tof this Chapter on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to SectionT 4-13-4 Tof this Chapter and remit the tax pursuant to subsection T4-13-4AT of this Chapter to the Village for the amount of electricity delivered by the reseller to a purchaser.

F. Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of this Section shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the Village Clerk the total amount of electricity delivered to the reseller, and such other information that the Village Clerk may reasonably require. (Ord. 98-0-19, 8-27-1998)

4-13-6: BOOKS AND RECORDS:

Every tax collector, and every taxpayer required to pay the tax imposed by this Chapter, shall keep accurate books and records of its business or activity, including contemporaneous books and records denoting the transactions that gave rise, or may have given rise, to any tax liability under this Chapter. These books and records shall be subject to and available for inspection by the Village at all times during business hours of the day. (Ord. 98-0-19, 8-27-1998)

4-13-7: CREDITS AND REFUNDS:

Notwithstanding any other provision of this Chapter, in order to permit sound fiscal planning and budgeting by the Village, no person shall be entitled to a refund of, or credit for, any tax imposed under this Chapter unless that person shall have filed with the Village Clerk a written claim for such refund or credit no later than one year after the date on which the tax was paid or remitted to the Village. (Ord. 98-0-19, 8-27-1998)

CHAPTER 14
SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

4-14-1: DEFINITIONS:

As used in this chapter, the following terms shall have the following meanings:

AMOUNT PAID: The amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

DEPARTMENT: The Illinois department of revenue.

GROSS CHARGE: The amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this state, charges for the channel mileage between each channel point within this state, and charges for that portion of the interstate interoffice channel provided within Illinois. However, "gross charge" shall not include:

A. Any amounts added to a purchaser's bill because of a charge made pursuant to: 1) the tax imposed by this chapter, 2) the tax imposed by the telecommunications excise tax act, 3) the tax imposed by section 4251 of the internal revenue code, 4) 911 surcharges, or 5) charges added to customers' bills pursuant to the provisions of section 9-221 or 9-222 of the public utilities act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois commerce commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the public utilities act;

B. Charges for a sent collect telecommunication received outside of such municipality;

C. Charges for leased time on equipment or charges for the storage of data or information for 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 as exempt under section 9-222.1 of the public utilities act to the extent of such exemption and during the period of time specified by the department of commerce and community affairs;

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 when the tax imposed under this act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

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 telecommunication devices; or

I. Amounts paid by telecommunications retailers under the telecommunications infrastructure maintenance fee act.

INTERSTATE TELECOMMUNICATIONS: All telecommunications that either originate or terminate outside this state.

INTRASTATE TELECOMMUNICATIONS: All telecommunications that originate and terminate within this state.

PERSON: Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the federal and state governments, including state universities created by statute, or any city, town, county, or other political subdivision of this state.

PURCHASE AT RETAIL: The acquisition, consumption or use of telecommunications through a sale at retail.

RETAILER: Means and includes every person engaged in the business of making sales at retail as defined in this section. The department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the department, furnishes adequate security to ensure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this state in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The permit may be revoked by the department at its discretion.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE (Or Any Like Term): Means and includes any retailer having or maintaining within this state, directly

or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

SALE AT RETAIL: The transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the federal and state governments, and state universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

SERVICE ADDRESS: The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the mobile telecommunications sourcing conformity act. For air to ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

TAXPAYER: A person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this chapter.

TELECOMMUNICATIONS: In addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this chapter, "private line" means a dedicated nontraffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end to end communications. Carrier access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or

integrated into, end to end telecommunications service shall be nontaxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this act. For purposes of this section, "prepaid telephone calling arrangements" means that term as defined in section 2-27 of the retailers' occupations tax act. (Ord. 24-O-2002, 9-26-2002)

4-14-2: TAX IMPOSED:

A tax is hereby imposed upon any and all the following acts or privileges:

A. The act or privilege of originating in the municipality or receiving in the municipality intrastate telecommunications by a person at a rate of five percent (5%) of the gross charge for such telecommunications purchased at retail from a retailer.

B. The act or privilege of originating in the municipality or receiving in the municipality interstate telecommunications by a person at a rate of five percent (5%) of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multistate taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this section to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state or local tax in this state.

C. The tax imposed by this chapter is not imposed on such act or privilege to the extent such act or privilege may not, under the constitution and statutes of the United States, be made the subject of taxation by the municipality. (Ord. 24-O-2002, 9-26-2002)

4-14-3: COLLECTION OF TAX BY RETAILERS:

A. The tax authorized by this chapter shall be collected from the taxpayer by a retailer maintaining a place of business in this state and shall be remitted by such retailer to the department. Any tax required to be collected pursuant to or as authorized by this chapter and any such tax collected by such retailer and required to be remitted to the department shall constitute a debt owed by the retailer to the state. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the department. The tax authorized by this chapter shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the department in the manner provided by the department.

B. Whenever possible, the tax authorized by this chapter shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications. (Ord. 24-O-2002, 9-26-2002)

4-14-4: RETURNS TO DEPARTMENT:

Commencing on February 1, 2003, the tax imposed under this chapter on telecommunication retailers shall be returned with appropriate forms and information as required by the department pursuant to the Illinois simplified municipal telecommunications tax act (public act 92-526, section 5-50) and any accompanying rules and regulations created by the department to implement this act. (Ord. 24-O-2002, 9-26-2002)

4-14-5: RESELLERS:

A. If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the department for a resale number. Such applicant shall state facts which will show the department why such applicant is not liable for the tax authorized by this chapter on any of such purchases and shall furnish such additional information as the department may reasonably require.

B. Upon approval of the application, the department shall assign a resale number to the applicant and shall certify such number to the applicant. The department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

C. Except as provided hereinabove in this section, the act or privilege of originating or receiving telecommunications in this state shall not be made tax free on the ground of being a sale for resale unless the person has an active resale number from the department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is nontaxable because of being a sale for resale. (Ord. 24-O-2002, 9-26-2002)

4-14-6: REPEALER:

If public act 92-0526, entitled the "simplified municipal telecommunications tax act", is repealed or becomes ineffective for any reason, or if this chapter is repealed or becomes ineffective for any reason, then ordinance 97-O-16, passed September 25, 1997, shall be

revived and deemed in full force and effect as of the date public act 92-0526 or this chapter is repealed or becomes ineffective. (Ord. 24-O-2002, 9-26-2002)

CHAPTER 15
BUSINESS REGISTRATION

4-15-1: PURPOSE:

This chapter is enacted for the purpose of establishing an inventory of the location of all businesses conducted within the village which are not subject to the village's statutory licensing authority as a mechanism whereby owners of businesses can be readily identified and notified by village officials in situations that warrant notification. (Ord. 6-O-2004, 2-26-2004)

4-15-2: DEFINITIONS:

As used in this chapter, the following terms shall have the following meanings:

BUSINESS: Business is meant to include all kinds of vocations, occupations, enterprises, establishments and other kinds of activities and matters, which are conducted for private profit or benefit, either directly or indirectly on any premises in the village. Businesses shall not include:

A. Home occupations permitted as accessory uses by this code;

B. Delivery of newspapers to residential dwelling units;

C. Residential solicitation provided the solicitor is registered pursuant toT chapter 5, article AT of this title; and

D. Vocations, occupations, enterprises, establishments and other kinds of activities and matters licensed by the village pursuant toT chapter 1 Tof this title.

PERSON: Shall include individuals, partnerships, joint venturers, societies, associations, clubs, trustees, trusts or corporations or any officers, agents, employees, or any kind of personal representatives of any thereof, in any capacity, acting either for himself, or for any other person under either personal appointment or pursuant to law.

PREMISES: Shall include all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to or is otherwise used in connection with any such business conducted on such premises. (Ord. 6-O-2004, 2-26-2004)

4-15-3: COMPLIANCE:

It shall be unlawful for any person, either directly or indirectly, to conduct any business or to use in connection therewith, any vehicle, premises, machine or device in whole or in part from a fixed premises within the village of Willow Springs, without first registering with the village of Willow Springs. For the purpose of this chapter, any person shall be deemed to be in business and thus subject to the requirements of this chapter when he acquires or uses any premises in the village for business purposes. (Ord. 6-O-2004, 2-26-2004)

4-15-4: REGISTRATION:

Every person subject to this chapter shall submit a business registration form to the village clerk. No fee shall be charged in connection with the registration or renewal thereof. The business registration form shall provide the following information:

A. General information, including, but not limited to, the business name, address, telephone numbers, and the names, addresses and telephone numbers of persons to contact in the case of emergencies during nonbusiness hours.

B. Fire safety information including the presence of any fire alarms, smoke detection systems, standpipes, and sprinkler systems. (Ord. 6-O-2004, 2-26-2004)

4-15-5: REGISTRATION RENEWAL:

Annually, on or before January 10 of each year, each person, subject to this chapter, shall file a business registration renewal form with the village clerk. Such form shall supply any changes in information supplied by the initial registration form. (Ord. 6-O-2004, 2-26-2004)

4-15-6: PENALTY:

Any person operating a business within the village of Willow Springs without first registering with the village of Willow Springs as provided herein, shall, upon conviction for violation of this chapter, be fined a sum not less than one dollar ($1.00) and not more than ten dollars ($10.00). Each day of business operation without registration with the village shall constitute a separate offense. (Ord. 6-O-2004, 2-26-2004)

TITLE 5
STREETS AND PUBLIC PROPERTY

CHAPTER 1
STREETS AND PUBLIC WAYS

5-1-1: OBSTRUCTING AND ENCROACHING PUBLIC WAYS:

A. No person shall place or permit to be placed in any street or public place any obstruction, encumbrance or encroachment of any kind whatsoever, and no person shall neglect or refuse to remove the same after having been notified to do so by any Village officer or official; provided, that any person loading or discharging merchandise or household goods at a dwelling house or any place of business in the Village shall have a reasonable time, not exceeding two (2) hours, within which to effect the same.

B. No person shall erect or cause to be erected, to retain or cause to be retained any encroachment within any roadway right of way or within the Illinois Route 171 right-of-way lines. (Ord. 2014-O-04)

C. Encroachment is defined as any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the project right of way or the roadway right of way. (Ord. 82-0-11, 5-13-82)

5-1-2: INJURIOUS MATERIALS ON STREETS:

No person shall throw, cast or put into, drop or leave in any street, alley, lane, public place or any unenclosed public grounds in the Village any stone, missiles, nails, ice, glass, iron or any other metal, or any straw, paper, parings of fruit or vegetables, or any other article or thing.

5-1-3: DAMAGE TO PUBLIC PROPERTY:

A. Removal of Public Property: It shall be unlawful for any person to remove any material belonging to any street, alley, lane or public area.

B. Street Lights: No person shall break, mutilate or obstruct any of the street lights in the Village. If convicted of a violation of this subsection, such person shall be liable for the cost of repairing or replacing said street light.

C. Street Signs: No person shall break, misplace or carry away any of the street signs now or hereafter to be placed on any of the streets in the Village. (Ord., 2-11-1897; amd. 1983 Code)

5-1-4: EXCAVATIONS:

No person shall excavate or dig in any of the streets or alleys unless authorized by the President of the Board of Trustees, and any excavations shall be protected and shall have a red light at night showing where such excavations are.

5-1-5: STREET AND ALLEY WIDTHS:

All streets to be hereafter laid out, platted or opened shall be sixty feet (60') wide, and all alleys to be hereafter laid out, platted or opened shall be of a width of not less than twenty feet (20'); provided, that the Village Board may, in its discretion, grant permission to lay out or plat streets and alleys of a greater or lesser width. (Ord., 2-11-1897)

CHAPTER 2
DRIVEWAYS

5-2-1: DEFINITIONS:

DRIVEWAY: A place on private property for the operation of automobiles and other vehicles.

DRIVEWAY APPROACH: An area between the traveled roadway of a public street right of way and private property intended to provide access for vehicles from the roadway of a public street to private property. Such approach must provide access to something definite on private property such as a driveway, a parking area, or a door at least eight feet (8') wide, intended and used for the entrance of vehicles.

5-2-2: PERMIT PROVISIONS:

A. Required Permits:

1. Construction Permit: It shall be unlawful to construct any curb or driveway approach or break out or remove any curb without first securing a permit from the President and Board of Trustees.

2. Parkway Use Permit: The use of parkways shall be subject to the issuance of a permit for that purpose and shall also be subject to an annual use license as hereinafter provided.

B. Fees Required:

1. Residence Driveway: The fee for the issuance of permits and inspection of driveway approaches to private residences shall be seventy five dollars ($75.00).

2. Nonresidential Driveway: The fee for the issuance of permits and inspection of driveway approaches to nonresidential properties and parkway use permits shall be one dollar ($1.00) per foot of width as measured at the property line.

3. Parkway use licenses shall be subject to an annual license fee of one dollar ($1.00) per foot of width as measured at the property line.

5-2-3: BOND REQUIRED:

The applicant for a driveway approach to a commercial or industrial property or a parkway use permit shall also file with the Village a continuing bond in the penal sum of two thousand dollars ($2,000.00) executed by the applicant and a surety company, conditioned for the faithful observance of this Chapter and which shall indemnify and save harmless the Village from any and all damages, judgments, costs or expenses which the Village may incur or suffer by reason of the granting of said permit.

5-2-4: LOCATION REGULATIONS:

No driveway approach shall interfere with Municipal or public utility facilities such as poles, traffic signals, sign posts, catch basins, fire hydrants, crosswalks, or other street structures. Driveway approaches shall be located so as to avoid parkway trees; no parkway trees shall be removed without the approval of the President and Board of Trustees.

5-2-5: CONSTRUCTION REGULATIONS:

A. Restrictions, Placement:

No driveway approach shall be constructed or used so as to impede the flow of surface water in the street gutter or a drainage ditch.

No driveway approach to residential properties shall be constructed or used for the sole purpose as a parking space.

Driveway approaches to nonresidential property shall not be used for parking space if the parked vehicles protrude into the street so as to impede the flow of traffic or extend over the sidewalk so as to interfere with the movement of pedestrians.

B. Parking Restrictions: Non-driveway parkway areas may be used for parking space subject to the following conditions:

1. Parked vehicles shall not protrude into the street so as to impede the flow of traffic or extend over the sidewalk so as to interfere with the movement of pedestrians.

2. The parkway area shall be paved with an approved dustproof surface, i.e., six inch (6") concrete or two inch (2") Class I-II asphalt or equivalent.

3. There shall be a curb provided between the sidewalk and the parking area located to insure that no part of the parked cars shall extend over the sidewalk so as to interfere with the movement of pedestrians.

C. Required Standards: Driveway approaches shall be constructed to the following standards:

1. Surface: All driveway approaches which give access to an improved street with curb and gutters shall be surfaced with a permanent dustproof surface; either concrete, bituminous concrete, asphalt, brick, or other material approved by the Village.

2. Widths: The total width of driveways measured at the property line on a parcel of property used for residential purposes shall not exceed one-third (1/3) the lot frontage and no single driveway shall exceed twenty feet (20') measured at the property line. The total width of driveways measured at the property line on a parcel of property used for nonresidential purposes shall not exceed one-half (1/2) the lot frontage, and no single driveway approach shall exceed thirty feet (30') measured at the property line. The width of the driveway approach measured at the curb shall in no case be greater than five feet (5') more than the width measured at the property line.

3. Location of Driveway: On a parcel of property used for residential purposes, a driveway shall not be located closer than one foot (1') from the property line and no driveway approach shall extend over the property line extended to the curb except that the flare may extend not more than two feet (2') beyond the property line extended. On a parcel of property used for nonresidential purposes, no driveway approach shall be located within five feet (5') of the property line or within ten feet (10') of any other driveway approach as measured at the property line.

4. Sidewalk Grade: Where an existing sidewalk is more than eighteen inches (18") above grade of the street as measured at the gutter line, the President and Board of Trustees may permit the sidewalk to be lowered across and adjacent to the driveway approach. In lowering the walk, no steps shall be permitted and the maximum sidewalk grade permitted shall be ten percent (10%). (Ord. 67-3-6, 1967)

CHAPTER 3
TREES AND PLANTS

5-3-1: PLANTING OF TREES:

Any person who may wish to plant trees for shade or ornamental purposes in the streets of this Village may be permitted to do so under the provisions of this Chapter. All shade trees planted in the street shall be planted eight feet (8') from the line of the lot and not less than sixteen feet (16') apart. (Ord., 2-11-1897)

5-3-2: ELM TREE DISEASE:

A. Nuisance Declared: In the event that it is determined that the tree from which said samples have been taken, is in fact diseased or infected with the Dutch elm tree disease, said tree shall forthwith be and it is hereby declared to be a nuisance.

B. Inspection of Suspected Trees: The officers, agents, servants, and employees of the Village are hereby authorized and directed to enter on and upon private property whereon there is located any elm tree having the appearance of or suspected of being diseased with phloem necrosis, commonly called the Dutch elm disease, for the purpose of inspecting said suspected tree and removing therefrom samples or portions thereof to be tested to establish whether said tree is in fact diseased.

C. Diseased Trees to be Destroyed: The owner, occupant, or agent of the parcel of land on which said diseased elm tree exists shall forthwith remove and destroy said elm tree and shall burn the same or shall cause the same to be removed, destroyed, and burned within ten (10) days of notification to such owner, occupant, or agent that said elm tree is in fact diseased and infected.

D. Abatement by Village: In all cases where the owner, occupant, or agent of the parcel of land on which said diseased elm tree is located cannot be found, or if found and notified as aforesaid neglects or refuses to abate said nuisance, it shall be lawful for the Village to abate the same by the removal, destruction, and burning of said diseased elm tree and in that event the said owner, occupant and agent or any of them shall be charged with those expenses which may be incurred by the Village in the removal or abatement of the diseased elm tree as aforesaid, which expense shall be collected by the Village by suit or otherwise in addition to the fine or penalty within provided.

It shall be unlawful for the owner of any premises in the Village to permit any tree or portion thereof infected with the Dutch elm disease to remain on such premises. (Ord., 7-8-63)

CHAPTER 4
CABLE TELEVISION

5-4-1: TITLE:

This Chapter shall be known and may be cited as the "Cable TV Franchise".

5-4-2: DEFINITIONS:

For the purpose of this Chapter, and when not inconsistent with the context, words used herein in the present tense include the future; words in plural include the singular, and

vice versa. The word "shall" is always mandatory. The captions supplied herein for each section are for convenience only. Said captions have no force of law, are not part of the section, and are not to be used construing the language of the section. The following terms and phrases, as used herein, shall be given the meaning set forth below.

COMMUNITY TELEVISION STATION: Channel 12 or such other channel as may be designated by grantee for the delivery of selected local programming including "Extra Help", an interactive tutorial service for junior and senior high school students.

FEDERAL COMMUNICATIONS COMMISSION or FCC: The present Federal agency of that name as constituted by the Communications Act of 1934, or any successor agency legally created.

GRANTEE: Cablevision of Chicago, its successors or assigns.

GROSS SUBSCRIBER REVENUES: Shall include any and all compensation or receipts derived by grantee from the operation within the Village of the cable television system authorized herein, but shall not include any refunds or credits made to subscribers or any taxes imposed on the services furnished by grantee.

PERSON: An individual, firm, partnership, association, corporation, company or organization of any kind.

REGULAR SUBSCRIBER SERVICES: At a minimum shall include the carriage of broadcast signals and non-broadcast services mandated by the FCC, together with the community television station, but shall not include "ancillary" or "auxiliary" services or programming, such as, without limitation, programming supplied on a per program or per channel charge basis or security alarm services of any other interactive service which may become available and offered by grantee in the future.

VILLAGE: The Village of Willow Springs, a Municipal corporation under the laws of the State of Illinois.

VILLAGE COUNCIL: The Village Council of the Village of Willow Springs or its designated representative.

5-4-3: GRANT OF AUTHORITY:

There is hereby granted by the Village to grantee the nonexclusive right and privilege to construct, erect, operate and maintain in, upon, along, across, above, over or under the streets, alleys, easements, public ways, and public places now laid out or dedicated and all extensions thereof and additional thereto in the Village, all poles, wires, cables, underground conduits, manholes and other conductors and fixtures necessary for the maintenance and operation in the Village of a cable television system for the transmission of television signals and other signals either separately or upon or in conjunction with any public utility maintaining the same in the Village with all of the necessary and desirable

appliances and appurtenances pertaining thereto. Without limiting the generality of the foregoing, this franchise and grant shall and does hereby include the right in, over, under and upon the streets, sidewalks, alleys, easements and public grounds and places in the Village to install, erect, operate or in any way acquire the use of, as by leasing or licensing, all lines and equipment necessary to a cable television system and the right to make connections to subscribers and the right to repair, replace, enlarge and extend said lines, equipment and connections. The rights herein granted for the purposes herein set forth shall not be exclusive and the Village reserves the right to grant a similar use of said street, alleys, easements, public ways and places to any person at any time during the period of this franchise; provided that nothing contained herein shall be deemed to require the granting of additional CATV franchises if, in the opinion of the Village Council, it is in the public interest to restrict such franchise to one or more.

5-4-4: INDEMNIFICATION:

Grantee shall save the Village harmless from all loss sustained by the Village on account of any suit, judgment, execution, claim or demand whatsoever against the Village resulting from negligence on the part of the grantee in the construction, operation or maintenance of its cable television system in the Village; and for this purpose, grantee shall carry property damage and personal injury insurance with some responsible insurance company or companies qualified to do business in the State of Illinois. The amounts of such insurance to be carried for liability due to property damage shall be three hundred thousand dollars ($300,000.00) as to any one occurrence; and against liability due to injury to or death of persons, one million dollars ($1,000,000.00) as to any one person and three million dollars ($3,000,000.00) as to any one occurrence. The Village shall notify grantee, in writing, within ten (10) days after the presentation of any claim or demand, either by suit or otherwise, made against the Village on account of any negligence as aforesaid on the part of grantee. Where any such claim or demand against the Village is made by suit or other legal action, written notice thereof shall be given by the Village to grantee not less than five (5) days prior to the date upon which an answer to such legal action is due or within ten (10) days after the claim or demand is made upon the Village, whichever notice yields grantee the larger amount of time within which to prepare an answer. Failure by the Village to properly notify grantee in accordance with the foregoing of any such claim, suit, or demand against the Village shall not release grantee from its obligation to indemnify the Village as provided herein unless the grantee is prejudiced in the defense of said claim or demand.

5-4-5: FRANCHISE FEE:

The grantee shall pay, as compensation to the Village, a fee of three percent (3%) of its gross subscriber revenues per annum. Payment of amounts due shall be made on August 1 for the period of the preceding January 1 through June 30, and on February 1 for the period of the preceding July 1 through December 31.

5-4-6: CONSTRUCTION AND MAINTENANCE:

A. All structures, lines and equipment erected by grantee within the Village shall be so located as to cause minimum interference with the proper use of streets, alleys, easements and other public ways and places and to cause minimum interference with the rights or reasonable convenience of property owners, and grantee shall comply with all reasonable, proper and lawful ordinances of the Village now or hereafter in force. Existing poles, posts, conduits, and other such structures of any electric power system, telephone company or other public utility located in the Village shall be made available to grantee for leasing or licensing upon reasonable terms and rates and shall be used to the extent practicable in order to minimize interference with travel and avoid unnecessary duplication of facilities. The Village shall actively assist grantee to the fullest extent necessary in obtaining reasonable joint pole or conduit use agreements from the owners of existing poles or conduits.

B. In case of any disturbance by grantee of pavement, sidewalk, driveway or other surfacing, grantee shall, at its own cost and expense and in a manner approved by the Village, replace and restore all paving, sidewalk, driveway or surface so disturbed in as good condition as before said work was commenced.

C. In the event that any time during the period of this franchise the Village shall lawfully elect to alter or change any street, alley, easement, or other public way requiring the relocation of grantee's facilities, then in such event grantee, upon reasonable notice by the Village, shall remove, relay and relocate the same at its own expense; provided, however, that where public funds are available for such relocation pursuant to law, grantee shall not be required to pay the cost.

D. Grantee shall, on the request of any person holding a building moving permit issued by the Village, temporarily raise or lower its lines to permit the moving of the building. The expense of such temporary removal shall be paid by the person requesting the same, and grantee shall have the authority to require such payment in advance.

E. Grantee shall have the authority to trim trees upon and overhanging all streets, alleys, easements, sidewalks and public places of the Village so as to prevent the branches of such trees from coming into contact with grantee's facilities.

F. All poles, lines, structures and other facilities of grantee in, on, over and under the streets, sidewalks, alleys, easements and public grounds or places of the Village shall be kept by grantee at all times in a safe and substantial condition.

5-4-7: RATES:

The rates for all programming and services shall be nondiscriminatory; provided that nothing contained herein shall be deemed to prohibit reasonable promotional rates which may, from time to time, be less than the standard rates imposed; and further provided that grantee may recover its cost of extending service to any new area as part of its installation of equipment charges even if such installation charges for subscribers living in the area

which is the subject of the extension of services is greater than the subscribers in areas where service was previously available.

5-4-8: FRANCHISE TERM:

The franchise granted by this Chapter shall be in full force and effect and after acceptance by grantee as provided in Section 5-4-22, and the same shall continue in full force and effect for a term of fifteen (15) years.

5-4-9: RENEWAL PROCEDURE:

Grantee shall have the option to renew the terms and conditions of this franchise for an additional period of fifteen (15) years. Should grantee desire to exercise this option, it shall so notify the Village, in writing, not less than three (3) months prior to the expiration hereof. Said option shall be available, however, only if grantee is not in default of any of the material provisions of this franchise agreement at the time of the exercise of said option.

5-4-10: RESOLUTION OF SUBSCRIBER COMPLAINTS:

A. Grantee shall maintain an office with telephone service in a place reasonably accessible to residents of the Village, for so long as it continues to operate the system hereunder, and hereby designates such office as the place where all notices, directions, orders and requests may be served or delivered under this franchise. Grantee shall file a notification with the Village whenever such address is changed.

B. All complaints against grantee relating to its performance under this franchise, including but not limited to those concerning quality of service, equipment malfunctions, and billing disputes, shall be received at the aforesaid office by duly authorized employees. All complaints so received will be turned over to the head of the department to which the complaint relates. The manager of the system shall establish a follow-up procedure for all complaints other than those concerning equipment or system malfunction, so that the resolution of all complaints shall be reviewed weekly.

C. Regarding complaints of equipment or system malfunction, grantee shall respond to such complaints within twenty four (24) hours after receipt thereof and correct malfunctions as promptly as possible. Grantee shall provide a daily pro rata credit to any subscriber who is without service for any continuous period in excess of twenty four (24) hours due to the fault of grantee.

5-4-11: COMMUNITY, PUBLIC, EDUCATIONAL AND MUNICIPAL CONNECTIONS:

In furtherance of the desire of the Village Council to create a communications system in order to encourage the exchange of information among residents of the Village:

A. Grantee shall make one aerial connection for the community television station available to the home of every resident of the Village without any monthly service charge. Grantee shall charge a fee not to exceed twenty five dollars ($25.00) for each aerial connection to the community television station which is located one hundred fifty feet (150') or less from the property line of the resident requesting the service. For aerial connections in excess of one hundred fifty feet (150') or for underground installations, grantee shall charge its actual cost. Such cost will be submitted to the resident, in writing, for his or her approval, before installation is begun.

B. Grantee shall, without charge for installation or monthly service, make one aerial connection for regular subscriber service, as provided below, into the internal distribution system of each Village office building, police station, fire station, library and school within the Village (hereinafter singly or collectively referred to as the "premises"). Grantee shall make a connection at one outlet in each such premises for the purpose of enabling the said premises to distribute the regular subscriber service. Where such premises consist of more than one building, only one tie-in and connection shall be made.

1. Grantee shall make such tie-in and connection at the location designated by the appropriate official as the location of the "head-end" of the internal distribution system of the premises. The responsibility of grantee shall terminate when the tie-in and connection to the internal distribution system is completed, and the responsibility for performance of the transmissions throughout such system shall be solely that of the premises. Grantee makes no representation or warranty as to the ability of such distribution system to carry the programs transmitted over its cable system, however, grantee will offer, without charge, technical consulting services to the premises in order to make the internal system work effectively for the purposes intended herein.

2. The procedure for making such connections shall be as follows: Connections will be made at the time when grantee is serving the area within which the premises are located. At such time, grantee shall send written notification of the provisions of this paragraph to such premises. Thereafter, upon written request from the recipient official, grantee will make the above described tie-in and connection to the internal distribution system of such premises. When grantee is serving the area but the building on the premises to be connected with an aerial installation is located more than five hundred feet (500') from the nearest CATV cable, the cost of the aerial cable installation beyond five hundred feet (500') will be paid by the premises. For underground installations, grantee shall charge the recipient its actual cost. Such cost will be submitted to said premises, in writing, before installation is begun. All such premises will be connected according to the orderly progress and construction of the system.

5-4-12: PUBLIC, EDUCATIONAL AND MUNICIPAL ACCESS:

A. Grantee shall provide and maintain, without charge, an access channel for each of the following purposes:

1. At least one specially designated, noncommercial public access channel available on a first come, nondiscriminatory basis;

2. At least one specially designated channel for local educational authorities;

3. At least one specially designated channel for local government uses;

4. At least one specially designated channel for leased access uses;

B. Until such time as there is demand for each channel full time for its designated use, public, educational, government and leased access channel programming may be combined on one or more composite access channels. Grantee may utilize any time not otherwise used on such access channels for its own programming.

5-4-13: INTERFACE OF CATV COMPANIES:

Subject to the applicable rules and regulations of the FCC, in the event that more than one franchise is issued within, or immediately adjacent to the Village, and if such operating systems are contiguous and technically compatible with grantee, and have allocated access channels, grantee shall provide suitable interconnection facilities for one access channel at the boundary of its service areas. Grantee shall not be required to interconnect at any point beyond any area where it has trunk or feeder service.

5-4-14: STUDIO FACILITY:

Grantee shall establish and maintain a studio for local programming, consisting of at least two (2) view finder cameras, switcher fader controls, audio system, lighting system, film chain, two (2) video tape recorders and multiplexing unit. All equipment shall be remotely controlled from a master control unit. This facility shall be available to the Village, its agencies, public service organizations and schools lying wholly or partly within the Village. The studio facility shall be provided as soon as reasonably practicable but in no event later than two (2) years from the date of registration of this franchise with the FCC.

5-4-15: GOVERNMENTAL APPROVALS:

Grantee shall register this franchise with the FCC within sixty (60) days of the effective date hereof.

5-4-16: EQUAL OPPORTUNITY EMPLOYER:

Grantee hereby agrees that it will not refuse to hire or employ, nor will it bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions or privileges of employment, because of age, race, creed, color, national origin or sex.

5-4-17: EXERCISE OF REASONABLE POLICE POWER:

Nothing contained herein shall in any way be deemed to limit the right of the Village to adopt, in addition to the provisions of this franchise and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its reasonable police power, provided, however, that such regulations are reasonable and do not materially conflict with the terms and conditions of this franchise.

5-4-18: RIGHT TO INSPECT BOOKS:

Grantee hereby grants to the Village the right to inspect all its books, records, strand maps, plans, financial statements and other similar materials of grantee, insofar as they relate to the terms and conditions of this franchise and the performance of the obligations hereunder, upon reasonable notice to grantee and during normal business hours.

5-4-19: REGULATING OFFICE OF VILLAGE:

The office or officer of the Village that bears the primary responsibility for the continuing administration of the terms and conditions of this franchise is the President or his designee.

5-4-20: FORFEITURE:

If grantee should violate any of the terms, conditions or provisions of this franchise, or if grantee should fail to comply with any reasonable provisions of any ordinance of the Village regulating the use by grantee of the streets, alleys, easements or public ways of the Village, and should grantee further continue to violate or fail to comply with the same for a period of thirty (30) days after grantee shall have been notified in writing by the Village to cease and desist from any such violation or failure to comply, then grantee may be deemed to have forfeited and annulled and shall thereby forfeit and annul all the rights and privileges granted by this franchise; provided that such forfeiture shall be declared only by written decision of the Village Board after an appropriate public proceeding before the Village Board affording grantee due process and full opportunity to be heard and to respond to any such notice of violation or failure to comply; and provided further that the Village Board may, in its discretion and upon a finding of violation or failure to comply; impose a lesser penalty than forfeiture of this franchise or excuse the violation or failure to comply upon a showing by grantee of mitigating circumstances. Grantee shall have the right to appeal any finding of violation or failure to comply and any resultant penalty to any court of competent jurisdiction. In the event that forfeiture is imposed upon grantee, it shall be afforded a period of twelve (12) months within which to sell, transfer or convey this cable television system to a qualified purchaser at fair market value. During this twelve (12) month period, which shall run from the effective date of the final order or decision imposing forfeiture, including any appeal, grantee shall have the right to operate the cable television system pursuant to the provisions of this franchise.

5-4-21: TRANSFERS:

All of the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall pass to and be binding upon the successors of the Village and the successors and assigns of grantee. Any transfer by grantee shall become effective upon receipt by the Village of written notice from grantee advising Village of the transfer and the name and address of the transferee and the receipt by Village of a statement in writing from the transferee agreeing to be bound and abide by all of the obligations, duties and liabilities as well as the rights and privileges created by this franchise.

5-4-22: ACCEPTANCE:

The franchise granted by this Chapter shall become effective when accepted by grantee and shall then be and become a valid and binding contract between the Village and grantee; provided that this franchise shall be void unless grantee shall, within ninety (90) days after the final passage of this Chapter, file with the Village Clerk of the Village a written acceptance of the franchise herein granted, agreeing that it will comply with all of the provisions and conditions hereof and that it will refrain from doing all of the things prohibited by this Chapter.

5-4-23: UNLAWFUL ACTS:

A. It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of grantee's cable television system for the purpose of enabling himself or others to receive any television signals, radio signals, pictures, programs, sounds, or any other information or intelligence transmitted over grantee's cable system without payment to grantee or its lessee.

B. It shall be unlawful for any person, without the consent of the owner, to wilfully tamper with, remove or injure any cable, wires, or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds, or any other information or intelligence transmitted over grantee's cable system.

C. It shall be a misdemeanor punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment for a term not to exceed six (6) months, or both, for any person who violates any of the provisions of this Section.

5-4-24: SEVERABILITY:

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any Federal or State court or administration or governmental agency of competent jurisdiction, specifically including the Federal Communications Commission, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

5-4-25: AUTOMATIC AMENDMENTS:

Upon written notification to grantee by the Village, the franchise granted herein shall be deemed automatically amended to include any more favorable terms or conditions of any other franchise granted by a municipality within Cook County, Illinois, to grantee, except where such more favorable terms or conditions are due to the larger number of street miles or the greater number of housing units contained in such municipality.

5-4-26: EFFECTIVE DATE:

This Chapter shall become effective immediately. The effective date of the franchise granted herein shall be the date upon which the written acceptance provided for in Section 5-4-22 is received by the Village Clerk.

5-4-27: SCHEDULE OF RATES ADOPTED BY REFERENCE:

A schedule of grantee's original rates are hereby adopted by reference and made a part of this Chapter. Grantee shall not increase the rate schedule without prior Village approval until two (2) years from the passage of this Chapter. (Ord. 79-23, 9-27-79)

CHAPTER 5: STANDARDS FOR CONSTRUCTION OF FACILITIES IN THE RIGHTS-OF-WAY

5-5-1 Purpose and Scope.

A) Purpose. The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.

B) Intent. In enacting this Article, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

1) prevent interference with the use of streets, sidewalks, bicycle paths, alleys, parkways and other public ways and places;

2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;

3) prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;

4) protect against environmental damage, including but not limited to damage to trees, from the installation of utility facilities;

5) protect against increased storm water run-off due to structures and materials that increase impermeable surfaces;

6) preserve the character of the neighborhoods in which facilities are installed;

7) preserve open space, particularly the tree-lined parkways that characterize the Village's residential neighborhoods;

8) prevent visual blight from the proliferation of facilities in the rights-of-way; and

9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

C) Facilities Subject to This Article. This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

D.) Franchises, Licenses, or Similar Agreements. The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village's rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Article.

E.) Effect of Franchises, Licenses, or Similar Agreements.

1.) Utilities Other Than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

2) Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

F.) Conflicts with Other Ordinances. This Article supersedes all ordinances or parts of ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict. In all cases the more restrictive requirement shall apply.

G.) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

H.) Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

5-5-2 Definitions.

As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 III. Adm. Code § 530,30, unless the context clearly requires otherwise.

"PASHTO" - American Association of State Highway and Transportation Officials.

"ANSI" - American National Standards Institute.

"Applicant" - A person applying for a permit under this Article. "ASTM" - American Society for Testing and Materials.

"Backfill" - The methods or materials for replacing excavated material in a trench or pit.

"Bore" or "Boring" - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable operator" - That term as defined in 47 U.S.C. 522(5).

"Cable service" - That term as defined in 47 U.S.C. 522(6).

"Cable system" - That term as defined in 47 U.S.C. 522(7).

"Carrier Pipe" - The pipe enclosing the liquid, gas or slurry to be transported.

"Casing" - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"Village" - The Village of Willow Springs, Cook County, Illinois.

"Clear Zone" - The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the PASHTO Roadside Design Guide.

"Coating" - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Code" or "Village Code" - Municipal Code of Willow Springs, Illinois. "Conductor" - Wire carrying electrical current.

"Conduit" - A casing or encasement for wires or cables.

"Construction" or "Construct" The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover" The depth of earth or backfill over buried utility pipe or conductor.

"Crossing Facility" - A facility that crosses one or more right-of-way lines of a right-of-way.

"Village Designee" - The Building Commissioner or his designee.

"Disrupt the Right-of-Way" For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency" - Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

"Encasement" - Provision of a protective casing.

"Engineer" - The Village Engineer or his or her designee.

"Equipment" - Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation" The making of a hole or cavity by removing material, or laying bare by digging.

"Extra Heavy Pipe" Pipe meeting ASTM standards for this pipe designation.

"Facility" - All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the Village.

"Freestanding Facility" - A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage Road" - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Hazardous Materials" - Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

"Highway Code" The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Highway" - A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, Including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder" - A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"IDOT" - Illinois Department of Transportation. "ICC" - Illinois Commerce Commission.

"Jacking" - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting" - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use" The use of pole lines, trenches or other facilities by two or more utilities.

"J.U.L.I.E." - The Joint Utility Locating Information for Excavators utility notification program.

"Major Intersection" - The intersection of two or more major arterial highways.

"Occupancy" - The presence of facilities on, over or under right-of-way.

"Parallel Facility" - A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway" Any portion of the right-of-way not improved by street or sidewalk.

"Pavement Cut" The removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee" - That entity to which a permit has been issued pursuant to this Article.

"Practicable" - That which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure" - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines" - Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Prompt" That which is done within a period of time specified by the Village. If no time period is specified, the period shall be 30 calendar days.

"Public Entity" - A legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Restoration" - The repair of a right-of-way, easement, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-Way" or "Rights-of-Way" - Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility and/or drainage easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-Way" or "Rights-of-Way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures, and other structures or improvements, regardless of whether they are situated in the right-of-way.

"Roadway" - That part of the highway that includes the pavement and shoulders.

"Sale of Telecommunications at Retail" - The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

"Security Fund" - That amount of security as required in this Article.

"Shoulder" A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

"Sound Engineering Judgment" A decision(s) consistent with generally accepted engineering principles, practices and experience.

"Telecommunications" - This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private fine services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations.

"Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming. services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

"Telecommunications Provider" Means any person that installs, owns, operates or controls facilities in the public right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer" - Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

"Trench" - A relatively narrow open excavation for the installation of an underground facility.

"Utility" - The individual or entity owning or operating any facility as defined in this Article.

"Vent" - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video Service" - That term as defined in Section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 200 ILCS 21-201(v).

"Water Lines" - Pipelines carrying raw or potable water.

"Wet Boring" Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

5-5-3 Annual Registration Required.

Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Village, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in this Article , in the form of a certificate of insurance.

5-5-4 Permit Required; Applications and Fees.

A) Permit Required. No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this Article), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Village,Designee and obtaining a permit from the Village therefor, except as otherwise provided in this Article. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

B) Permit Application. All applications for permits pursuant to this Article shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential

information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

C) Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1) The utility's name and address and telephone and telecopy numbers;

2) The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;

3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;

4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;

5) Evidence that the utility has placed on file with the Village:

i) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the latest edition of the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and

ii) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed;

6) Drawings and specifications showing the work proposed, including the certification of an Illinois registered professional engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations.

7) Evidence of insurance as required in this Article;

8) Evidence of posting of the security fund as required in this Article;

9) Any request for a variance from one or more provisions of this Article (See Section entitled "Variances"; and

10) Such additional information as may be reasonably required by the Village,

D) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of Subsection c) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and/or other local or state entities with jurisdiction, have been satisfied; or

5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

E) Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty (30) calendar days after the change necessitating the amendment.

F) Application Fees. Unless otherwise provided by franchise, license, or similar agreement, $1,000.00 or such amount established by the Village, as supplemented and amended from time to time. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

5-5-5 Action on Permit Applications.

A) Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Village Designee within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Village Designee shall reject such application in writing, stating the reasons therefor. If the Village Designee is satisfied that the proposed work conforms to the requirements of this Article and applicable ordinances, codes, laws, rules, and regulations, the Village Designee shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Village Designee, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

B) Additional Village Review of Applications of Telecommunications Retailers.

1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than ten (10) calendar days prior to the commencement of work requiring no excavation and not less than thirty (30) calendar days prior to the commencement of work requiring excavation. The Village Designee shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.

2) In the event that the Village Designee fails to provide such specification of location to the telecommunications retailer within either (i) ten (10) calendar days after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or (ii) twenty-five (25) calendar days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.

3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to this Article, the telecommunications retailer shall submit to the Village an application for a permit and any and all plans,

specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of Subsection (a) of this Section.

C) Additional Village Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five (45) calendar days after submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

5-5-6 Effect of Permit.

A) Authority Granted; No Property Right or Other Interest Created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Article on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

B) Duration. No permit issued under this Article shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

C) Pre-construction meeting required. No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village Designee with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

D) Compliance with All Laws Required. The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

5-5-7 Revised Permit Drawings.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of "as-built" drawings or plans to the Village within ninety (90) calendar days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the

actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance as defined in this Article. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

5-5-8 Insurance.

A) Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, consultants, agents, and employees as additional insureds on the policies listed in paragraphs 1 and 2 below:

1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:

i) Five million dollars ($5,000,000) for bodily injury or death to each person;

ii) Five million dollars ($5,000,000) for property damage resulting from any one accident; and

iii) Five million dollars ($5,000,000) for all other types of liability;

2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars ($1,000,000) for personal injury and property damage for, each accident;

3) Worker's compensation with statutory limits; and

4) Employer's liability insurance with limits of not less than one million dollars ($1,000,000) per employee and per accident. If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

B) Excess or Umbrella Policies. The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis

such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

C) Copies Required. The utility shall provide copies of any of the policies required by this Section to the Village within ten (10) calendar days following receipt of a written request therefor from the Village.

D) Maintenance and Renewal of Required Coverages. The insurance policies required by this Section shall contain the following endorsement:

> "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) calendar days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village Building Commissioner of such intent to cancel or not to renew."

Within ten (10) calendar days after receipt by the Village of said notice, and in no event later than ten (10) calendar days prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this Section.

E) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection a) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under Subsection a), or the requirements of Subsections b), c) and d) of this Section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection a) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

F) Effect of Insurance and Self-Insurance on Utility's Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

G) Insurance Companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.

5-5-9 Indemnification.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, consultants, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the Village, its officials, officers, employees, agents or representatives.

5-5-10 Security.

A) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

1) The faithful performance by the permittee of all the requirements of this Article.

2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Article.

3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Article or any other applicable law.

B) Form. The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, or an unconditional letter of credit in a form acceptable to the Village. Any letter of credit provided pursuant to this Subsection shall, at a minimum:

1) Provide that it will not be canceled without prior notice to the Village and the permittee;

2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and

3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

C) Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Village Designee, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. The reasonably estimated cost as described above shall be multiplied by 105% to establish the Security Fund amount. Such costs shall include, when applicable, the cost of street repair or replacement, sidewalk repair or replacement, landscaping, the cost to repair or replace such other improvements as may exist on the premises prior to construction performed pursuant to the permit and, if necessary, an appropriate reserve to guarantee that landscaping shall survive a one year period after restoration and to assure that all restoration is completed in a workmanlike manner. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Village Designee may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (c) for any single phase.

D) Withdrawals. The Village, upon fourteen (14) calendar days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

1) Fails to make any payment required to be made by the permittee hereunder;

2) Fails to pay any liens relating to the facilities that are due and unpaid;

3) Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

4) Fails to comply with any provision of this Article that the Village determines can be remedied by an expenditure of an amount in the Security Fund.

E) Replenishment. Within fourteen (14) calendar days after receipt of written notice from the Village that any-amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection c) of this Section.

F) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection c) of this Section.

G) Closing and Return of Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return df the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

H) Rights Not Limited. The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

5-5-11 Permit Suspension and Revocation.

A) Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;

2) Non-compliance with this Article;

3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or

4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

B) Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section.

C) Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;

2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five (5) working days after receipt of the written notice of revocation; or

3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten (10) calendar days after receipt of the written notice of revocation. The Village may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.

D) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection a) of this Section.

E) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection c) of this Section, the Village or its designee may, at the option of the Village: (1) correct the deficiencies; (2) upon not less than twenty (20) calendar days notice to the permittee, remove the subject facilities or equipment; or (3) after not less than thirty (30) calendar days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

5-5-12 Change of Ownership or Owner's Identity or Legal Status.

A) Notification of Change. A utility shall notify the Village no less than thirty (30) calendar days prior to the transfer of ownership of any facility in the right-of-way or

change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

B) Amended Permit. A new owner shall request that any current permit be amended to show current ownership within 30 calendar days of assuming ownership responsibilities. If the new owner fails to have a new or amended permit issued in its name within said 30 day period, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.

C) Insurance and Bonding. All required insurance coverage or bonding rust be changed to reflect the name of the new owner upon transfer.

5-5-13 General Construction Standards.

A) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

1) Standard Specifications for Road and Bridge Construction;

2) Supplemental Specifications and Recurring Special Provisions;

3) Highway Design Manual;

4) Highway Standards Manual;

5) Standard Specifications for Traffic Control Items;

6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);

7) Flagger's Handbook; and

8) Work Site Protection Manual for Daylight Maintenance Operations.

B) Interpretation of Municipal Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Article, the Village Designee shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Village Designee

shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

5-5-14 Traffic Control.

A) Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

B) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.

C) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

D) Notice When Access is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to this Article, the utility shall provide such notice as is practicable under the circumstances.

E) Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the Village.

5-5-15 Location of Facilities.

A. General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

1) No Interference with Village Facilities. No utility facilities shall be placed in any location if the Village Designee determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.

2) Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

3) No Interference with Travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

4) No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

5) Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application. No signage shall be included except that which is mandated by applicable state statute or regulation and which is submitted to the Village Designee for prior approval as to size, color, location and compliance with the applicable statute or regulation.

B) Parallel Facilities Located Within Highways.

1) Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if it exists as an overhead utility prior to the adoption of this Article and if the following criteria are met:

i) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;

ii) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;

iii) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;

iv) No pole is located in the ditch line of a highway; and

v) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

2) Underground Parallel Facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:

i) The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line;

ii) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and

iii) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five (5) feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

C) Facilities Crossing Highways.

1.) No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and. protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

2) Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

3) 90 Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety (90) degree angle to the centerline as practicable.

4) Overhead Power or Communication Facility. An overhead power or communication facility may cross a highway only if it exists as an overhead utility prior to the adoption of this Article and if the following criteria are met:

i) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 III. Adm. Code 305);

ii) Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and

iii) Overhead crossings at major intersections are avoided.

5) Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:

i) The design materials and construction methods will provide maximum maintenance-free service life; and

ii) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

6) Markers. The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication

facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

D) Facilities to be Located Within Particular Rights-of-Way. The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

E) Freestanding Facilities.

1) The Village may restrict the location and size of any freestanding facility located within a right-of-way.

2) The Village may require any freestanding facility located within a right-of-way to be screened from view by use of landscaping or other appropriate methods.

F) Facilities Installed Above Ground. Above ground facilities may be installed only if:

1) No other existing facilities in the area are located underground;

2) New underground installation is not technically feasible and the permittee establishes to the satisfaction of the Village that compliance requiring the installation of utilities and similar facilities be installed underground is not technically feasible; and

3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

4) Prior to any above ground installation the permittee establishes to the satisfaction of the Village that (i) installation of the proposed above ground facility is the only installation method feasible for the purpose to be served by the facility and, (ii) there is no other substitute location available where an underground installation capable of serving the same purpose as the above ground installation is feasible.

G) Facility Attachments to Bridges or Roadway Structures.

1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports,

all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

i) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;

ii) The type, length, value, and relative importance of the highway structure in the transportation system;

iii) The alternative routings available to the utility and their comparative practicability;

iv) The proposed method of attachment;

v) The ability of the structure to bear the increased load of the proposed facility;

vi) The degree of interference with bridge maintenance and painting;

vii) The effect on the visual quality of the structure; and

viii) The public benefit expected from the utility service as compared to the risk involved.

H) Appearance Standards.

1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.

2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

5-5-16 Construction Methods and Materials.

A) Standards and Requirements for Particular Types of Construction Methods.

1) Boring or Jacking. All work shall be done in accordance with the applicable articles of Section 552 of the IDOT Standard Specifications for Road and Bridge Construction.

i) Pits and Shoring, Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Designee from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

ii) Directional Boring. Directional Boring is required except in those circumstances when it is demonstrated to the satisfaction of the Village that it is not technically feasible.

iii)Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.

iv) Borings with Diameters Greater Than 6 Inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm), unless otherwise approved in advance by the Village Engineer.

v) Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by either directional drilling, jacking, guided with auger, or auger and following pipe method.

iv) Tree Preservation. Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.

2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."

i) Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Village Designee.

ii) Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

iii) Drip Line of Trees. The utility shall not trench within the drip line of any tree designated by the Village to be preserved.

3) Backfilling.

i) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

ii) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Village Designee, the utility, at its expense, shall within 10 calendar days of such order remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Village Designee.

4) Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth herein is permitted under this Article, the following requirements shall apply:

i) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Village Engineer.

ii) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.

iii) All saw cuts shall be full depth.

iv) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

5) Encasement.

i) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.

ii) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

iii) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.

iv) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.

v) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;

vi) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

6) Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

TYPE OF FACILITY	MINIMUM COVER
Electric Lines Communication, Cable or Video Service Lines	30 Inches (0.8 m) 18 to 24 Inches (0.6 m, as determined by Village)*
Gas or Petroleum Products	30 Inches (0.8 m)
Water Line	60 Inches (1.6 m)
Sanitary Sewer, Storm Sewer, or Drainage Line	48 Inches (1.3 m)

*Minimum cover for facilities crossing under streets shall be as determined by the Village Engineer.

B) Standards and Requirements for Particular Types of Facilities.

1) Electric Power or Communication Lines.

i) Code Compliance, Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 III. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.

ii) Overhead Facilities. If permitted per this Article, overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

iii) Underground Facilities. (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of "moles," "whip augers," or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.

iv) Burial of Drops. All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year,

weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten (10) business calendar days after placement.

2) Underground Facilities Other than Electric Power or Communication Lines, Underground facilities other than electric power or communication lines may be installed by:

i) the use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;

ii) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

iii) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

iv) tunneling with vented encasement, but only if installation is not possible by other means.

3) Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.

4) Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

5) Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."

6) Ground Mounted Appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Village Designee. With the approval of the Village Designee shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

C) Materials.

1) General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standards Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

2) Material Storage on Right-of-Way. No material shall be stored on the right-of-way without the prior written approval of the Village Designee. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.

3) Hazardous Materials. The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

D) Operational Restrictions.

1) Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

2) These restrictions may be waived by the Village Designee when emergency work is required to restore vital utility services.

3) Unless otherwise permitted by the Village, the hours of construction are those set forth in the Code.

E) Location of Existing Facilities. Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in

accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.)

5-5-17 Vegetation Control.

A) Electric Utilities. Compliance with State Laws and Regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations and additionally, with such local franchise or other agreement with the Village as permitted by law.

B) Other Utilities. Tree Trimming Permit Required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of a permit in addition to any other permit required under this Article.

1) Application for Tree Trimming Permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

2) Damage to Trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

C) Specimen Trees or Trees of Special Significance. The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

D) Chemical Use.

1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.

2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Village Designee that such spraying is the only practicable method of vegetation control.

5-5-18 Removal, Relocation, or Modifications of Utility Facilities.

A) Notice. Within ninety (90) calendar days following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.

B) Removal of Unauthorized Facilities. Within thirty (30) calendar days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;

2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;

3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or

4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

C) Emergency Removal or Relocation of Facilities. The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Village shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

D) Abandonment of Facilities. Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within ninety (90) calendar days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Village Designee determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

5-5-19 Clean-up and Restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) calendar days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces, sidewalks, bicycle trails, landscaping and tree replacement shall be made using materials, vegetation, trees and methods approved by the Village Designee. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, removal of all flags and markers or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Village Designee for good cause shown.

5-5-20 Maintenance and Emergency Maintenance.

A) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.

B) Emergency Maintenance Procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:

1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

2) In an emergency, the utility shall, as soon as possible, notify the Village Designee or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the law enforcement agency providing police services for the Village shall be notified immediately.

3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

C) Emergency Repairs. The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair. Restoration and Clean-up shall be performed in accordance with the requirements of this Article.

5-5-21 Variances.

A) Request for Variance. A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Village Designee as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

B) Authority to Grant Variances. The Village Designee shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

C) Conditions for Granting of Variance. The Village Designee may authorize a variance only if the utility requesting the variance has demonstrated that:

1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

D) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Village Designee may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

E) Right to Appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Village Designee under the provisions of this Article shall have the right to appeal to the Board of Trustees, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within 30 calendar days after the date of such order, requirement, decision or determination. The Village Board may commence its consideration of the appeal at its next regularly scheduled meeting occurring at least seven (7) calendar days after the filing of the appeal. The Village Board shall timely decide the appeal.

5-5-22 Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article, or who fails or refuses to remedy a violation of any of the provisions of this Article after being notified by the Village Designee of such a violation, shall be subject to a fine of Seven Hundred Fifty and 00/100 ($750.00) Dollars for each offense. Each day upon which such violation exists shall constitute a separate offense subject to a separate fine. Nothing herein contained shall prevent the Village from pursuing such other lawful action as is necessary for the restraint, correction and abatement of any violation. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

5-5-23 Enforcement.

Nothing in this Article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Article, as from time to time supplemented and amended. (Ord. 2008-O-23)

CHAPTER 6: SERVICE PROVIDER AND PEG FEES

5-6-1 Definitions.

As used in this Article, the following terms shall have the following meanings:

A) "Cable service" means that term as defined in 47 U.S.C. § 522(6).

B) "Commission" means the Illinois Commerce Commission.

C) "Gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the Village.

1) Gross revenues shall include the following:

i) Recurring charges for cable or video service.

ii) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.

iii) Rental of set top boxes and other cable service or video service equipment.

iv) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.

v) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.

vi) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

vii) A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the Village. The allocation shall be based on the number of subscribers in the Village divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

viii) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (ix).

ix) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

x) The service provider fee permitted by 220 ILCS 5/21-801 (b).

2) Gross revenues do not include any of the following:

i) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).

ii) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization

to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.

iii) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or nonvideo service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

iv) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.

v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a village, state, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.

vi) Security deposits collected from subscribers.

vii)Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

D) "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

E) "PEG" means public, education and governmental.

F) "PEG access support fee" means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to a Village for the service areas within its territorial jurisdiction

F) "Service" means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

G) "Service provider fee" means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to a Village for the service areas within its territorial jurisdiction.

H) "Video service" means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

5-6-2 Cable and Video Service Provider Fee Imposed.

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

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

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

D) Holder's Liability. The holder shall be liable for and pay the service provider fee to the Village. The holder's liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Article by the holder. The ordinance shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village.

E) Payment Date. The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

F) Exemption. The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village in which a fee is paid.

G) Credit for Other Payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under this Article.

5-6-3 PEG Access Support Fee Imposed.

A) PEG Fee Imposed. A PEG access support fee is hereby imposed on any holder providing cable service or video service in the Village in addition to the fee imposed pursuant to 5-6-2.

B) Amount of Fee. The amount of the PEG access support fee imposed hereby shall be one percent (1 %) of the holder's gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the Village or its designee for PEG access support in the Village.

C) Payment, The holder shall pay the PEG access support fee to the Village or to the entity designated by the Village to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in Section 5-6-2 (d).

D) Payment Due. The payment of the PEG access support fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

E) Credit for Other Payments, An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that operator owes under section 5-6-2 (b).

5-6-4 Applicable Principles.

All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

5-6-5 No Impact on Other Taxes Due from Holder.

Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the Village, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the Village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization

shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

5-6-6 Audits of Cable and Video Service Provider.

A) Audit Requirement. The Village will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the Village imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recompute any amounts determined to be payable under the requirements of the Village. If all local franchises between the Village and cable operator terminate, the audit requirements shall be those adopted by the Village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

B) Additional Payments. Any additional amount due after an audit shall be paid within thirty (30) days after the Village's submission of an invoice for the sum.

5-6-7 Late Fees and Payments.

All fees due and payments which are past due shall be governed by ordinances adopted by the Village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq. (Ord. 2008-O-05)

CHAPTER 7: CABLE AND VIDEO CUSTOMER PROTECTION LAW

5-7-1 Customer Service and Privacy Protection Law.

A) Adoption. The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the Village's boundaries.

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

5-7-2 Enforcement.

The Village does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the Village.

5-7-3 Penalties.

The Village, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed $750.00 for each day of the material breach, and shall not exceed $25,000.00 for each occurrence of a material breach per customer.

A) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.

B) The Village shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least 30 days from the receipt of the notice to remedy the specified material breach.

C) A material breach, for the purposes of assuming penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (B).

5-7-4 Customer Credits.

The Village hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit. (Ord. 2008-O-04)

TITLE 6
HEALTH AND SANITATION

CHAPTER 1
NUISANCES

6-1-1: NUISANCES DECLARED:

In cases where no provision is herein made defining what shall constitute a nuisance, and how the same may be removed, abated or prevented, those offenses which are known to the common law of the land and the Statutes of the State as nuisances may, in case the same exist, be treated as such and proceeded against as is in this Chapter provided, or in accordance with any other law which shall give the officer trying the same jurisdiction.

It is hereby declared a nuisance for any person within the limits of the Village to: (Ord., 2-11-1897)

A. Accumulations:

1. Accumulate or store litter, trash, refuse, rubbish or debris, including animal and vegetable matter, building materials and nonfunctional automobiles, appliances and machinery, or parts thereof, or the growth of weeds in excess of six inches (6") in height, or for any person owning, leasing, occupying or controlling any real estate within the Village to permit a nuisance as defined herein to exist upon such real estate. (Ord. 71-14, 10-28-71)

2. To cause or permit the carcass of any animal, or any filth or noisome substance to be collected, deposited or remain in any place to the prejudice of other persons.

3. To permit any matter which is liable to become putrid or offensive or injurious to health to remain on any premises for a longer period than four (4) hours at any one time.

B. Offensive Premises:

1. To keep or permit to be kept in a foul, offensive, nauseous or filthy condition, any railroad car, building, yard, cellar, barn, sewer, pig sty or privy.

2. To own, keep or use any railroad car, yard, pen, place or premises in or upon which cattle or swine may be confined or kept, so as to be offensive to persons residing within the vicinity of the same.

C. Offensive Businesses:

1. To erect, continue or use any 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.

2. To locate or use without first having obtained permission of the Board of Trustees to do so, any packing house, rendery, tallow chandlery, bone factory, soap factory, tannery, brewery or distillery within the distance of one mile of the Village limits.

3. To boil or render tainted lard or other animal substances so as to taint the air or render it unwholesome or offensive.

4. To establish, maintain and carry on any offensive or unwholesome business within one mile of the limits of the Village.

D. Offensive Odors: To so negligently conduct any business or use any premises as to create an offensive smell as may render the air unwholesome or disagreeable to other persons.

E. Water Pollution:

1. To throw or deposit any offensive matter in any watercourse, pond, spring or well.

2. To corrupt or render unwholesome or impure the water of any spring, stream, pond, cistern or well.

3. To permit to stand or remain on any lot or premises water which is or which may become stagnant, foul or offensive or detrimental to the health and comfort of persons residing in the neighborhood thereof.

F. Unlawful Deposits: To deposit any filthy or offensive substance upon any lot, street, alley, highway or other place.

G. Obstructions:

1. To obstruct or impede, without legal authority, the passage of any gutter, sewer or the natural drainage of any public or private property.

2. To obstruct or encroach upon any public thoroughfare or private ways, streets, alleys or commons.

H. Cemetery: To establish a cemetery within the corporate limits or within one mile of the limits of the Village, without first having obtained permission so to do under provisions of an ordinance of the Board of Trustees.

I. Dangerous Buildings: To permit to remain on any premises to the annoyance and detriment of other persons, a dilapidated building liable to fall or take fire, and which,

by reason of its proximity to the contiguous or adjacent buildings and premises of other persons, does endanger their life or property.

J. Unsafe Scaffolding: To use in the erection or repairing of any building a scaffold not wide enough to insure the safety of persons passing under or near the same. (Ord., 2-11-1897)

6-1-2: NOTICE:

The Village Clerk, Village Health Officer or such other person as the governing body may designate, shall serve or cause to be served a notice in writing upon any person owning, leasing, occupying or controlling any real estate within the Village upon which a nuisance as defined herein is found to exist, requiring them or any of them to remove or cut down the condition constituting such nuisance within seven (7) days from the date of depositing such notice in the United States mail, postage prepaid. Said notice shall be addressed to the last known person owning, leasing, occupying or controlling said real estate and as to the owner, the notice may be addressed to the address shown on the most recent tax bill for said premises. (Ord. 71-14, 10-28-71)

6-1-3: CONTINUANCE OF NUISANCE:

Whoever makes or continues any nuisance or who, after being notified in writing by the Health Officer that such nuisance exists, refuses or neglects, within the time specified in such notice, to remove the same, shall be deemed guilty of a misdemeanor, and if any person shall continue a nuisance after being fined for the same a new cause of action shall immediately accrue against such person, subjecting the offender to a like penalty aforesaid; and so on, after the rendition of each fine, the continuance of such nuisance shall be deemed a new cause of action, subjecting the offender to a like penalty. (Ord., 2-11-1897; amd. 1983 Code)

6-1-4: REFUSAL TO COMPLY; ABATEMENT:

In the event any person so notified shall fail or refuse to comply with said notice, it shall be lawful for the Village to cause such nuisance to be removed or cut down in any manner it shall designate, and to charge the costs of such removal to any person owning, leasing, occupying or controlling such real estate. (Ord. 71-14, 10-28-71)

Whenever any nuisance whatever shall be found on any premises contrary to any provision of this Code, the President or any Health Officer is hereby respectively authorized to cause the same to be summarily abated in such manner as he may direct. (Ord., 2-11-1897)

6-1-5: LIEN:

The cost and expense incurred by the Village, or by the person performing the service by authority of the Village, in the removal or cutting down of such nuisance following the

refusal or neglect of the responsible party to remove or cut down such nuisance shall constitute a lien upon the real estate affected, which lien shall be enforced as provided by Statute.

6-1-6: ADMINISTRATION APPEAL; HEARING:

In the event any person disputes the existence of a condition constituting a public nuisance, such person may file an appeal from the decision of the person sending out the notice provided for herein, within the time required for compliance with such notice, with the Board of Trustees of the Village. The Board of Trustees shall cause a hearing to be held upon such appeal, and shall make a decision, which shall be final, as to whether the condition which exists is or is not in fact a public nuisance as defined herein. Failure to file any such administration appeal within the time required shall constitute an admission of the existence of a nuisance as defined herein; provided however, that such failure shall not be used as an admission of a violation of this Code for purposes of imposing a penalty as provided.

6-1-7: PENALTY:

Whether or not the Village shall have removed, or caused to be removed such nuisance, any person who shall violate any of the provisions of this Chapter, or who shall neglect or refuse to remove such nuisance when so notified, or who regardless of notice, shall permit any such nuisance on any parcel of land within the Village shall be punished by a fine of not more than five hundred dollars ($500.00) for each offense. Each day that any such violation persists shall be considered a separate offense. (Ord. 71-14, 10-28-71)

6-1-8: IMPOUNDMENT OF MOTOR VEHICLES USED IN CONNECTION WITH ILLEGAL ACTIVITIES

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

1. The term "Hearing Officer" means a licensed attorney who is not an officer or employee of the Village.

2. The term "Owner of Record" means the record titleholder to a motor vehicle as registered with the Secretary of State of the state of Illinois.

3. The term “motor vehicles” will include First and Second Division vehicles as defined in Chapter 625 ILCS 5/1-146. (Ord. 2014-O-20)

B) Violations Authorizing Impoundment: A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall be subject to tow and impoundment by the Village, and the owner of record of said vehicle shall be liable to the Village for an administrative fee in addition to any towing and storage fees, as hereinafter provided. It shall not be

necessary for criminal charges to be filed, prosecuted, and/or proven in order to demonstrate that one of the following violations has been committed:

1. Operation or use of a motor vehicle in the commission or attempted commission of any offense for which a motor vehicle may be seized and forfeited pursuant to 720 Illinois Compiled Statutes 5/36-1 et seq., shall subject the owner to an administrative fee of five hundred dollars ($500.00).

2. Driving under the influence of alcohol, other drug or drugs, intoxicating compounds, in violation of 625 Illinois Compiled Statutes 5/11-501, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

3. Operation or use of a motor vehicle in connection with the commission or attempted commission of any felony offense in violation of the provisions of the Illinois Cannabis Control Act, 720 Illinois Compiled Statutes 550/1, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

4. Operation or use of a motor vehicle in connection with the commission or attempted commission of any offense in violation of the Illinois Controlled Substances Act, 720 Illinois Compiled Statutes 570/100 shall subject the owner to an administrative fee of five hundred dollars ($500.00).

5. Operation or use of a motor vehicle in connection with the commission or attempted commission of the offense of Unlawful Use of a Weapon in violation of 720 Illinois Compiled Statutes 5/24-1; aggravated discharge of a firearm in violation of 720 Illinois Compiled Statutes 5/24-1.5; and unlawful possession of a firearm and firearm ammunition, in violation of 720 Illinois Compiled Statutes 5/24-3.1, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

6. Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to section 6-303 of the Illinois vehicle code shall subject the owner to an administrative fee of five hundred dollars ($500.00); except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.

7. Operation or use of a motor vehicle while soliciting, possessing or attempting to solicit or possess cannabis or a controlled substance, as defined by the cannabis control act or the Illinois controlled substances act, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

8. Operation or use of a motor vehicle with an expired driver's license, in violation of section 6-101of the Illinois vehicle code, if the period of expiration is greater than one year, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

9. Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of section 6-101 of the Illinois vehicle code, or operation of a motor vehicle without ever having been issued a driver's license or permit due to a person's age, shall subiect the owner to an administrative fee of five hundred dollars ($500.00).

10. Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated section 6-101(Drivers must have licenses or permits), 6-303(Driving while driver's license or permit is suspended or revoked), or 11-501(Driving under the Influence of Alcohol or Drugs) of the Illinois vehicle code, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

11. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of article 16 (Theft and Related Offenses) of the criminal code of 2012, shall subject the owner to an administrative fee of five hundred dollars ($500.00).

12. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the criminal code of 1961 or the criminal code of 2012, shall subiect the owner to an administrative fee of five hundred dollars ($500.00).

13. Operation or use of a motor vehicle in violation of Illinois Vehicle Code Section 11-503 (Reckless Driving), while the vehicle is part of a funeral procession; or in a manner that interferes with a funeral procession, shall subject the owner to an administrative fee of five hundred dollars ($500.00). (Ord. 2014-O-20)

C) General Regulations:

1. This chapter shall not replace or otherwise abrogate any existing laws pertaining to vehicle seizure, towing and impoundment, and the owner shall be subject to these penalties in addition to any penalties that may be assessed by a court for any criminal charges.

2. This Section shall not apply if the vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within twenty four (24) hours after the theft was discovered.

3. Fees for towing and storage of a vehicle under this Section shall be those approved by the chief of police for all tow companies authorized to tow for the police department.

4. All forms and administrative paperwork shall be maintained by the Willow Springs Police Department and may be amended as needed.

6-1-8A: SEIZURE AND IMPOUNDMENT

A. Whenever a police officer has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall cause the motor vehicle to be towed to a facility controlled by the Village or its agents.

B. When the vehicle is towed, the police officer shall notify any person identifying himself or herself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing as provided in this Section.

C. Said motor vehicle shall be impounded pending the completion of the hearings provided for in this Section, unless the owner of the motor vehicle posts with the Village a bond equal to the administrative fee as provided by this ordinance and pays for all towing and storage charges. All bond money posted pursuant to this Section shall be held by the Village until the hearing officer issues a decision, or, if there is a judicial review, until a reviewing court issues a final decision.

D. The administrative fees established by this Section are to be paid by the owner of record/interested person, or the agents of the owner or record/interested person, of the vehicle involved in the incident leading to custodial arrest regardless of whether that person was operating the vehicle at the time of the incident.

E. The person purporting to be the owner of record/interested person, or the agents of the owner of record/interested person must present proof of ownership, current proof of insurance and possess a valid driver's license prior to release.

F. A police officer who has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this chapter shall first ascertain whether the seizure and impoundment is necessary and reasonable under the circumstances. If the motor vehicle is capable of being removed from the scene by an individual who is present on the scene, and who has permission from the owner of the motor vehicle to drive the motor vehicle, and the individual is otherwise fully capable of lawfully operating a motor vehicle in the State of Illinois, the police officer shall allow that individual to remove the motor vehicle without it being subject to seizure and impoundment if seizure and impoundment of the motor vehicle is discretionary pursuant to section (b)(1) above or seizure and impoundment of the motor vehicle is contemplated pursuant to sections (b)(8)-(9) above.

G. Similarly, if the motor vehicle is parked legally and will not present a hazard to the public safety or otherwise jeopardize the efficient movement of vehicular traffic at its location, the police officer shall permit the motor vehicle to remain at its location without it being seized and impounded if seizure and impoundment of the motor

vehicle is discretionary pursuant to section (b)(1) above or seizure and impoundment of the motor vehicle is contemplated pursuant to sections (b)(8)-(9) above.

H. The determination required by this section is not required to be made when a motor vehicle is required to be seized and impounded due to investigative measures or when a motor vehicle is seized and impounded pursuant to another lawful purpose. (Ord. 2014-O-20)

6-1-8b: Preliminary Hearing:

A. Where the owner of a motor vehicle towed and impounded pursuant to this Section desires to appeal said seizure, said owner shall request a preliminary hearing within forty-eight (48) hours of the seizure of the motor vehicle. Such notice shall be in writing and shall be filed with the chief of police or the chief of police's designee who shall conduct said preliminary hearing within forty-eight (48) hours after the request for a preliminary hearing is received, excluding Saturdays, Sundays or Village holidays. For purposes of this section, the following shall apply:

1. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing.

2. The formal rules of evidence shall not apply at the hearing, and hearsay testimony shall be allowed, and shall be admissible.

B. If, after the conclusion of the hearing, the chief of police or the chief of police's designee determines that there is probable cause to believe that the vehicle is subject to impoundment pursuant to this Section, he or she shall order the continued impoundment of the vehicle, unless the owner of the vehicle posts a cash bond with the village in the amount of five hundred dollars ($500.00), plus the towing and storage costs.

1. At the conclusion of the preliminary hearing, the vehicle owner may appeal the outcome of the preliminary hearing or file a request for a final hearing. The chief of police or his designee shall serve the owner of record immediate notice of the date and time of the final hearing.

C. If the chief of police or the chief of police's designee determines that there is not probable cause to believe that the vehicle is subject to impoundment pursuant to this Section, the motor vehicle shall be returned to the owner of record of the vehicle without any fees or other costs, but the owner of record shall be responsible for any towing or storage charges. (Ord. 2014-O-20)

6-1-8c: Administrative Hearing

A. Unless the owner of the motor vehicle prevails at a preliminary hearing, or the owner affirmatively requests or waives his or her right to a final administrative hearing, the Village shall notify the owner of record within ten (10) business days after the vehicle is towed and impounded, by personal service or certified mail, return receipt requested, of the date, time and location of a hearing being conducted pursuant to this Section. Said notice shall state the fees that may be imposed by the Village, and shall further state that a motor vehicle not released by cash bond or other form of acceptable payment may be sold or disposed of by the Village in accordance with applicable law.

B. A person whose vehicle is seized pursuant to this section may apply for a hearing to assert that he or she or the person driving the vehicle was not in violation of this section at the time the vehicle was seized. The application for hearing shall be made no later than five (5) days after notice has been given either personally or by certified mail, whichever is applicable in the given circumstance. The application to request a hearing shall be provided by the village at the time notice is given. The bond shall be forfeited in the event a hearing is not requested as provided for in this section. After an application for hearing is received by the village, a subsequent notice shall be sent to the person that requested the hearing notifying that person of the date, time and location of the hearing.

C. For purposes of this section, the following shall apply at an owner's final hearing:

1. The hearing shall be conducted by a hearing officer licensed to practice law in the state of Illinois for a least three (3) years designated by the village administrator.

2. Unless continued by order of the hearing officer, the hearing shall he held within forty-five (45) days after the motor vehicle was seized.

3. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing, and hearsay testimony shall be allowed, and shall be admissible.

4. The violation citation shall be prima facie evidence that the violation was committed as provided in the citation, and the burden of proof shall be upon the defendant to prove that the violation was not committed.

5. If, after the conclusion of the hearing, the hearing officer determines by a preponderance of the evidence that the vehicle was used in connection with a violation set forth in section 6-1-8(B) above, the hearing officer shall enter an order finding the owner of record of the motor vehicle civilly liable to the Village for the applicable administrative fee, and order the continued impoundment of the vehicle until the owner of the vehicle pays to the Village a fee in the amount of

five hundred dollars ($500.00), plus the towing and storage costs. The fee and costs shall be a debt due to the village.

6. If, after the hearing, the hearing officer determines, by a preponderance of the evidence, that the vehicle was not used in connection with a violation set forth in section 6-1-8(B) above, the hearing officer shall enter an order finding for the owner and the motor vehicle shall be returned to the owner of record of the vehicle without any administrative fees or other costs, or, if a cash bond had previously been posted, the cash bond shall be returned, but the owner of record shall be responsible for any towing or storage charges.

7. If the owner of record fails to appear at the hearing, the hearing officer shall enter an order of default in favor of the village, which order shall require the payment to the village of an administrative fee of five hundred dollars ($500.00).

D. All decisions of the hearing officer shall be subject to review under the provisions of the Illinois Administrative Review Law.

E. Unless stayed by a court of competent jurisdiction any administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. (Ord. 2014-O-20)

6-1-8d: Disposition of Unclaimed Vehicles

A. If the administrative fee and any other applicable fees are not paid within thirty-five (35) days after said fees are imposed against an owner of record who has defaulted by failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles under the Illinois Vehicle Code (625 ILCS 5/1 *et seq*.), as may be amended from time to time.

B. In all other cases, if the administrative fee and any other applicable fees are not paid within thirty (30) days after the expiration of time in which judicial review of the hearing officer's determination may be sought, or within thirty (30) days after an action seeking judicial review has been resolved in favor of the Village, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles under the Illinois Vehicle Code (625 ILCS 5/1 et seq.), as may be amended from time to time. (Ord. 2014-O-20)

6-1-8e: Applicability of Other Laws:

This section is in addition to and shall not replace or otherwise abrogate any existing state or federal laws or any ordinance that relates to the seizure impoundment of motor

vehicles, and any fee in this section shall be in addition to any and all penalties that may be assessed or imposed by a court for any criminal charges. This section shall not apply: (1) if the motor vehicle used in the violation was stolen at the time of the violation and the theft was reported to the appropriate police authorities within twenty-four (24) hours after the theft was discovered; (2) if the motor vehicle is operated as a common carrier as defined by applicable law and the violation occurs without the knowledge of the person in control of the motor vehicle; or (3) if the motor vehicle is subject to successful forfeiture proceedings under 725 ILCS 150/1 et seq., as amended ("Drug Asset Forfeiture Procedure Act"), 720 ILCS 5/36-1 et seq., as amended ("Seizure and Forfeiture of Vessels, Vehicles and Aircraft"), or state or federal forfeiture laws. (Ord. 2014-O-20)

CHAPTER 2
SEWER AND SEWERAGE REGULATIONS

6-2-1: PURPOSE:

The purpose of this Chapter is to ensure that the public sewer system is maintained to properly serve the community while minimizing pollution of the air, land and watercourses.

This Chapter is intended to meet the current requirements of the United States Environmental Protection Agency for Federal Grants for construction of treatment works. (Ord. 93-0-2, 1-28-93)

6-2-2: DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

ADMINISTRATOR: The Administrator of the United States Environmental Protection agency.

APPROVING AUTHORITY: The Village of Willow Springs.

BASIC USER CHARGE: The basic assessment levied on all users of the Wastewater Collection System for the cost of operation and maintenance plus replacement.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

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

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

COMMERCIAL USER: A user of the wastewater collection system including transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

CONTROL MANHOLE: A structure located on a site from which industrial wastes are discharged. The purpose of a control manhole is to provide access in order to measure and/or sample discharge.

DEBT SERVICE CHARGE: The amount to be paid each billing period for payment of interest, principal and coverage of loans, bonds, etc. outstanding, which are applicable to the sanitary sewer system. This charge shall be computed by dividing the annual debt service by the number of users connected to the wastewater collection system.

DIRECTOR: The Director of the Illinois Environmental Protection Agency.

EASEMENT: An acquired legal right for the specific use of land owned by others.

EFFLUENT CRITERIA: Defined in applicable NPDES Permit.

FEDERAL ACT: The Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 3-243).

FEDERAL GRANT: The U.S. Government participation in the financing of the construction of treatment works as provided by Title II - Grants for Construction of Treatment Works of the Act and Implementing Regulations.

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 wastewater does not interfere with the collection system.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL USER: A user of the wastewater collection system including establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

INDUSTRIAL WASTE: Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

INSTITUTIONAL/ GOVERNMENTAL USER: A user of the wastewater collection system including schools, churches, penal institutions, and users associated with Federal, State, and local governments.

MAJOR CONTRIBUTING INDUSTRY: An industrial user of the publicly owned treatment works that:

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

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

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

D. Is found by the permit issuing authority, in connection with the issuance of the NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works, or upon the quality of effluent from that treatment works.

MAY: Permissible.

MWRDGC: Metropolitan Water Reclamation District of Greater Chicago.

MILLIGRAMS PER LITER: A unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in one thousand (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.

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

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

ORDINANCE: This Ordinance.

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

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

POPULATION EQUIVALENT: A term used to evaluate the impact of industrial or other waste on a treatment works or stream.

ppm: Parts per million by weight.

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

PROPERLY SHREDDED GARBAGE: Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle bigger than one-half inch (1/2") (1.27 centimeters) in any dimension.

PUBLIC SEWER: A sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that service one or more persons and ultimately discharge into the Village sanitary (or combined) sewer system, even though those sewers may not have been constructed with Village funds.

REPLACEMENT: Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater collection system to maintain the capacity and performance for which the system was designed and constructed.

RESIDENTIAL USER: A user of the wastewater collection system including all dwelling units such as houses, mobile homes, apartments, and permanent multi-family dwellings.

SANITARY SEWER: A sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or polluted industrial wastes are not intentionally admitted.

SEWAGE: Used interchangeably with "wastewater".

SEWER: A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

SEWERAGE: The system of sewers and appurtenances for the collection, transportation, and pumping of sewage.

SEWERAGE FUND: The principal accounting designation for all revenues received in the operation of the wastewater collection system.

SHALL: Mandatory.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration for flows during normal operation.

STANDARD METHODS: The examination and analytical procedures set forth in the most recent addition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

STATE ACT: The Illinois Anti-Pollution Bond Act of 1970.

STATE GRANT: The State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

STORM SEWER: A sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

STORMWATER RUNOFF: That portion of the precipitation that is drained into the sewers.

SURCHARGE: An assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than normal concentration values.

SUSPENDED SOLIDS: Solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

UNPOLLUTED WATER: Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

USEFUL LIFE: The estimated period during which the wastewater collection system will be operated.

USER CLASS: The type of user of the wastewater collection system; "residential", "commercial", "industrial" or "institutional/governmental" as defined in this section.

VILLAGE: The Village of Willow Springs.

WASTEWATER: The spent water of a community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

WASTEWATER COLLECTION SYSTEM: The structures, equipment, and processes required to collect and transport wastes to the interceptor sewers of the Metropolitan Water Reclamation District of Greater Chicago.

WASTEWATER FACILITIES: The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a water course.

WASTEWATER SERVICE CHARGE: The charge per billing period levied on all users of the wastewater collection system. The service charge shall be computed as outlined in Section 6-2-9.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes and sludge.

WATER QUALITY STANDARDS: Defined in the Water Pollution Regulations of Illinois.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 93-0-2, 1-28-93)

6-2-3: USE OF PUBLIC SEWERS REQUIRED:

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on

any street, alley, or right of way in which there is now located or may in the future be located any public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100') (30.5 meters) of the property line. (Ord. 93-0-2, 1-28-93)

6-2-4: BUILDING SEWERS AND CONNECTIONS:

A. No unauthorized person shall uncover, make any connections with or into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.

B. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

C. Building Sewer Permits.

1. There shall be two classes of building sewer permits:

i) For residential and commercial service, and

ii) For service to an industrial user

2. In either case, the owner or his agent shall make application on a permit form furnished by the building department. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Village Engineer or Building Commissioner. A permit and inspection fee of $2,000.00 dollars for a residential single-family unit and an additional fee of $100.00 for each additional living unit including motels shall be charged. A commercial building sewer permit fee shall be the same as residential (two thousand dollars $2,000.00) per sewer also. All fees shall be paid to the Village Clerk at the time of application.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 26-O-2009)

D. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

E. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

F. A separate and independent building sewer shall be provided for every building.

G. Old building sewers may be used in connection with new buildings only when they are found to meet all requirements of this Chapter. This determination will be made upon examination and tests by the Village, all costs to be borne by the applicant.

H. The size, slope, alignment, materials of construction of a building sewer, placing of the pipe, jointing and testing shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

I. The building sewer shall be brought to the building in accordance with Village Ordinances and subsection B of this Section.

J. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

K. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village and MWRDGC, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Village and/or other governmental authorities having jurisdiction over the proposed deviation before installation.

L. The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer and prior to backfilling. No connection shall be made unless said connection is observed by the appropriate Village Inspector.

M. All excavations for building sewer installation shall be adequately guarded with barricades and lights in order to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village. (Ord. 93-0-2, 1-28-93)

6-2-5: USE OF THE PUBLIC SEWERS:

A. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village to a storm sewer or natural outlet.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

3. Any waters or wastes having a pH lower than five and one-half (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village and MWRDGC that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Village and MWRDGC representatives will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) Fahrenheit (65° Centigrade).

2. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two degrees (32°) and one hundred fifty degrees (150°) Fahrenheit, (0° and 65° Centigrade).

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village.

4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

5. Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.

6. Any waters or wastes containing phenyls or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

8. Any waters or wastes having a pH in excess of nine and one-half (9.5).

9. Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

10. Any cyanide in excess of twenty five one-thousandths (0.025) mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

11. Materials which exert or cause:

i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

iv) Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

12. Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 6-2-5D and/or which are in violation of the standards for pretreatment provided in Chapter 1 EPA Rules and Regulations, subchapter D., Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Village and/or MWRDGC may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village and/or MWRDGC may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of subsection 6-2-5J.

If the Village and MWRDGC permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village and MWRDGC, and subject to the requirements of all applicable codes, ordinances, and laws.

F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village and/or MWRDGC 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 Village and MWRDGC and shall be located as to be readily and easily accessible for cleaning and inspection.

G. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

H. Each industry shall be required to install a control manhole and, when required by the Village and/or MWRDGC, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village and MWRDGC. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Chapter and any special conditions for discharge established by the Village, MWRDGC and/or other regulatory agencies or entities which have regulatory authority over the discharge.

The number, type, and frequency of laboratory analysis to be performed by the owner shall be as stipulated by the Village and/or MWRDGC but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analysis to the Village and MWRDGC at such times and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analysis, and reporting required by the Village and/or MWRDGC. At such times as deemed necessary, the Village and/or MWRDGC reserve the right to take measurements and samples for analysis by an outside laboratory service.

J. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at

which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from twenty four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

K. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village, MWRDGC, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for transmission, and MWRDGC for treatment, subject to payment, therefore, in accordance with Section 6-2-9, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for user charge system. (Ord. 93-0-2, 1-28-93)

6-2-6: PROTECTION OF SEWAGE WORKS FROM DAMAGE:

No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 93-0-2, 1-28-93)

6-2-7: POWERS AND AUTHORITY OF INSPECTORS:

A. The duly authorized employees of the Village, the MWRDGC, the Illinois EPA and the U.S. EPA, bearing property credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Village representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

B. While performing the necessary work in private properties referred to in subsection 6-2-7A, the duly authorized employees of the Village, the MWRDGC, the Illinois EPA, and the U.S. EPA shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection 6-2-5H.

C. The duly authorized employees of the Village bearing proper credential and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord., 93-0-2, 1-28-93)

6-2-8: REVOCATION OF SEWER PERMIT:

Any person found to be violating any provision of this Chapter except Section 6-2-6, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this Chapter. (Ord. 93-0-2, 1-28-93)

6-2-9: WASTEWATER SERVICE CHARGE:

A. Basis for Wastewater Service Charges: The wastewater service charges for the use of and for service supplied by the wastewater collection system of the Village shall consist of a user charge for operation and maintenance plus replacement.

B. Minimum Basic Service Charge and Sewer Reconstruction Fee: There shall be and there is hereby established a monthly minimum basic service charge of six dollars and forty five cents ($6.45), a debt service charge as of the adoption of this Chapter of zero dollars zero cents ($0.00) per month and a sewer reconstruction fee of two dollars and zero cents ($2.00) to each user (or real estate owner in the case of vacant real estate) for the use of or benefit of and for service supplied by the wastewater collection system of the Village.

C. Basic User Rate: There shall be and there is hereby established a monthly basic user rate of one dollar sixty nine cents ($1.69) per one thousand (1,000) gallons of metered water consumption to each user for the use of and for service supplied by the wastewater collection system of the Village. (Ord. 13A-O-2009)

D. All nonmetered users (i.e. well user property owners) of the wastewater facilities shall pay a "flat rate charge" of twelve dollars nine cents ($12.09) per month. The flat rate charge consists of four dollars thirty eight cents ($4.38) for minimum basic sewer charges and a basic user rate based on a maximum six thousand seven hundred (6,700) gallons per month.

In the event use of the wastewater facilities by any nonmetered user is determined by the Village to be in excess of six thousand seven hundred (6,700) gallons per month,

the Village may require such nonmetered user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

E. The wastewater service charge set out as subsection C above shall be computed by the following formula:

Where C = Cm + Cd + (Cr x W)

W = Gallons of water used per month/1,000

Cm = Minimum Basic Service Charge (Fixed)

Cd = Debt Service Charge

Cr = Basic User Rate for Operation, Maintenance and Replacement

F. A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD two hundred fifty (250) mg/l and SS three hundred fifty (350) mg/l. The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the two hundred fifty (250) mg/l and three hundred fifty (350) mg/l concentrations for BOD and SS respectively.

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Village and shall be binding as a basis for surcharges.

G. The adequacy of the wastewater service charges as aforesaid, shall be reviewed, not less often than annually, by certified public accountants for the Village in their annual audit report. The wastewater service charges shall be revised periodically to reflect a change in local capital costs and operating maintenance and replacement costs.

H. The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement. (Ord. 93-0-2, 1-28-93)

6-2-10: GENERAL PROVISIONS:

A. Bills: Said rates or charges for residential (except multi-family residential users), vacant and non-metered users shall be payable bimonthly. Commercial users, industrial users, multi-family residential users and institutional governmental users shall be billed monthly. Responsibility for payment for service rests with the property owner of record, whether or not such owner is the customer. Accordingly, payment of current and past due Village billing is the responsibility of such owner.

All sewer bills are due and payable within fifteen (15) days after being sent out.

B. Service Shut Off: Water service may be terminated by the West Suburban Water Commission when any bill for sewer service is more than sixty (60) days past due to the Village. The Village shall send written notification of the reason for the shut off, via certified mail, to such user of the water service as identified in the village records. The user has ten (10) days to request a hearing before the Village Administrator. If no hearing is requested, ten (10) days after such notification is mailed, service shall be terminated. Where service is terminated, the user may obtain water service by the payment of the past due sewer bill, including interest and penalties, and any required reconnection charge assessed by the West Suburban Water Commission. (Ord. 2016-O-20)

C. Lien-Notice of Delinquency: Whenever a bill for sewer service remains unpaid for (2) two billing cycles for bimonthly / monthly service after it has been rendered, such charges shall be deemed delinquent and thereafter such delinquencies shall constitute liens upon the real estate for which such service is provided. The Village is hereby authorized to file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. Notice will be given to the property owner of record.

   The failure of the Village to record such lien or to make such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

D. Foreclosure of Lien: Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid ninety (90) days in the case of a bimonthly / monthly bill after it has been rendered. (Ord. 18-O-2010)

E. Whenever the village treasurer or village administrator determines that a given customer's sewer account is in arrears, the village treasurer or village administrator is hereby authorized to enter into an agreement with such customer to avoid termination of service.

   Payment plans designed to allow the customer to pay over time the past due amounts for service maybe received. At a minimum, the agreement must provide that all bills for future service will be paid in full on time and that the arrearage will be paid in full.

In the event a customer fails to abide by the terms of the payment plan agreement, the outstanding balance and all late fees and penalties become due and the village comptroller or village administrator shall terminate service following the fifth day after the village posts notice of termination at the premises and mails written notice of termination to the customer by certified mail at the customer's billing address. (Ord. 2016-O-20)

F. Revenues: All revenues and moneys derived from the operation of the wastewater collection system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village separate and apart from private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village shall receive all such revenues from the wastewater collection system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village". Such fund shall be administered in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

G. Accounts: The Village shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the wastewater collection system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater collection system, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall also include the following:

1. Billing data to show total number of gallons billed.

2. Debt service for the next succeeding fiscal year.

3. Number of users connected to the system.

4. Number of nonmetered users.

H. Access to Records: The Illinois EPA or authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any State grant. (Ord. 93-0-2, 1-28-93)

6-2-11: EFFECTIVE DATES OF RATES:

The rates and service charges established for user charges in Section 6-2-9 shall be effective immediately upon passage, approval and publication as provided by law. (Ord 93-0-2, 1-28-93)

6-2-12: APPEALS:

The method of computation of rates and service charges established for user charges in Section 6-2-9 shall be made available to a user within five (5) days of receipt of a written request for such. A formal written appeal may be filed with the Village outlining any discrepancies regarding service charges. A resolution of such discrepancies shall be made by the Village within seven (7) days after receipt of a written appeal. (Ord. 93-0-2, 1-28-93)

CHAPTER 3
GARBAGE REGULATIONS

6-3-1: EXCLUSIVE AUTHORITY:

A. Except as specifically provided in subsection 6-3-2B of this chapter, the village has the sole and exclusive authority to remove and/or to contract for the removal from all single-family and multi-family residences located within the village of Willow Springs all garbage, refuse, yard waste and materials intended for recycling or collected for recycling. (Ord. 26-O-2004, 11-23-2004)

1. No person, firm, corporation or entity, as a business operation shall remove garbage, refuse, yard waste and materials intended for recycling from any residence in the village without express authority from the village president and board of trustees by a written contract to perform such services, which contract shall include the sole recycling program for village residences. (Ord. 92-0-14, 6-2-1992)

2. Any said contract(s) by the village shall be, at the option of the village, either: a) awarded to the lowest responsible bidder subsequent to competitive bidding based upon specifications prepared by the village; or b) awarded to a contractor pursuant to a request for proposals.

The village specifications whether based upon competitive bidding or a request for proposals shall include, but not be limited to:

a. A short concise history of the company, including such matters as company longevity, and continuity of company officers;

b. An inventory by type and amount of equipment on hand immediately available for use in performance of the contract being bid upon;

c. The number of current employees available for performance of the contract;

d. A list of equipment which bidder proposes to purchase to perform the contract, including any special containers;

e. References from three (3) communities in which the bidder is currently performing refuse and recycling pick up operations;

f. Audited financial statements of the bidder for the last three (3) audit periods;

g. Locations and addresses of the site(s) for deposit of yard waste;

h. The availability and cost of special programs, including, but not limited to Christmas tree pick up and village cleanup days with the size and number of containers to be made available;

i. Curbside recycling program(s), including, but not limited to:

(1) Revenue sharing with the village;

(2) Manner in which material is identified and picked up from residences;

(3) Location of any proposed storage subsequent to pick up prior to disposition;

(4) Any and all health and safety measures utilized prior to, during and subsequent to pick up; and

(5) Type, manner and location of special recycling equipment;

j. The insurance requirement is: general liability coverage of not less than five million dollars ($5,000,000.00) aggregate inclusive of underlying commercial vehicle liability coverage and workers' compensation in the amount required by the state. Certificates of insurance will be included with each bid. The village shall be listed as an additional insured for purposes of the contract on the successful bidder's certificate of insurance;

k. Financial protection for the village, including, but not limited to:

(1) A performance bond in the amount of one year's cost under the contract or a letter of credit or cash acceptable to the village in lieu of the performance bond;

(2) An agreement from the contractor to hold harmless, defend and indemnify the village from and against any and all liabilities or claims as a result of the contractor's work in the village and against any village liability which may arise from any environmental, including superfund claims, prior to or after the expiration of the contract;

(3) A pricing schedule for refuse pick up and recycling pick up for the current year and the following year; and

(4) Any other information which indicates financial protection for the village; and

l. The location of any tipping and transfer station proposed to be used by the bidder during performance of the contract. (Ord. 92-0-26, 8-27-1992)

3. The village's reservation of exclusive authority does not extend to the removal of garbage, refuse and yard waste for commercial and industrial enterprises. Such enterprises shall contract for their removal services with the refuse company of their choice.

B.As part of the village's reservation of authority as aforesaid, the village retains the right to direct the specific location the refuse/garbage company contracting with the village shall use for the disposal of all such garbage, refuse, yard waste and materials to be recycled, as aforesaid. (Ord. 92-0-14, 6-2-1992)

6-3-2: COLLECTION BY VILLAGE:

A. Definitions: For the purposes of this chapter:

HAZARDOUS WASTE: Means and refers to a waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed or which has been identified, by characteristics or listing, as hazardous pursuant to section 3001 of the resource conservation and recovery act of 1976 (PL 94-580), or which is designated as special, hazardous or toxic pursuant to other applicable law, ordinance or regulation.

MUNICIPAL SOLID WASTE: Means and refers to refuse, garbage or other discarded material generated by those residing in residential structures within the village of Willow Springs. Municipal solid waste does not include "hazardous waste" or waste which any of the facilities to which it is sent is not permitted to receive.

PLACED FOR COLLECTION: Placed at the curb, parkway, or other area immediately in front of the residence or residential building for collection by the village. (Ord. 97-0-7, 3-25-1997)

B. Collection: The village shall provide, or shall contract for, municipal solid waste, yard waste and recycling materials pick up service at least once a week for all single-family and multi-family residential buildings within the village. The terms and manner of such pick up service shall be as per the contract entered into by the village for such service or as may be from time to time determined by the president and board of trustees. Provided, however, that the village may, at its sole and absolute discretion, allow a lawfully formed and operating homeowners' association which is in good standing with the Illinois secretary of state of a multi-family residential development consisting of one hundred twenty (120) or more units and having centralized garbage collection points, to contract directly with a refuse hauler for the development's solid waste, yard waste and recycling material pick up. (Ord. 26-O-2004, 11-23-2004)

C. Title To Waste: Title to municipal solid waste which is placed for collection shall pass to the village when it is collected by the village or by a contractor retained by the village for the purpose of collecting municipal solid waste. (Ord. 97-0-7, 3-25-1997)

6-3-3: RECEPTACLES, LOCATION:

A. All garbage stored for collection shall be kept in receptacles. Receptacles for garbage shall be watertight with close fitting covers. Each receptacle shall have handles, be in good order and repair, and for residential garbage collection shall not exceed thirty two (32) gallons in capacity. Commercial or business establishments may use larger receptacles as may be required by their business and the garbage collection service they use. In addition to the use of receptacles, all obnoxious or offensive matter shall be wrapped in plastic bags and securely tied or double wrapped in paper bags which shall be securely closed.

B. On the designated collection day, all garbage receptacles and other garbage to be collected shall be placed at the curb, parkway or other area immediately in the front of the residence or residential building for collection. Provided, however, that garbage shall not be placed at the curb before six o'clock (6:00) P.M. of the evening preceding the specified pick up day. (Ord. 82-0-7, 5-13-1982)

C. Owners and residents of multi-family residences within the village will be required to deposit said garbage, refuse, yard waste and materials to be recycled in common dumpsters in conformance with regulations set forth by the village president and board of trustees. (Ord. 92-0-14, 6-2-1992)

6-3-4: LAWN DEBRIS REMOVAL:

The village shall provide all residences a regular removal service for leaves, lawn, tree and shrub clippings. Yard waste must be placed in brown lawn waste bags with the refuse hauler sticker attached. All materials to be removed shall be placed at the curb, parkway, easement or other area immediately in front of the residence or residential building.

Yard Waste and branches cannot be mixed. Branches should be no more than three (3) inches in diameter and no longer than six (6) feet. Branches must be placed at the curb, parkway, easement or other area immediately in front of the residence or residential building, with the stump end of the branch facing the street. (Ord. 12A-O-2009)

6-3-5: LIEN FOR REMOVAL:

Refuse or waste, of any kind whatsoever not covered by the garbage collection provisions of this chapter, shall not be allowed to accumulate on any premises within the village, and each owner, occupant, tenant or person in possession of said premises shall be responsible for the removal of same at his own expense. If, after ten (10) days from receipt of notice from the village clerk, any owner, occupant, tenant or person in possession of real property refuses or neglects to cause any refuse or waste to be removed from such property, the village shall have the right to enter such property and remove the refuse or waste at the owner's expense. The costs incurred by the village in removing the refuse or waste shall be a lien upon the real property affected in accordance with the provisions of 65 Illinois Compiled Statutes 5/11-20-13, as amended, and in accordance with any further amendments thereto. (Ord. 82-0-7, 5-13-1982)

6-3-6: COLLECTION RATES:

The President and Board of Trustees shall from time to time establish the collection rates and schedule of payments for the garbage service collection outlined herein. Any increase in collection rates may be tied to any accelerator, CPI, caps, ceilings, etc. that may be negotiated in any new or existing contract with the garbage collector. Responsibility for payment for collection services rests with the property owner of record, whether or not such owner is the customer. Accordingly, payment of current and past due collection service bills is the responsibility of such owner. (Ord. 13A-O-2009, 18-O-2010)

6-3-7: DELINQUENT BILLS:

A. In the event the charges for services are not paid within fifteen (15) days after rendition of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent and thereafter such delinquencies shall constitute liens upon the real estate for which service is supplied, and the village clerk is hereby authorized and directed to file a notice of such lien in the office of the recorder of deeds of Cook County, Illinois, or in the office of the registrar of titles of Cook County, Illinois, if the property affected is registered under the Torrens system, which notice of such lien shall consist of a sworn statement setting out a description of the real estate upon or for which service was supplied, the amounts of monies due and the date or dates when such amount or amounts became delinquent, and the filing of such statements in

the pertinent offices shall be deemed notice for the payment of such charges for such service.

B. In addition to the amount owed for services, all expenses incurred by the village in filing said lien, including attorney fees, shall be added to such lien. (Ord. 85-0-16, 11-23-1985)

6-3-8: PROHIBITED ACTIONS:

A. No transfer stations, collection points or other such activities, business or operation relating to the collection, dumping, transfer, drop off or processing of garbage, waste, refuse, yard waste, materials for recycling, contaminants, hazardous waste or other similar materials shall be allowed within the village.

B. No vehicle containing any garbage, waste, refuse, yard waste, materials for recycling, contaminants, hazardous waste or other similar materials shall be stored, kept or parked overnight within the village.

C. The storage of garbage, waste, refuse, yard waste, materials for recycling, contaminants or other similar materials shall only occur at the premises of the waste generator and shall only be stored until the regular refuse/garbage pick up for said premises removes same. Provided, however, that in no event shall the storage of garbage, waste, refuse, yard waste, materials for recycling, contaminants or other similar materials at the location of the waste generator exceed seven (7) days.

D. No vehicle used for, or intended to be used for, the transportation, hauling or collection of garbage, waste, refuse, yard waste, materials for recycling, contaminants or other similar materials shall be parked, kept or stored in any manner within the village limits, except that a scavenger/garbage truck servicing residences or businesses within the village may make short stops during the course of regularly scheduled pick up routes.

E. No vehicle transporting hazardous waste shall be parked, stored or kept within the village limits.

F. Any person violating this section shall be subject to the penalty provisions as set forth in this code as well as any other equitable action which the village may institute to enforce the provisions of this section. (Ord. 92-0-14, 6-2-1992)

CHAPTER 4
SWIMMING POOL REGULATIONS

6-4-1: DEFINITIONS:

PRIVATE POOL: A receptacle for water, or an artificial pool of water having a depth at any point of more than two feet (2'), intended for the purpose of immersion or partial

immersion therein of human beings, and including all appurtenant equipment constructed, installed and maintained in or above the ground. (Ord., 6-27-63)

PUBLIC POOL: An artificial basin of water constructed primarily for the purpose of public swimming and auxiliary structures including dressing and locker rooms, toilets, showers, and other areas and enclosures that are intended for the use of persons using the pool, but shall not include pools and auxiliary structures and equipment for private residences intended only for the use of the owner and friends. (Ord. 79-25, 11-27-79)

6-4-2: STATE REGULATIONS, COMPLIANCE:

The construction, operation and maintenance of public swimming pools within the Village shall comply with all requirements of the rules of the State of Illinois Department of Public Health as filed with the Secretary of State of the State of Illinois.

6-4-3: LICENSE AND PERMIT PROVISIONS:

A. Construction Permits:

1. Village Permit: No swimming pool shall be constructed within the Village on and after the effective date of this Chapter until a permit from the Village shall have first been obtained and the requirements of this Chapter have been fulfilled. A permit fee for the construction of a public swimming pool shall be established by the Village Board from time to time. (Ord., 6-27-63)

It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool "Class B, C, or D" and appurtenances within the Village unless permits therefor shall have first been obtained from the Building Inspector.

a. All drawings and plans for the construction, installation, enlargement or alteration of any "Class B, C, or D" private residential swimming pool and appurtenances shall first be presented to the Building Inspector for examination and approval as to proper location and construction.

b. All plans and drawings for "Class B, C, or D" private residential swimming pools shall be drawn to scale of not less than one-eighth of one inch to the foot (1/8" = 1'), on paper or cloth, in ink, or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot line, and including information pertaining to the pool, walk, and fence construction, water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans and vertical elevations shall also be provided.

c. All "Class B, C, or D" private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. (Ord. 79-25, 11-27-79)

2. State Permit: No permit shall be issued for the construction of a public swimming pool until a permit has first been obtained from the State of Illinois Department of Public Health as required by the Statutes of the State. (Ord., 6-27-63)

3. Permit Fees: The fee for a permit for the erection or construction of any "Class C or D" swimming pool shall be ten dollars ($10.00) for each thousand cubic feet or fraction thereof to be contained within the proposed pool as determined by the plans and specifications submitted with the application for permit.

The fee for enlargement or alteration of any "Class C or D" private residential swimming pool shall be five dollars ($5.00) (Ord. 79-25, 11-27-79)

B. Annual License; Fee: Any person operating or maintaining a public swimming pool within the Village shall pay an annual license fee in the amount of seventy five dollars ($75.00) to the Village for the operation and maintenance of same.

6-4-4: INSPECTIONS:

A. Public Pools: The Village Board may from time to time, through a qualified representative of the Village, inspect public swimming pools and make reports and recommendations with respect to the operation and maintenance thereof for the purpose of keeping the same sanitary and protecting the health and safety of persons using same. (Ord., 6-27-63)

B. Private Pools: The Building Inspector shall inspect all private residential swimming pools to determine whether or not the provisions of this Code regarding health, sanitation and safety applicable thereto are being complied with. Upon discovery of any violation of this Chapter it shall be the duty of the Building Inspector to issue a written order requiring correction of the defect or violation, and, if necessary, terminate the use of the pool until the defect or violation is corrected. Whenever this Chapter provides for alternative standards for construction or operation or approval, the Building Commissioner shall approve or disapprove the proposal or alternative after first determining if it conforms with the general standards of this Chapter and properly provides for health, safety and sanitation in the use and operation of private residential swimming pools.

6-4-5: CLASSIFICATION OF POOLS:

A. A "Class A" private residential swimming pool is hereby defined as any above-the-ground pool which has a total capacity for water of not more than one thousand five hundred (1,500) U.S. gallons.

B. A "Class B" private residential swimming pool is hereby defined as any above-the-ground pool which has a total capacity for water in excess of one thousand five hundred (1,500) U.S. gallons.

C. A "Class C" private residential swimming pool is hereby defined as any above-the-ground pool which has a total capacity for water in excess of one thousand five hundred (1,500) U.S. gallons and is so designed and constructed to be a permanent year-round structure. An attached walkway or platform located six feet (6') above the ground and equipped with an ingress ladder capable of being locked in a raised position six feet (6') above ground is hereby declared an acceptable substitution for yard or pool fences required by this or other Municipal Code provisions.

D. A "Class D" private residential swimming pool is hereby defined as any below-the-ground pool.

6-4-6: LOCATION REGULATIONS:

No portion of a swimming pool or appurtenances outside a building shall be located closer than eight feet (8') to any side or rear property line, or building line.

A. No portion of a "Class C or D" private residential pool, including any appurtenances thereto, shall be located closer than eight feet (8') to any building or property line. No "Class C or D" private residential swimming pool or equipment appurtenant thereto shall be permitted in that part of any side yard between buildings.

B. All "Class B, C, and D" private residential swimming pools must be located to the rear of the building line.

6-4-7: CONSTRUCTION SPECIFICATIONS:

A. Recirculation Pools: All swimming pools "Class B, C, and D" shall be of the recirculation class in which circulation of the water is maintained through the pool by pumps, the water drawn from the pool being clarified and disinfected before being returned to the pool.

B. Materials: "Class B, C, and D" swimming pool walls and floor shall be constructed of any impervious material which will provide a tight tank with white or light colored finish and easily cleaned surfaces. The floor and bottom surface of the pool shall have a nonslip finish as smooth as possible. The side and end walls of a pool shall present a smooth finish and shall be a vertical to a depth of at least six feet (6') or shall have a slope or curvature meeting one of the following conditions:

1. The pool wall may be vertical for thirty inches (30") from the water level, below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point and thirty inches (30").

2. To a depth of six feet (6'), except as in this subsection, the wall's slope shall not be less than one foot (1') horizontal in six feet (6') vertical.

3. All "Class C" private residential swimming pools with elevated walkways or platforms shall be constructed in accordance with accepted engineering standards and the construction thereof shall be subject to the approval of the Village Engineer.

C. Structures Design: "Class C or D" swimming pools shall be designed to withstand the water pressure from within and to resist the pressure of the earth when the pool is empty, to a pressure of two thousand two hundred (2,200) pounds per square foot. The slope of the bottom of any part of a pool in which the water is less than five feet (5') in depth shall not be more than one foot (1') in each ten feet (10'). The maximum slope where water is five feet (5') or more in depth shall not exceed one foot (1') in two feet (2').

D. Walk Areas: Unobstructed walk areas not less than thirty six inches (36") wide shall be provided to extend entirely around the pool. The walk area around "Class D" pools shall be constructed of impervious material, and the surfaces shall be of such as to be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least one-fourth inch to the foot (1/4" = 1') designed so as to prevent back drainage from entering the pool.

E. Fences:

1. All "Class A, B, or C" private residential swimming pools in excess of thirty inches (30") in depth shall be prohibited unless they are constructed, installed, maintained, operated and used within an area, not to exceed the yard area of one single family residence, enclosed by a fence four feet (4') in height above the ground level with suitable gates and self-closing mechanism and self-latching devices. Fences shall be constructed of materials not less than fifty percent (50%) open and designed to prevent access to the yard and pool by children other than members of the household.

2. All "Class D" private residential swimming pools shall be prohibited unless the required walk area around the perimeter of the pool is completely surrounded by a fence of the class required in this Section.

F. Steps or Ladders:

1. Steps, ladders, slides, or other devices designed for entry into "Class A, B, or C" private residential swimming pools thirty inches (30") or less in depth are hereby prohibited.

2. All "Class D" private residential swimming pools, in excess of thirty six inches (36") in depth, shall be provided with two (2) or more means of egress in form of steps or ladders. At least one such means of egress shall be floated on a side of the pool at both the deep end and shallow end of the pool. The treads of steps shall be

constructed of nonslip material and at least three inches (3") wide for their full length, and the steps and ladders shall have handrails on both sides.

3. All "Class B and C" type swimming pools shall be provided with at least one means of ingress in the form of steps or ladders.

6-4-8: SAFETY REQUIREMENTS:

A. A skilled swimmer shall be present at all times while any private residential swimming pool in excess of forty eight inches (48") in depth is in use.

B. Every private swimming pool in excess of forty eight inches (48") in depth shall be equipped with one or more throwing ring buoys not more than fifteen inches (15") in diameter and having a three-sixteenths of one inch (3/16") manila line, nylon or dacron line attached which is equal in length to the most distant point across the swimming area of the pool, and equipped with one or more lights, at least two (2) strong poles with blunted ends not less than twelve feet (12') in length for making reach assists or rescues.

C. No private residential swimming pool less than forty eight inches (48") in depth shall be equipped with any diving board or platform which extends over the edge of the pool over the water or exceeds the height of the sides of the pool, and no private residential swimming pool in excess of forty eight inches (48") in depth shall have any diving board or platform more than three feet (3') above the water level of the pool.

6-4-9: SANITATION AND MAINTENANCE:

A. Skimmers:

1. Every "Class B" private residential pool shall be required to be equipped with at least one hand skimmer, and each said pool shall be skimmed each day prior to use for swimming or bathing.

2. Every "Class C or D" private residential swimming pool shall be equipped with skimmer or skimmers as described in the following subsections of this Section.

In each swimming pool, at least one skimming device shall be provided for each eight hundred (800) square feet of surface area or fraction thereof. Skimmers shall be located at least thirty feet (30') apart. Handholds shall be provided and consist of a bull-nosed coping not over two and one-half inches (2 1/2") thick for the two inches (2") or an equivalent approved handhold.

The handhold must be no more than nine inches (9") above the water line. Skimming devices shall be built into the pool wall, shall adequately remove floated oils and waste and shall meet the following general specifications:

a. Each skimmer shall be designed for a flow-through rate of at least thirty (30) gallons per minute and a total capacity of all skimmers on any pool shall be at least fifty percent (50%) of the required filter flow of the recirculation system.

b. They shall be automatically adjustable to variations in water level over a range of at least three inches (3").

c. An easily removable and cleanable basket or screen through which all overflow must pass shall be provided to trap large solids.

d. The skimmer shall be provided with a device to prevent airlock in the suction line. If an equalizer pipe is used, it shall provide an adequate amount of makeup water for pump suction should the water of the pool drop below the weir level. This pipe shall be at least two inches (2") in diameter and shall be located at least one foot (1') below the lowest overflow level of the skimmer.

e. An equalizer line shall be provided with a valve that will remain tightly closed under normal operating conditions, but will automatically open at a differential of not more than four inches (4") between the pool level and the level of the overflow tank.

f. The overflow weir shall be of sufficient length to maintain a rate of flow of at least twenty (20) gallons per minute per lineal foot of weir lip.

B. Water Supply: No source of water other than that secured from the Village water works distribution system or private wells shall be used in swimming pools.

C. Inlets:

1. Swimming pool water recirculation system inlets shall be located so as to produce so far as possible uniform circulation of water throughout the pool without the existence of dead spots and to carry pool bottom deposits to the outlets, and shall discharge at a minimum depth of ten inches (10") below the pool overflow level. A minimum of one recirculation system inlet shall be provided for every six hundred fifteen (615) square feet of surface area of the pool.

2. "Class B, C, and D" pools shall be equipped with suitable facilities for adding make-up water as needed. There shall be no physical connection between the water supply line and the pool system. If the make-up water is added directly to the pool, the outlet shall be at least six inches (6") above the upper rim of the pool. If the make-up water line discharges to a surge or balancing tank, the point of discharge shall be at least six inches (6") above the rim of the tank. If a hose connection from a sill cock or other plumbing fixture is to be used for supplying make-up water, then an approved vacuum breaker shall be installed between the sill cock or control valve at the fixture and hose connection. The vacuum breaker shall be installed at a height not less than seven feet six inches (7'6") above the floor, platform or ground upon which

a person would stand when operating the sill cock or control valve. Maximum size of the fill pipe to be two inches (2").

3. The systems supplying recirculated water and make-up water to the pool shall be constructed in conformance with the ordinances regulating plumbing.

D. Outlets:

1. In swimming pools "Class B, C, and D", thirty feet (30') in width or less, water circulation system outlets shall be located so as to provide at least one outlet at the deepest point in the pool. If the pool width is more than thirty feet (30'), multiple outlets shall be provided and spaced not more than thirty feet (30') apart, nor closer than four feet (4') to any wall. All pool drain outlets shall be equipped with gratings having an area of openings not less than four (4) times the cross-sectional area of the outlet pipe. The gratings shall be of such design so they cannot be readily removable by bathers and will not injure bathers' fingers. One outlet shall be provided in "Class C and D" pools for each eight hundred (800) square feet of surface area.

2. Pools shall be equipped with facilities for completely emptying the pool and the discharge of the pool water to the sewer shall be at a rate not exceeding two hundred (200) gallons per minute. No direct connections shall be made to the sewer.

3. Water drained from the pool shall not be discharged to the sewer system during periods of rain storms. At no time shall the rate of drain water discharge exceed a flow of two hundred (200) gallons per minute.

E. Recirculation System and Appurtenances:

1. All "Class B, C, and D" private residential swimming pools shall have systems for the recirculation and purification of water in the pools, and all such systems shall be maintained so that they meet the requirements of the subsections below, and they shall be subject to the approval of the Building Commissioner and the Health Officer both in design and maintenance.

2. The recirculation systems required shall consist of pumping equipment, a hair and lint catcher, filters, together with the necessary pipe connections to the inlets and outlets, facilities and pipe connections necessary for back-washing filters, and facilities and equipment for disinfecting the pool water.

3. Every swimming pool shall have a recirculating system with an hourly capacity equal to the pool volume divided by eight (8).

4. The recirculation system pump shall have sufficient capacity to discharge the volume of water required for an eight (8) hour turnover of the pool against the maximum head in the recirculating system.

5. The pump used for backwashing filters shall have sufficient capacity to provide a filter backwash rate of at least twelve (12) gallons per minute per square foot of filter area.

6. A hair and lint catcher or strainer shall be installed on the suction side of the circulation pump to prevent hair, lint and other extraneous matter from reaching the pump and filters. Hair and lint catcher shall be so designed that they can be easily dismantled for the cleaning and inspection and shall be so located as to be easily accessible for cleaning. The design features shall be as follows: Water passed through the strainer from the outside; the strainer is made of noncorrosive material; the width or diameter of strainer openings is not more than one-eighth inch (1/8"); the area of the strainer openings shall be at least five (5) times the cross-sectional area of the inlet pipe to the strainer.

7. Recirculation systems shall contain rapid pressure filters. Sufficient filter area shall be provided to filter the entire contents of the pool in eighteen (18) hours at the rate of not more than three (3) gallons per square foot of filter area per minute. The filter backwashing facilities shall be sufficient to backwash at a rate of twelve (12) gallons per minute per square foot of filter area. All backwash water and effluents shall be discharged to the sewer through an indirect connection. Pressure filters shall be equipped with readily accessible air relief valves, loss of head or pressure gauges on the inlet and outlet pipes, and an access head or hole large enough to permit inspection, maintenance and repair work. Sight glasses that can be easily removed for cleaning shall be provided in the effluent line from the filter units.

8. Equipment shall be provided for the disinfection of all pool water. Any disinfection method using materials other than chlorine compounds shall be subject to the approval of the Building Commissioner. Disinfection equipment installed for the use of chlorine compounds shall have sufficient capacity to maintain a minimum free chlorine residual of not less than four-tenths (0.4) parts per million or more than six-tenths (0.6) parts per million. The disinfectant shall be introduced into the recirculation system ahead of the filters.

9. Gaseous chlorination systems shall not be made use of as a disinfection method for pool water.

6-4-10: ELECTRICAL REQUIREMENTS:

A. Conformance Required: All electrical installations provided for, installed, and used in conjunction with private residential swimming pools, shall be in conformance with the latest Village Electrical Code.

B. Conductors: No current-carrying electrical conductors shall cross private residential swimming pools, either overhead or underground or within fifteen feet (15') of such pools.

C. Grounding: All metal fences, enclosures or railings, near or adjacent to swimming pools, which might become electrically alive as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

6-4-11: GENERAL OPERATION AND MAINTENANCE REGULATIONS:

A. A substantial protective cover shall be provided and installed over all private residential swimming pools which are not dismantled and stored in some storage facility during the non-swimming season.

B. All private residential swimming pools shall be maintained in a clean and sanitary condition, and all equipment appurtenant thereto shall be maintained in satisfactory operating condition during the periods that the pool is in use.

C. No private residential swimming pool shall be used, kept, maintained, or operated in the Village if such use, keeping, maintaining or operating shall be the occasion of any nuisance or shall be dangerous to life or limb or detrimental to health.

D. Inspection: The Building Inspector shall inspect all private residential swimming pools to determine whether or not the provisions of this Code regarding health, sanitation and safety applicable thereto are being complied with. Upon discovery of any violation of this Chapter it shall be the duty of the Building Inspector to issue a written order requiring correction of the defect or violation, and, if necessary, terminate the use of the pool until the defect or violation is corrected. Whenever this Chapter provides for alternative standards for construction or operation or approval, the Building and Zoning Officer shall approve or disapprove the proposal or alternative after first determining if it conforms with the general standards of this Chapter and properly provides for health, safety and sanitation in the use and operation of private residential swimming pools. (Ord. 79-25, 11-27-79)

CHAPTER 5
NUCLEAR FREE ZONE

6-5-1: DEFINITIONS:

For the purpose of this Chapter, the following definitions shall apply:

DIRECT ACTIVITIES OF THE FEDERAL GOVERNMENT: Actions of the Federal government or any agency thereof created by statute, but does not include actions of independent contractors.

NUCLEAR WEAPON: Any device, the purpose of which is use as a weapon, a weapon prototype, or a weapon test device, the intended detonation of which results from the energy released by fission and/or fusion reactions involving atomic nuclear. "Nuclear weapon" includes the weapon's guidance and propulsion system and triggering mechanism, i.e., the means of transporting, guiding, propelling, triggering, or detonating

the weapon, provided that such means is destroyed or rendered useless in the normal transporting, guiding, propelling, triggering, or detonation of the weapon.

PERSON: A natural person, as well as a corporation, institution, or other entity.

RADIOACTIVE MATERIALS: Any radioactive waste products or materials generated, refined or made radioactive by any government agency or pursuant to Federal or State government contract or license, and including that which the United States Nuclear Regulatory Commission classified as low-level radioactive waste as of January 1, 1989, but which may be classified as below regulatory waste after that date. (Ord. 93-0-8, 4-29-93)

6-5-2: PROHIBITION OF STORAGE, USE, TRANSPORT OR DISPOSAL OF RADIOACTIVE MATERIALS:

Except as specifically exempted in this Chapter, no person shall import, store, incinerate, treat, process, transport within or through, or dispose of radioactive materials, for any purpose, within the Village. (Ord. 93-0-8, 4-29-93)

6-5-3: PROHIBITION OF NUCLEAR WEAPONS WORK:

Except for the direct activities of the Federal government, or its employees, or as specifically exempted in this Chapter, no person shall knowingly, within the Village, design, test, produce, deploy, launch, maintain, or store nuclear weapons or components of nuclear weapons. (Ord. 93-0-8, 4-29-93)

6-5-4: PROHIBITION OF NUCLEAR REACTORS:

Except as specifically exempted in this Chapter, no person shall construct, or operate, a nuclear reactor within the Village. (Ord. 93-0-8, 4-29-93)

6-5-5: EXCLUSIONS:

Nothing in this Chapter shall be construed to prohibit:

A. Any activity not specifically described in this Chapter;

B. Basic research and/or any writing or speech devoted to public commentary or debate or other speech protected by the First Amendment of the United States Constitution;

C. The research, application, or temporary storage of radioactive materials used in medicine;

D. Consumer uses of radioactive material for smoke detectors, light emitting watches or clocks, and other similar incidental applications; and

E. Industrial radiography and tracer processes, including radioactive material used in construction and/or engineering testing equipment. (Ord. 93-0-8, 4-29-93)

6-5-6: NUCLEAR FREE ZONE SIGNS:

The Village shall post and maintain appropriate signs at recognized entrances to the Village and at the Village Hall proclaiming the Village's status as a nuclear free zone. Such signs shall conform to the standards set forth in the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways. (Ord. 93-0-8, 4-29-93)

CHAPTER 6
OPEN BURNING PROHIBITED

6-6-1: DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

GARBAGE: Waste resulting from the handling, processing, preparation, cooking and consumption of food, and the waste from the handling, processing, storage and sale of produce.

LANDSCAPE MATTER: Leaves, grass clippings, weeds, yard trimmings and yard debris of any kind, including, but not limited to twigs, branches and/or logs.

OPEN BURNING: The combustion of any matter in the open or in an open dump.

REFUSE: Any garbage or other discarded material, including solid, liquid, semi-solid or containing gaseous material. (Ord. 95-0-1, 1-12-95)

6-6-2: OPEN BURNING PROHIBITED:

The open burning of garbage, landscape matter and refuse within the corporate limits of the Village is prohibited. (Ord. 95-0-1, 1-12-95)

6-6-3: EXCLUSIONS:

The following activities are excluded from the Section 6-6-2 "Open Burning Prohibition":

A. The burning of wood, logs or branches, charcoal, natural or other clean fuel in a fireplace, grill or the like for cooking and/or in a backyard campfire setting; and

B. Fires, such as bon fires, in conjunction with holidays and festive celebrations or other special occasions set and attended by personnel capable in fire fighting techniques, fire containment, and the use of fire-fighting equipment. This type of fire when to be ignited in the presence of large crowds (i.e., 15 or more persons) shall be allowed only by special permit issued by the Fire Chief of the Village; and

C. The burning of wood or fuels for legitimate campfires or recreational activities by organizations such as the Boy Scouts, Girl Scouts, Indian Princesses and the like, in such areas where such burning is consistent with other laws, provided that garbage or refuse should not be burned in such cases. (Ord. 95-0-1, 1-12-95)

CHAPTER 7
USE OF GROUND WATER AS A POTABLE WATER SUPPLY PROHIBITED

6-7-1: DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

PERSON: Any individual, partnership, firm, institution, corporation, limited liability company, association, trust, estate, political subdivision, governmental entity or any other legal entity person or persons.

POTABLE WATER: Any water used, or intended to be used, for human or domestic consumption, including, but not limited to, water for drinking, bathing, swimming, washing dishes or preparing foods. (Ord. 99-0-11, 3-11-1999)

6-7-2: PROHIBITED:

Except for such uses or methods in existence before the effective date hereof, no person within the corporate limits of the Village shall use, or attempt to use, as a potable water supply ground water whether by the installation or drilling of wells or by any other method of drawing ground water. (Ord. 99-0-11, 3-11-1999)

TITLE 7
FIRE REGULATIONS

CHAPTER 1
FIRE PREVENTION CODE

7-1-1: ADOPTION OF INTERNATIONAL FIRE CODE; FIRE PREVENTION CODE:

Fire codes, regulations and fees will be in accordance with the ordinances and regulations of Tri-State Fire Protection District pursuant to an intergovernmental agreement and contract for services by and between the Village and Tri-State Fire Protection District, as amended from time to time. (Ord. 80-7, 7-10-1980; amd. Ord. 99-0-38, 8-26-1999; Ord. 1-O-2005, 1-27-2005, 2014-O-21)

7-1-2: HAZARDOUS SPILL CLEANUP AND EMERGENCY ACTION:

Fire Codes, regulations and fees with respect to hazardous spill cleanup and emergencies will be in accordance with the ordinances and regulations of Tri-State Fire Protection District pursuant to an intergovernmental agreement and contract for services by and between the Village and Tri-State Fire Protection District, as amended from time to time. (Ord. 2014-O-21)

CHAPTER 2
FIRE OFFENSES AND AMBULANCE FEES

7-2-1: PROHIBITED ACTIONS; OFFENSES; AMBULANCE AND FIRE SERVICE FEES:

Fire codes, regulations and fees with respect to prohibited actions and offenses, ambulance fees and fire service fees will be in accordance with the ordinances and regulations of Tri-State Fire Protection District pursuant to a intergovernmental agreement and contract for services by and between the Village and Tri-State Fire Protection District, as amended from time to time. (Ord. 2014-O-21)

CHAPTER 3
FIRE SAFETY DEVICES, ALARMS

7-3-1: VILLAGE FIRE ALARM SYSTEM:

Fire codes, regulations and fees with respect to fire alarm systems will be in accordance with the ordinances and regulations of Tri-State Fire Protection District pursuant to a intergovernmental agreement and contract for services by and between the Village and Tri-State Fire Protection District, as amended from time to time. (Ord. 2014-O-21)

7-3-2: HEAT AND SMOKE DETECTION SYSTEMS:

Fire codes, regulations and fees with respect to heat and smoke detection systems will be in accordance with the ordinances and regulations of Tri-State Fire Protection District pursuant to a intergovernmental agreement and contract for services by and between the Village and Tri-State Fire Protection District, as amended from time to time.(Ord. 2014-O-21)

CHAPTER 4
RESCUE SERVICES

7-4-1: Technical Rescue Services:

The Village may charge a reasonable fee for technical rescue services provided by the Village of Willow Springs Fire Department. The total amount collected may not exceed the reasonable cost of providing the technical rescue services and will include charges for personnel and equipment cost.

7-4-2: Specialized Rescue Services:

The Village of Willow Springs Fire Department shall fix, charge, and collect reasonable fees for specialized rescue services provided by the department. The total amount collected shall not exceed the reasonable cost of providing those specialized rescue services and may not, in any event, exceed $125 per hour per vehicle and $35 per hour per firefighter. The fee shall be charged to any of the following parties, but only after there has been a finding of fault against that party by the Occupational Safety and Health Administration or the Illinois Department of Labor:

(a) the owner of the property on which the specialized rescue services occurred;

(b) any person involved in an activity that caused or contributed to the emergency;

(c) an individual who is rescued during the emergency and his or her employer if the person was acting in furtherance of the employer's interests;

(d) in cases involving the recovery of property, any person having control or custody of the property at the time of the emergency.

For the purposes of this Section, the term "specialized rescue services" includes, but is not limited to, structural collapse, tactical rescue, high angle rescue, underwater rescue and recovery, confined space rescue, below grade rescue, and trench rescue.

7-4-3: Collection Procedures:

The Willow Springs Fire Department shall prepare and forward to the person or persons causing or permitting a technical or specialized rescue response as set forth in this

Chapter, a bill for the total costs and expenses incurred for which such person is responsible. Payment of the total bill shall be made within 30 days of receipt. Any bill or portion of a bill remaining unpaid after 30 days of receipt shall accrue interest on the unpaid balance at the rate of 3 percent per month. Any uncollected portion of the bill not paid after 90 day will be forwarded to the Village's collection agency. Any person or entity that refuses to pay or fails to pay the above listed charges within sixty (60) days of notice of the charge, will be deemed to have violated this Chapter and will incur a fine of not less than $100.00 nor more than $500.00 for each offense, plus all legal fees and all costs caused by enforcement. Such fees and costs shall include, but not be limited to, attorneys` fees and the cost of collection. A separate offense shall be deemed committed for each day on which a violation occurs and continues. (Ordinance 2012-O-16)

TITLE 8
BUILDING REGULATIONS

CHAPTER 1
BUILDING AND EXISTING STRUCTURES CODES

8-1-1: ADOPTION OF INTERNATIONAL BUILDING CODE:

A. International Building Code Adopted: There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international building code, 2003 edition, including appendix chapters A, B, C, D, E, F, G, H, I, J, K and L, as published by the International Code Council, Inc., as amended by the ordinance codified herein, as if fully set forth herein with the additions, insertions, deletions and changes, if any, heretofore adopted.

B. Drawings Required: Each application for a single-family residential permit shall be accompanied by a set of drawings sealed by an architect licensed to practice in Illinois.

C. Applicability: Structures existing prior to the effective date hereof, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of section 3409.2 of the international building code, 2003 edition. Additionally, the provisions in sections 3409.2.1 through 3409.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in use group H or I. (Ord. 1-O-2005, 1-27-2005)

8-1-2: ADOPTION OF INTERNATIONAL FIRE CODE; LIFE SAFETY CODE:

Fire codes, regulations and fees will be in accordance with the ordinances and regulations of Tri-State Fire Protection District pursuant to an intergovernmental agreement and contract for services by and between the Village and Tri-State Fire Protection District, as amended from time to time. (Ord. 2014-O-21)

8-1-3: ADOPTION OF INTERNATIONAL MECHANICAL CODE:

A. There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international mechanical code, 2003 edition, including appendix chapters A, B, C, D, E, F and G, as published by the International Code Council, Inc., as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted.

B. Any references to plumbing standards are hereby deleted and inserted in lieu thereof is "city of Chicago, plumbing code, 2002". (Ord. 1-O-2005, 1-27-2005)

8-1-4: ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE:

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international property maintenance code, 2015 edition, as published by the International Code Council, Inc., as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 1-O-2005, 1-27-2005, 2016-O-01)

8-1-5: ADOPTION OF INTERNATIONAL ELECTRICAL CODE:

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international electrical code, 2002 edition, as published by the International Code Council, Inc., as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 1-O-2005, 1-27-2005)

8-1-6: ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE:

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international energy conservation code, 2003 edition, including appendix chapters A, B, C and D, as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 1-O-2005, 1-27-2005)

8-1-7: ADOPTION OF INTERNATIONAL RESIDENTIAL CODE:

A. There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international residential code, 2003 edition, including appendix chapters A, B, C, D, E, F, G, H, I, J, K and L, as published by the International Code Council, Inc., as amended by the ordinance codified herein, as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted.

B. Every application for a permit for a single-family residence shall be accompanied by a set of plans sealed by an architect licensed to practice in Illinois.

C. The administrative section of said code is hereby deleted and inserted in lieu thereof is the administrative section of international building code, 2003 edition. (Ord. 1-O-2005, 1-27-2005)

8-1-8: ADOPTION OF INTERNATIONAL PLUMBING CODE AND STATE OF ILLINOIS PLUMBING CODE:

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures those certain codes known as the

international plumbing code, 2003 edition, including appendix chapters A, B, C, D, E, F and G, as published by the International Code Council, Inc., as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted and the most recent edition of the state of Illinois plumbing code. In the event of any conflict between the two (2) codes, the more restrictive regulation shall apply. (Ord. 1-O-2005, 1-27-2005)

8-1-9: ADOPTION OF INTERNATIONAL FUEL GAS CODE:

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the international fuel gas code, 2003 edition, including appendix chapters A, B, C and D, as published by the International Code Council, Inc., as if fully set forth in this chapter with the additions, insertions, deletions and changes, if any, heretofore adopted. (Ord. 1-O-2005, 1-27-2005)

8-1-10: ADOPTION OF ILLINOIS ACCESSIBILITY CODE:

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of buildings and structures that certain code known as the Illinois accessibility code, 71 Illinois administrative code 400 et seq., as amended, as if fully set forth in this chapter with the additions, insertions. deletions and changes, if any, heretofore adopted. (Ord. 1-O-2005, 1-27-2005)

8-1-11: ADOPTION OF ICC/ANSI GUIDELINES FOR ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES:

There is hereby adopted by reference by the village for the purpose of prescribing regulations for the control of the buildings and structures those certain guidelines known as the ICC/ANSI A.117.1 - 1998 guidelines for accessible and usable buildings and facilities, as if fully set forth in this chapter. (Ord. 1-O-2005, 1-27-2005)

8-1-12: PERMIT REVIEW OF BUILDING PLANS:

Whenever it is deemed necessary by the building commissioner, or the president and board of trustees, the building plans for any residential (single- or multi-family), commercial or industrial building submitted as part of the application process for the issuance of a building permit, as required in this code, may be sent to another qualified review service for review and comment leading to the issuance of a building permit. All review fees charged by such qualified review service to the village shall be added to the permit fees required in chapter 2 of this title. (Ord. 1-O-2005, 1-27-2005)

8-1-13: PENALTY:

A. It shall be unlawful for any person, firm or other entity to maintain, construct, erect or alter any building in violation of the standards set forth in the regulations herein adopted.

B. Any person, firm or other entity violating a provision of this chapter or who shall fail to comply with any of the requirements hereof shall be guilty of an offense which is subject to the general penalty provisions set forth in this code [1], and each day a violation is found to exist shall be a separate offense.

C. In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this chapter, the building commissioner or his designee or any owner or tenant of real property in the same contiguous zoning district as the building, structure or land in question, in addition to other remedies, may institute any appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; 2) to prevent the occupancy of the building, structure or land; 3) to prevent any illegal act, conduct, business or use in or about the premises; or 4) to restrain, correct, or abate the violation. (Ord. 1-O-2005, 1-27-2005)

CHAPTER 2
BUILDING REGULATIONS

8-2-1: FIRE LIMITS ESTABLISHED:

The fire limits of the village are hereby established as follows:

Beginning at all that area zoned for business or commercial use and two hundred feet (200') at the beginning and end of this zoned area, to the point of beginning. (1963 Code)

8-2-2: PERMIT FEES:

A. Definitions:

HOMEOWNER CONSTRUCTION: Construction as defined below as "reconstruction", "remodel" and "repair" of a residence with subject work being done by the owner-resident of the building without contractor assistance.

NEW CONSTRUCTION: Construction on a vacant lot of a new building.

RECONSTRUCTION: Construction that adds additional space to an existing building, and includes a new foundation or replacement of an existing foundation.

REMODEL: Construction within the original walls of an existing building using the existing foundation. Usually requires removal of interior construction and may involve the outside walls in a limited way (new windows, doors, etc.).

REPAIR: Construction that replaces existing construction, without adding space as altering the building.

B. Issuance Of Permit: No permit as required by the building code shall be issued until the fee prescribed in this section shall have been paid. Nor shall any amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. (Ord. 11-O-2003, 5-22-2003)

C. Permit Fees For Construction, Remodeling And Repair Of Buildings: For a permit for the construction, repairing or alteration of a building or structure the fees shall be as follows:

1. For new construction of residential buildings, the fee shall be one dollar twenty five cents ($1.25) per square foot. A fee of forty cents ($0.40) per square foot will be charged for an attached garage.

Multi-family construction shall require a nonrefundable deposit of two thousand dollars ($2,000.00) for each building plan review. After review of the application, the fee balance, if any, shall be due and payable prior to the issuance of the permit.

2. Construction on a vacant lot for new construction of industrial/commercial building, the fee shall be according to Chapter 1, Section 8-1-1.

Administration Chapter "1" Section 108.3 Fee's

The BVC table provides the "average" construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 108.2 of the 2003 International Building Code (IBC) whereas Section 108.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction. (Ord. 26-O-2009)

3. For reconstruction of an existing building, the fee shall be one dollar twenty five cents ($1.25) per square foot of area involved in construction.

4. For remodeling and repair of existing buildings, the fee shall be one hundred dollars ($100.00), plus one and one-half percent (1 1/2%) of the cost of construction, or the cost of construction as estimated from the BOCA tables, whichever in the opinion of the building commissioner more accurately reflects the actual value of the work being performed. (Ord. 11-O-2004, 5-13-2004)

D. Permit Fees For Driveways, Parking Lots And Private Roads:

1. For the cost of new residential driveway, the fee shall be two hundred dollars ($200.00).

2. For repaving of existing paved driveway, the fee shall be twenty five dollars ($25.00).

3. Commercial and industrial drives and parkways shall be charged at a rate of one hundred dollars ($100.00), plus two and one-half cents ($0.025) per square foot. The fee for parking lots shall be four hundred dollars ($400.00) up to four thousand (4,000) square feet, plus two cents ($0.02) per square foot for each square foot over four thousand (4,000) square feet. In no case shall the maximum fee exceed one thousand dollars ($1,000.00).

4. For a permit for the construction of a private road, the fee shall be four hundred dollars ($400.00), plus two cents ($0.02) per square foot.

E. Other Permits: For a permit for the construction of patios, decks, storage sheds and other specified construction, the fee shall be:

1. Patios, decks and storage sheds	$ 50.00
2. Elevators or escalators:	
4 floors or less:	$ 275.00
Over 4 floors:	$ 275.00 plus $2.00 per floor over 4
3. Construction towers and lifts:	
35 to 100 feet:	$ 75.00
Over 100 feet:	$ 75.00 plus $1.00 per foot over 100
4. Dumbwaiters	$ 175.00
5. Installation of carnival rides	$ 50.00 each
6. Bulk storage tanks: The permit fees required for bulk storage tanks shall be as set forth in section 4-11-5 of this code.	
7. Landscaping:	
Major:	4 percent of cost of contract
Minor:	$ 75.00

F. Abandonment/Discontinuance: In the case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, and adjustment of the fee made, and a portion of the fee for uncompleted work returned to the permit holder, provided, that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of permit, a similar adjustment and return may be made; provided, that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made, no work shall be resumed until a new application has been made, and a new permit has been issued.

G. Plan Review Fees:

1. In-house review:	
New single-family residence	$ 100.00
Additions or alterations to	$ 50.00 single-family residences
New multi-family residences, per unit	$ 100.00
Garages up to 3 cars	$ 10.00
Garages over 3 cars	$ 50.00
Removal of building	$ 10.00
Pools inground	$ 10.00
Electrical service (only):	
a. Increase or repair	$ 50.00
b. Small commercial	$ 50.00
c. Large commercial	$ 75.00/hour (35.00 minimum)
Plumbing (only):	
a. Residential	$ 50.00
b. Commercial	$ 70.00

2. Fire suppression systems consisting of fire alarms, emergency lighting, switchboards, motor control centers, burglar/entry alarm and sprinkler systems: ninety dollars ($90.00) per hour ($50.00 minimum).

Multiple-family residential, industrial: BOCA fee, plus ten percent (10%).

3. Engineering fees shall be charged at a rate of one hundred fifteen dollars ($115.00) an hour, plus ten percent (10%). Two (2) hour minimum fee.

H. Engineer On Site Inspection Fee: Seventy five dollars ($75.00) an hour, plus ten percent (10%). Two (2) hour minimum fee.

I. Inspection of Displays', Exhibitions', Carnivals' Generators:

Less than 10kw			$ 50.00
10kw	-	50kw	$ 50.00
51kw	-	100kw	$ 50.00
101kw	-	200kw	$ 50.00
201kw	-	300kw	$ 50.00
Over 300kw:			$200.00 plus $6.00 for each 10kw over 300

J. Inspection of Interior Communication Systems:

	Residential	**Commercial**
1. Oral system	$50.00	$70.00
2. Audio system	50.00	$70.00
3. Visual system	50.00	$70.00 plus $10.00 each camera or receiver

K. Fire Protection System:

1. Sprinklers (1 per riser)	$ 25.00
- 1 – 200 head	$ 165.00
- 201 – 300	$ 175.00
- 301 – 400	$ 190.00
- 401 – 750	$ 210.00
- 751 and Over	$ 250.00 plus .10 cents per head over 750 heads
2. Standpipes	$100.00 per riser
3. Carbon dioxide, halon, dry chemical and foam systems	$ 80.00
4. Fire pumps	$ 100.00
5. Fire detection systems	$ 80.00

L. Plumbing:

1. New work:	
- First 8 fixtures	$ 125.00
- 9 or more	$ 125.00 plus $15.00 each fixture over 8
2. Additions and alterations	$ 30.00 each drain or opening
3. Miscellaneous and water softeners	$ 50.00
4. Drain tile	
- First 100 feet	$ 100.00
- Over 100 feet	$ 100.00 plus $2.50 each foot over 100

M. Sewer Service Repair Or Replace:

First 100 feet	$ 100.00
Over 100 feet	$ 100.00 plus $2.50 each foot over 100

N. Heating and Ventilation:

1. First 100,000 BTU or 1,000 CFM	$ 75.00
Each additional 100,000 BTU or 1,000 CFM or fraction	$ 10.00
2. Solid fuel fireplace or freestanding heating stove	$ 75.00
3. Space heater, gas fireplace	$ 75.00
4. Burner units other than residential	$ 75.00

(Ord. 11-O-2003, 5-22-2003)

O. Refrigeration And Air Conditioning:

12,000 BTUH = 1 ton

1. 1 ton up to 3 tons	$ 75.00
2. 3 tons up to 10 tons	$ 100.00
3. Over 10 tons	Based on estimated inspection time at $100.00 per hour

(Ord. 11-O-2004, 5-13-2004)

P. Elevators Or Escalators, Construction

Towers And Lifts, Dumbwaiters	$ 300.00 each
Required inspection	$ 50.00 each

Q. Carnival Rides:

Required inspection	$ 50.00 each

R. Commercial:

1. Signs and billboards are one hundred dollars ($100.00) minimum fee, plus one dollar ($1.00) per each square foot.

2. Illuminated signs above fee, plus one hundred dollars ($100.00).

3. Noncommercial temporary signs under eight (8) square feet, no fee.

S. Penalty Fees: The Village reserves the right to levy fines of up to $750 per day per offense during any step of the Permit Violation Process. The intent of this section is to establish mandatory minimum enforcement fines and fees for violation of the Village's Permit Policy. This Policy applies to all projects which require Permits, regardless of whether a monetary fee is oris not associated with the permit.

If a Village resident is a contractor licensed to perform work associated with the project, for purposes of enforcement, he/she will be treated as a contractor in interpreting this section of Village Code.

For purposes of this section, businesses operating within the Village of Willow Springs will receive same warnings Village residents receive.

Fees for work started or completed without the issuance of a permit as required by the Village herein shall be charged:

Residents: 1st Offense: Mandatory Written Warning and a $30.00 penalty, record of which is to be kept on file at the Village Building Department. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Residents: 2nd Offense: Mandatory Written Warning to be kept on file at the Village Building Department and a mandatory fine of the greater of $150 or one and one=half times (1.5 X) the permit fee(s) associated with the project. The recipient is still responsible for paying the permit fee(s) associated with the project in addition to the fine. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Resident: 3rd Offense: Mandatory Written Warning to be kept on file at the Village Building Department and a mandatory fine of the greater of $250 or one and one-half times (1.5 X) the permit fee(s) associated with the project. The recipient is still responsible for paying the permit fee(s) associated with the project in addition to the fine. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Contractors: 1st Offense: Mandatory Written Warning to be kept on file at the Village Building Department and a mandatory fine of the greater of $500 or one and one-half times (1.5 X) the permit fee(s) associated with the project. The recipient is still responsible for paying the permit fee(s) associated with the project in addition to the fine. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Contractors: 2nd Offense: Mandatory Written Warning to be kept on file at the Village Building Department and a mandatory fine of the greater of $750 or one and one-half times (1.5 X) the permit fee(s) associated with the project. The recipient is still responsible for paying the permit fee(s) associated with the project in addition to the fine. All second and subsequent violations of Village Permit Policy will be reported to the Office of the Illinois Attorneys General. Work is to be halted until such time the appropriate fee(s) is rendered and/or paperwork is filed with the Village Building Department.

Work Stoppage: The Building Commissioner has the authority to allow as much work to be completed as necessary to ensure the site is safe and secure. (Ord. 21-O-2009)

T. Inspection Fees: All inspections are seventy five dollars ($75.00) each.

U. All R-1, R-2, R-3: Residence district fees for new roof coving is one hundred dollars ($100.00). The fee for re-roofing and tear off is one hundred dollars ($100.00).

All SR-1, SR-2, SR-3, SR-4: Suburban residential single family district fees for new, re-roofing and tear off is two hundred dollars ($200.00). (Ord. 26-O-2009)

8-2-3: GARAGE SIZE LIMITATIONS:

No garage shall be erected, remodeled or altered to exceed twenty six feet (26') in length and thirty two feet (32') in width in any residential area within the corporate limits of the village. (Ord. 79-2, 3-8-1979)

8-2-4: BUILDING OPENINGS:

A doorsill, windowsill, top of foundation, or the bottom of any other opening in the outer walls of a building or structure shall be constructed at an elevation not lower than twelve inches (12") above the established high water elevation of the 100-year flood and not lower than twelve inches (12") above the high water elevation of the flood of record, if the 100-year flood information is not available. Any person violating any of the provisions of this section shall be fined in accordance with title 1, chapter 4 of this code. (Ord. 11-O-2003, 5-22-2003)

8-2-5: BUILDING NUMBERS:

A. Required: Visible legible street numbers must be placed on or near all existing structures and future construction of residential homes, apartment buildings, business establishments or commercial structures within the corporate limits of the village at the owner's expense, to aid emergency vehicles such as the village fire and police departments.

B. Placement: Street numbers may be posted on the building proper, the building's mailbox located on the street in front of the building or on the building's private lamppost located in the front yard of the building, where applicable.

C. Compliance: In the event the owners of property located within the corporate limits of the village do not comply with this section within six (6) months after its passage and approval, the village may post street numbers on the property and charge the owner for the material and labor. (Ord. 78-20, 10-26-1978)

8-2-6: VILLAGE ENGINEER'S APPROVAL:

A. Prior to the issuance of a building permit, a fully engineered site plan including the following items, shall be submitted to the village for review and approval by the village engineer:

1. Existing site elevation (USGS).
2. Existing elevations on all contiguous property.
3. Proposed foundation elevations.
4. Building location on all properties.
5. Direction of surface runoff.
6. Final elevation for lot grading.

7. Culvert location and elevation.

B. Said plan shall be submitted in triplicate, sealed and signed by a registered engineer, with a job bench mark placed on the nearest hydrant or manhole rim.

C. All site development plans should include a legal description, and address or location of the property. The elevations should extend beyond the property for at least twenty five feet (25') and should show:

1. Centerline of the pavement.
2. Gutter line.
3. Top of curb.
4. Inverts.
5. Top of rims.
6. Location of utilities to the nearest property line, even if the utilities fall outside the property but within twenty five feet (25').

D. Before construction can proceed beyond the foundation, the builder will submit a spot survey, in triplicate, signed and sealed by a registered surveyor, showing the following:

1. All setbacks.
2. Top foundation elevation.
3. Culvert location and invert elevation.

E. Before occupancy, the builder shall submit an "as built" site development plan, in triplicate, showing that completed grades are as shown on the approved site plan, signed and sealed by a registered engineer.

F. All fees charged by the village engineer for inspection and approval of said plans survey shall be added to the price of the building permit. (Ord. 87-0-22, 9-10-1987)

8-2-7: DUMPSTER REQUIRED:

All persons who apply for and receive a permit for the erection or alteration of any building or structure shall, before any construction begins, arrange for a dumpster on the site. All debris shall be placed in such dumpster on a daily basis, and pick up shall be made when said dumpster is full.

If a dumpster is not on the site, or if debris is not placed therein, or if the dumpster is not emptied when full, the job shall be shut down by the building commissioner until compliance. The building commissioner shall have the right to waive the requirement of a dumpster if, in his opinion, the job does not require a dumpster.

No occupancy permit shall be issued until the job site is completely cleared of all debris to the satisfaction of the building commissioner. (Ord. 88-0-26, 8-11-1988)

8-2-8: BURNING OF MATERIALS PROHIBITED:

No person shall openly burn building or construction materials, garbage or any other materials or rubbish on any property within the village. Said prohibition shall include the burning of such materials or rubbish within a barrel or other container. This prohibition shall not apply to the burning of leaves or branches. (Ord. 90-0-16, 7-12-1990)

8-2-9: OPEN STORAGE OF BUILDING MATERIALS AND RUBBISH PROHIBITED:

A. Except as provided in subsection B of this section, no person shall openly store any building or construction materials, garbage, broken concrete or other waste materials upon the exterior of any property within the village.

B. The prohibition against the open exterior storage of materials set forth in subsection A of this section shall not apply to a construction site from the date of the issuance of the building permit to the date of the issuance of an occupancy permit, nor shall it apply to any property which is properly zoned for such purpose and when such storage is part of the operation of a properly licensed business. (Ord. 90-0-16, 7-12-1990)

8-2-10: HOURS OF CONSTRUCTION:

A. All construction and building work of any nature or kind whatsoever, including, but not limited to, building or other improvement construction, road work, sewer work and grading, to be carried on within the village shall only be allowed to be carried on during the following hours:

Day Of Week	Hours Of Construction
Monday through Saturday, inclusive	7:00 A.M. to 7:00 P.M.
Sunday	9:00 A.M. to 5:00 P.M.

B. Any violation of this section shall, in addition to all other penalties provided in this code, be punishable by the issuance by the building commissioner of a stop work order in cases of the violation of this section. (Ord. 91-0-8, 6-27-1991)

8-2-11: FIRE RESISTANCE RATING; MULTI-FAMILY RESIDENTIAL BUILDINGS:

A. "Multi-family residential buildings" shall mean any apartment building, townhome building, condominium building or other building containing three (3) or more dwelling units and two (2) or more stories in height or two (2) or more dwelling units in a building containing another nonresidential use, i.e., business, commercial or industrial use.

B. In all multi-family residential buildings, the following shall apply:

1. Separation walls, ceilings and the floor of each dwelling unit, and all corridors, stair enclosures, heating, laundry and other mechanical equipment rooms shall be constructed of not less than two (2) hour fire resistive rated noncombustible material;

2. Nonload bearing partition walls within the interior of all dwelling units in a multi-family residential building shall be one hour rated assemblies; and

3. Exterior wall construction shall be of masonry construction (cavity or solid type) and have a fire resistance rating based on fire separation distance, but not less than a two (2) hour rating. (Ord. 91-0-12, 9-26-1991)

8-2-12: PENALTY:

A. It shall be unlawful for any person, firm or other entity to maintain, construct, erect or alter any building in violation of the standards set forth in the regulations herein adopted.

B. Any person, firm or other entity violating a provision of this chapter or who shall fail to comply with any of the requirements hereof shall be guilty of an offense which is subject to the general penalty provisions set forth in this code, and each day a violation is found to exist shall be a separate offense.

C. In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this chapter, the building commissioner, or his designee, or any owner or tenant of real property in the same contiguous zoning district as the building, structure or land in question, in addition to other remedies, may institute any appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; 2) to prevent the occupancy of the building, structure, or land; 3) to prevent any illegal act, conduct, business, or use in or about the premises; or 4) to restrain, correct or abate the violation. (Ord. 96-0-10, 6-27-1996)

CHAPTER 3
ELECTRICAL REGULATIONS

8-3-1: REGULATIONS ADOPTED:

See section 8-1-5 of this title for adoption of the electrical code for the village. (Ord. 84-0-5, 4-12-1984; amd. Ord. 99-0-38, 8-26-1999)

8-3-2: AMENDMENTS AND ADDITIONS TO REGULATIONS:

(Rep. by Ord. 99-0-38, 8-26-1999)

8-3-3: PERMITS REQUIRED:

All persons shall, before beginning any installation, alteration, change or electrical wiring or equipment installation in the village, obtain a permit for such work. Permits for installation, alteration and use of electrical equipment shall be issued upon receipt of an application therefor made out on a printed form furnished by the clerk. The fee is to be paid in advance as herein provided for. Permits shall be posted in plain view, inside the building near the entrance switch or inside the service switch when installed. (Ord., 7-27-1961)

8-3-4: BOND REQUIRED:

Every person desiring to engage in the business of making any electrical installation in this village shall execute and file with the clerk a surety company bond payable to the village in the penal sum of one thousand dollars ($1,000.00) conditioned that the applicant shall well and faithfully observe all the provisions and other regulations of this village relating to such electrical installations.

The application for each such permit shall contain the name of the owner or user of the electrical equipment to be installed, altered or changed, and the location of such work by correct address, street and number, also name and address of the person making the installation. (Ord., 7-27-1961)

8-3-5: FEES:

The village board shall by resolution, from time to time, establish reasonable fees to be paid for the inspection by the electrical inspection department of all electrical equipment installed or altered within the village. Such schedule of electrical permit fees shall be kept on file and open for public inspection at all times by the clerk and the electrical inspector. All permit fees shall be paid in advance to the clerk at the time of making application for an electrical permit. (Ord., 7-27-1961)

CHAPTER 4
PLUMBING REGULATIONS

8-4-1: REGULATIONS ADOPTED:

See section 8-1-8 of this title for the adoption of the plumbing code for the village. (Ord. 84-0-5, 4-12-1984; amd. Ord. 99-0-38, 8-26-1999)

8-4-2: STOP ORDER:

The plumbing inspector shall have the power to order work stopped on the construction, alteration or repair of plumbing equipment when such work is being done in violation of any provisions of this code. Work shall not be resumed after the issuance of such a stop order except on written permission of the plumbing inspector; provided, that if the stop order is an oral one it shall be followed by a written stop order within one hour. (1963 Code)

8-4-3: PERMIT PROVISIONS:

A. Required: All persons shall, before beginning any installations, alterations or changes of plumbing work or sewer connections obtain a permit for such work. Permits shall be issued upon receipt of an application therefor made out on a printed form furnished by the clerk. The fee shall be paid in advance as provided.

B. Application: The application for each such permit shall contain the name of the owner or user of the plumbing or sewer work to be installed, altered or changed and the location of such work by correct address, street and number, also name and address of the person making the installation, alteration or change.

C. Fees: All fees for such permits shall be in accordance with fees established by regulations of the village board from time to time, which shall be kept on file and open to public inspection at all times by the clerk and the plumbing inspector. Such permit fees shall be in addition to sewer connection charges established by ordinance. (Ord., 6-25-1959)

D. Connection To Water Mains Required: No permit for the installation, alteration or changes of plumbing work in any new building shall be issued unless provisions have been made for a connection to water mains provided by a public utility water service. (Ord. 83-0-2, 5-12-1983)

8-4-4: OVERHEAD PLUMBING:

A. Overhead Plumbing: All new buildings with basements, floors, rooms or occupancy areas below ground level at the building site and served by a public or private sewer system, shall have overhead plumbing. No building permit application will be

accepted nor any permits issued for construction of any structure unless plans and specifications therefor provide for overhead plumbing as called for in this section.

B. Footing Drains: Footing drains shall be connected to sump pumps for further discharge into storm sewer or drainage ditches. No footing drain or drainage tile shall be connected to the sanitary sewer system. (Ord. 71-15, 9-23-1971)

8-4-5: WATER CONSERVATION REGULATIONS:

In order to provide for the more efficient conservation of water within the village, the following shall be required:

A. The installation of the following water efficient plumbing fixtures (based on a pressure at the fixture of 40 to 50 psi) in all new construction and in all repair and/or replacement of fixtures or trim:

Fixtures	Maximum Flow
Water closets, tank type	3.5 gallons per flush
Water closets, flushometer type	3.0 gallons per flush
Urinals, tank type	3.0 gallons per flush
Urinals, flushometer type	3.0 gallons per flush
Shower heads	3.0 gallons per minute
Lavatory, sink faucets	3.0 gallons per minute

B. The installation of closed system air conditioning in all new construction and in all new remodeling.

C. That all lavatories for public use in new construction or remodeling be equipped with metering or self-closing faucets.

D. That all newly constructed or remodeled car wash installations be equipped with a water recycling system. (Ord. 82-0-15, 9-23-1982)

8-4-6: POLYVINYL CHLORIDE (PVC):

PVC pipe shall be allowed by the Village in all new construction or remodeling of present structures only in residential buildings in the following installations:

A. Drain, waste and vent system aboveground or basement inside a building.

B. Drainage system belowground outside a building (building sewer).

C. Joints and fittings of polyvinyl chloride (PVC) pipe shall be installed with solvent welded or flanged joints only. The pipe shall not be threaded. Transition to metallic or other piping shall be molded from the same basic material as the pipe. The solvent cement used shall be specific for polyvinyl chloride piping. (Ord. 88-0-15, 6-9-1988)

CHAPTER 5
DANGEROUS BUILDINGS
(Rep. by Ord. 91-0-4, 4-11-1991)

CHAPTER 6
EXCAVATIONS

8-6-1: PERMIT PROVISIONS:

A. Required: No person or legal entity shall fill, grade, or excavate any lands in the Village except on permit of the Village.

B. Plans and Specifications: No such permit shall be issued by the Village except on presentation of plans and specifications by a registered civil engineer which plans and specifications shall show the following:

The lands to be filled, graded, or excavated and the amount of each to be done.

The natural water courses existing on the land prior to any filling, grading, or excavating.

The properly engineered conduits or swales which will permit the natural flow of drainage to continue as it has previously flowed in an uninterrupted condition.

Complete detailed plans and specifications of the method of preserving the uninterrupted flow of natural drainage showing all necessary design and engineering information thereon.

There shall be incorporated into said plans and specifications, a storm drainage system for the premises in question shall be carried to the point of natural or substitute discharge. The drainage of the premises shall be such as to avoid the unnatural flooding of lands upstream or downstream from the area where the filling, grading or excavating has occurred.

C. Inspection Fee: The Village hereby establishes an inspection fee for the inspection of the plans and specifications submitted to the Village hereunder and for inspection of the system as it is being installed in the field. Such fee shall be a minimum of twenty five dollars ($25.00) for each four hundred feet (400') or portion thereof of conduit or swale created to replace the natural watercourse.

D. Bond Required: No such permit for filling, grading, or excavating shall be granted until such time as a cash bond or a surety bond [32] in sufficient sum for the completion of said drainage system is deposited with the Village to insure that the work will be completed as is shown on the plans and specifications.

E. Easement: The owners of said land shall enter into an agreement with the Village granting an easement for the continued flow of said waters in an uninterrupted fashion and agreeing in said easement that the owners of said lands over which said easements traverse (servient tenant) will maintain the watercourse in a good and operating condition at their own expense.

8-6-2: VIOLATION; PENALTY:

A. Any person who is apprehended in the violation of any provision of this Chapter shall be taken before the Circuit Court of Cook County and shall be prosecuted in the name of the people of the State of Illinois pursuant to the provisions of the Criminal Code of the State of Illinois as is in such cases made and provided.

B. Any person found to be violating any of the provisions hereof and who fails, neglects, or refuses to comply with the provisions hereof shall be prosecuted in an action for a misdemeanor instituted on the complaint of the Village or any citizen or the Building Commissioner of the Village in the Circuit Court of Cook County and upon conviction shall be fined, not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) and costs. Each day in which any violation shall continue shall be deemed to constitute a separate offense.

C. Any plumber, licensed by the State of Illinois, or any sewer builder or drain layer, who has obtained a permit under the provisions of this Code who fails to abide by the terms of this Chapter shall be subject, at the election of the Village, to have his certificate of approval revoked. Upon revocation of such certificate, said plumber or sewer builder and drain layer shall have to reapply to the Village for a certificate of approval or be further prevented from performing any construction, maintenance, or other work on facilities within the Village. After disapproval, no plumber, sewer builder, or drain layer shall be approved for performance of any construction, maintenance or other work on facilities within the Village, unless and until the deficiencies which resulted in the revocation of his permit have been corrected to the satisfaction of the Village in accordance with the provisions of this Code.

D. The foregoing penalties and prosecutions therefor shall not be held or construed as constituting a bar, release, or waiver by the Village for any civil damages that it may sustain because of any violation by any person of the provisions hereof, where it shall appear that such violation has occasioned damages to the appurtenances, machinery, equipment, sewers, buildings and the like under the jurisdiction of the Village. (Ord. 68-4-5, 1968)

CHAPTER 7
FENCES

8-7-1: DEFINITIONS:

ANIMAL RUN: A completely enclosed fence for the exercising and containment of an animal.

FENCE: A nonpermanent, nonliving structure forming a barrier, which is not otherwise a part of any building or structure, and which is used to delineate a boundary or as a means of confinement or for the purpose of privacy.

HEDGE: A barrier of densely compacted brush, shrubs, low trees or similar materials grown to enclose, screen or separate areas. (Ord. 10A-O-2009)

HEIGHT OF FENCE: The height of a fence is a height as measured from the existing grade level of the property on which the fence is installed to the highest most point located on the fence.

OPEN FENCE: A fence, including gates, having open spaces that afford direct views through the fence that comprise fifty percent (50%) of each one foot (1') wide segment extending over the entire length and height of the fence.

PERIMETER FENCE: A fence following the outward boundaries of the property on which it is located.

PERIMETER OF FENCE: The outermost point as measured by a perpendicular line drawn along the edge of a fence facing outward and perpendicular to the ground.

SOLID FENCE: A fence, including gates, which conceals some view of adjoining property, streets or alleys and any and all activities conducted behind it. (Ord. 81-WS-9, 8-13-1981)

8-7-2: COMPLIANCE; RESTRICTIONS:

A. Compliance: It shall be unlawful for any person to erect or to cause to be erected or to own or maintain a fence on any property within the village except as provided in this chapter.

B. Penalty: Any person violating any provision of this chapter shall be fined not less than twenty five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

C. Prohibited Fences: No dangerous or hazardous type fence such as barbed wire, electrical fences, fences with spikes, broken glass or other sharp points imbedded in

them or any other type fence that could result in injuries to persons climbing on or over such fences shall be permitted to be erected or maintained within the village. Also, no fences that are leaning in such a manner that an angle of fifteen degrees (15°) or more is produced when measured from the vertical shall be erected or maintained within the village. (Ord. 81-WS-9, 8-13-1981)

8-7-3: PERMIT PROVISIONS:

A. Required: No person shall erect a fence in the village without having first received a permit.

B. Application: Applications for such a permit shall be filed in the office of the village clerk and shall include a sketch of the proposed fence indicating the design of the fence, the material to be used, the dimensions of the proposed fence and a plat of survey of the lot on which the proposed fence is to be located showing the proposed location of said fence.

C. Fee: At the time of the filing of such an application, an application fee of forty dollars ($40.00) shall be paid.

D. Investigations And Approval: An investigation with respect to the application shall be made by the building commissioner, who shall report the results of his investigation to the president and board of trustees. No permit shall be issued without the approval of the board of trustees. (Ord. 81-WS-9, 8-13-1981)

8-7-4: GENERAL CONSTRUCTION REQUIREMENTS:

Every fence to be erected in the village shall be designed and constructed to resist and withstand a wind pressure of not less than twenty (20) pounds per square foot of the gross proposed area of the fence less any openings from any angle of approach. All fence posts used in the construction of a fence must be buried in the ground to a depth of at least one-third (1/3) of the total length of said fence post. All fence parts, anchors and shavings of wood or other organic materials shall be treated with a chemical treatment to protect them from deteriorating when they are placed in or upon the ground. Alterations to the existing grade level preceding the use of a fence for the purpose of altering the height of the fence shall not be permitted. All fences shall be maintained in good and sound condition and shall not create a harborage for rodents. If a fence is to be painted, only a nonlead base paint shall be used. No fence shall be constructed in such a manner as to impede or alter the natural surface water drainage of the property upon which the fence is constructed or any adjoining property. (Ord. 81-WS-9, 8-13-1981)

8-7-5: DESIGN, LOCATION AND HEIGHT REQUIREMENTS:

A. Residential Districts: No fence shall be constructed in a front yard past the front building line. A hedge may be located in a front yard past the front building line but it shall be limited to three (3) feet in height. In the case of corner lots, no fence shall be

erected beyond the building lines of those sides of the building which face the two (2) streets forming the corner lot. (Ord. 10A-O-2009)

B. Business Or Commercial Or Light Industrial Districts: All fences constructed in business, commercial or light industrial districts shall be open or solid fences. In business districts, such open or solid fences shall not exceed six feet (6') in height. In commercial and light industrial districts, such open or solid fences shall not exceed eight feet (8') in height.

Where property in light industrial districts adjoins or fronts on any property situated in a residential district, a solid fence shall be erected on those sides adjoining or fronting on the property situated in a residential district. Such a fence shall be located within six inches (6") of the property line that abuts the residential property. Such solid fence shall be not less than five feet (5') in height nor more than eight feet (8') in height. Natural screening such as a densely planted compact hedge may be used in lieu of a solid fence. The height of such natural screening shall be in accord with those requirements set forth above in this section.

In light industrial districts, fences shall be required to screen storage areas. If said storage area is within one hundred fifty feet (150') of the nearest point of any residential district, then all storage shall be in completely enclosed buildings or structures. Storage areas located elsewhere in a light industrial district may be open to the sky but shall be enclosed by a solid fence or wall including solid doors or gates thereto. In light industrial districts, such storage yard fences shall be a solid fence eight feet (8') in height. All such fences shall be allowed only in rear and side yards.

All exterior areas of "food service establishments", as such term is defined in title 4, chapter 8 of this code, wherein garbage and refuse are stored, shall be enclosed by a solid fence or walls, including solid doors or gates thereto. Such fence or walls shall be not less than five feet (5') nor more than six feet (6') in height. All food service establishments licensed by the village prior to the effective date hereof shall comply with the requirements of this chapter within six (6) months from the effective date hereof.

C. Animal Runs: Animal runs shall not be allowed in front or side yards and the perimeter of the fences shall be no closer than five feet (5') from the property line of the adjoining properties. Said animal runs shall have an area of not more than one hundred (100) square feet and shall be not more than six feet (6') in height. (Ord. 81-WS-9, 8-13-1981)

D. Fence Face: All fences must be designed and constructed so that fence posts are on the inside of the fence facing into the property and the face of the fence shall face outward. (Ord. 85-0-20, 11-23-1985)

8-7-6: DEVIATIONS:

An application for deviations from the requirements of this chapter shall be presented to the plan and zoning commission for review, whereupon the plan and zoning commission shall provide a written recommendation to the director of planning and zoning. The director of planning and zoning shall have fourteen (14) days to review the plan and zoning commission recommendation and approve or disapprove of the application for deviation. In the event the director of planning and zoning's decision is contrary to the recommendation of the plan and zoning commission, the application shall be brought before the board of trustees of the village, at a regular or committee of the whole board meeting, for final determination. (Ord. 15-O-2004, 5-27-2004; amd. Ord. 12-O-2005, 8-11-2005)

CHAPTER 8
FALLOUT SHELTERS

8-8-1: CONSTRUCTION PERMIT PROVISIONS:

A. Required: No person shall construct a family fallout shelter unless a permit shall have been issued therefor.

B. Application: Application for such permit shall be made to the Building Commissioner on forms to be provided by the Village. Such application shall be accompa nied by plans and specifications to be approved by the Building Commissioner and the Fire Chief. The permit shall be issued by the Clerk after approval by the President and the Village Board. No fee or charge shall be made by the Village for such permit.

8-8-2: CONSTRUCTION STANDARDS:

A. Minimum Standards, Compliance: Family fallout shelters shall comply with the minimum standards set forth by the Office of Civil and Defense Mobilization in publication designated MP-15, dated June, 1959, reprinted November, 1960, and publication designated NP-10-2 entitled "Guide for Architects and Engineers", dated May, 1960. In the event of changes made in minimum standards or specifications by the Department of Defense, shelters thereafter constructed shall comply with such new design, minimum standards or specifications.

B. Locations, Grade: Fallout shelters shall be constructed below yard grade where practicable. However, where in the opinion of the Building Commissioner and the Fire Chief such shelter cannot practically be built below yard grade, an exception may be made and a permit may be issued authorizing the construction of such shelter above yard grade.

8-8-3: FALLOUT SHELTER USE; RESTRICTIONS:

Family fallout shelters are intended to be used for the sole purpose of protection from fallout during a national emergency. However, such shelter may be used by the owner thereof for other purposes, except for living accommodations or sleeping quarters, which will not prevent its immediate use as a fallout shelter in a national emergency. (Ord., 3-8-62)

CHAPTER 9
DISH-TYPE SATELLITE SIGNAL RECEIVING ANTENNAS

8-9-1: DEFINITIONS:

DISH: That part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS: Also referred to as "earth stations" or "ground stations", shall mean one, or a combination of two (2) or more of the following:

A. A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

B. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and or transmit electronic or light signals.

C. A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

GROUNDING ROD: A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

RECEIVER: A television set or radio receiver.

8-9-2: PERMIT REQUIRED:

No person, firm, partnership, corporation, trust or other legal entity shall construct an earth station without a permit, nor shall construction commence before a permit is issued in accordance with this Chapter.

8-9-3: APPLICATION FOR PERMIT:

The owner, or occupant with written permission from the owner, of any lot, premises or parcel of land within the Village who desires to construct an earth station on said lot,

premises, or land parcel, must first obtain a permit to do so from the Building Commissioner.

The Building Commissioner shall issue such permit, provided the applicant submits a written application upon forms provided and approved by the Building Commissioner, along with a plot plan of the lot, premises or land parcel attached showing the exact location and dimensions of the proposed earth station; a description of the kind of earth station proposed; the exact location and dimensions of all buildings or structures; construction plans and specifications prepared by a professional engineer, showing the elevations of the proposed earth station upon completion; and a structural engineering analysis. Each application shall specify among other things the name and address of the owner of the real estate; the applicant; the professional engineer who prepared the construction plans and specifications; and the person to be permitted to construct the proposed earth station.

The applicant shall present documentation of the possession of any license or permit required by any Federal, State or local agency pertaining to the ownership, construction or operation of an earth station.

The applicant shall submit with each application the required permit fee. The permit fee shall cover the costs of reviewing the construction plans and specifications, inspecting the final construction and processing the application. The fees are specified in Section 8-9-6 of this Chapter.

The Building Commissioner must notify by certified mail owners of real estate adjoining the property upon which the proposed earth station is to be erected at least ten (10) days before issuing a permit.

8-9-4: LOCATION OF EARTH STATION:

A. Ground-Mounted:

1. No earth station shall be constructed in any front or side yard, but, shall be constructed to the rear of the residence or main structure.

2. No earth station, including its concrete base slab or other substructure, shall be constructed less than eight feet (8') from any property line or easement.

3. No earth station shall be constructed without appropriate evergreen landscaping to reasonably conceal said earth station from view, and the planting shall be completed before final approval by the Building Commissioner.

4. No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.

5. An earth station shall not exceed a grade height of twelve feet (12').

6. All structural supports shall be of galvanized metal.

7. Wiring between an earth station and a receiver shall be placed at least four inches (4") beneath the surface of the ground within rigid conduit.

8. Such earth station shall be designed to withstand a wind force of seventy five (75) miles per hour without the use of supporting guy wires.

9. Any driving motor shall be limited to one hundred ten (110) volts maximum power design and be encased in protective guards.

10. An earth station must be bonded to a grounding rod.

11. No earth station shall be constructed upon the roof top of any garage, residential dwelling, church, school, apartment building, hospital or any other commercial building or structure. (Option for Roof-Mounted)

B. Roof-Mounted:

1. Earth stations shall be mounted directly upon the roof of a primary or accessory structure, as defined in the Building Code, and shall not be mounted upon appurtenances such as chimneys, towers, trees, poles or spires.

2. An earth station shall not exceed a height of more than three feet (3') above the roof upon which it is mounted.

3. An earth station shall be designed to withstand a wind force of eighty five (85) miles per hour.

4. An earth station "dish" shall not exceed three feet (3') in diameter.

5. Any driving motor shall be limited to one hundred ten (110) volts maximum power design and be encased in protective guards.

6. An earth station must be bonded to a grounding rod.

8-9-5: APPEALS:

The denial of a permit shall entitle the applicant to appeal to the full Village Board. The Board shall hold a hearing within fifteen (15) days of receiving a notice of appeal. At said hearing the applicant shall be entitled to be represented by legal counsel, and present witnesses to support his application.

8-9-6: FEES; NEW INSTALLATIONS:

A. Business and Commercial:

Permit fee:	$200.00
Inspection fee:	$100.00
Total:	$300.00

There is an annual license fee of one hundred fifty ($150.00) dollars and an inspection fee of fifty dollars ($50.00) to be paid on the anniversary date of the installation.

B. Residential:

Permit fee:	$100.00
Inspection fee:	$50.00
Total:	$150.00

There is an annual license fee of twenty five dollars ($25.00) and an annual inspection fee of twenty five dollars ($25.00) to be paid on the anniversary date of the installation.

8-9-7: PRESENT INSTALLATIONS:

All satellite signal receiving antennas presently installed shall be covered by this Chapter upon its effective date. The annual license and inspection fee shall be paid as of January 1 of each year. If any antennas are replaced, the permit and inspection fee shall be paid under the provision dealing with new installations.

8-9-8: PENALTIES:

The provisions of Sections 1-4-1 through 1-4-2 of this Code shall apply to this Chapter. (Ord. 85-0-18, 11-23-85)

CHAPTER 10
LANDSCAPE REQUIREMENTS

8-10-1: PURPOSE:

The landscape standards provided herein are for the purpose of helping to establish an aesthetically pleasing community environment, increase the compatibility of adjacent uses, minimize the potentially harmful impacts of noise, debris and headlight glare or other nuisances, thereby protecting and preserving the appearance, character, economic values and overall general health, safety and welfare of the community as well as encouraging renewed development within the Village. (Ord. 89-0-13, 11-9-89)

8-10-2: LANDSCAPE REQUIREMENTS AND PLAN APPROVAL:

A. No person shall construct, substantially alter or remodel, remove or reconstruct any commercial, industrial or multiple family residential uses, without complying with the landscaping requirements set forth in this Chapter.

B. Any person applying for a building permit or other permit to do work requiring landscaping under the Chapter or seeking approval of any residential, commercial or industrial subdivision or planned unit development under Title 9B of this Code, shall submit for approval with such permit application or subdivision or planned unit development review, a landscape plan in accordance with the standards set forth in this Chapter. The landscape plan shall be prepared by a trained professional knowledgeable in standard landscaping practice and shall be drawn to an appropriate scale, and shall show the following: location, size and height of all structures, streets, driveways, walks, off-street parking/loading areas, refuse areas, fences, setbacks and any other significant existing or proposed physical condition on the site, (i.e.: vegetation, water bodies, topography, etc.) as well as elevations, sections and/or other appropriate details to help convey the elements of the plan. An accompanying plant list shall specify the number, type, size and spacing of all plantings.

C. Any professional review fees incurred by the Village for the review of the landscape plan and inspection of the completed landscaping shall be payable by the applicant in conjunction with the issuance of the building permit or upon approval in the case of subdivisions or planned unit developments, as the case may be. In the event a landscape plan is reviewed by the Building Department without a professional consultant's review, the fee for such review shall be thirty five dollars ($35.00). (Ord. 91-0-13, 9-26-91)

8-10-3: MINIMUM PLANTING STANDARDS:

Minimum planting standards shall be as follows:

A. Required plant material shall be provided at a minimum ratio of one plant for each seven hundred twenty five (725) square feet of gross site area and shall be of the following types:

1. Shade trees shall be two and one-half inches (2 1/2") minimum caliper, measured twelve inches (12") above grade, balled and burlapped and shall comprise a reasonable portion of the overall plantings provided but not less than three percent (3%) of the total required plantings.

2. Evergreen trees shall be a minimum height of six feet (6') and shall comprise a reasonable portion of the overall plantings provided but not less than seven percent (7%) of the total required plantings.

3. Ornamental trees shall be one and one-half inches (1 1/2") minimum caliper measured twelve inches (12") above grade, and a minimum height of six feet (6') and shall comprise a reasonable portion of the overall plantings provided but not less than fifteen percent (15%) of the total required plantings.

4. Evergreen shrubs shall be a minimum height of two feet (2') and shall comprise a reasonable portion of the overall plantings provided but not less than twenty five percent (25%) of the total required plantings.

5. Deciduous shrubs shall be a minimum height of three feet (3') and shall comprise a reasonable portion of the overall plantings provided but not less than fifty percent (50%) of the total required plantings.

6. Ground cover, where provided, shall be at a density sufficient to insure total coverage within two (2) years of initial installation. Decorative stones, wood chips, etc. may be substituted for living ground cover where appropriate.

B. In all cases, due regard shall be given to the preservation of existing, significant and desirable natural site features, including trees of four inches (4") diameter or greater, watercourses, topographic relief, etc., and appropriate credit shall be awarded accordingly.

C. Lawn areas, including all areas of the property not improved with building, paving, walks or approved plantings, shall be rough graded, seeded or sodded with an appropriate grass mixture.

D. Street tree plantings (or other appropriate plantings where berming is used to screen a development from street traffic or in the case of other topographic features that would not be suited for tree plantings), shall be provided for all unpaved areas within any

dedicated street right of way, detention or other public area, in conjunction with appropriate grading, installation of a minimum four inches (4") of top soil and seeding or sodding operations. Trees or other plantings, shall be planted within the public right of way on both sides of all dedicated streets except where existing appropriate vegetation is to be preserved. Tree spacing shall be the greater of a ratio of one tree per lot (2 trees per corner lot) or a minimum spacing of fifty feet (50') on center. Credit may be given for the successful preservation of existing vegetation at the discretion of the Village staff. A listing of acceptable and prohibited street trees is as follows:

Acceptable	**Prohibited**
oak	poplar
maple	box elder
hackberry	tree of heaven
ginkgo	willow
honey locust	mulberry
linden	
ash	

Species shall be alternated so that not more than six (6) trees of the same species shall be planted consecutively. Substitution of approved plantings shall be permitted only with the approval of the Village staff. All plans for the landscaping of screening berms shall also be approved by the Village staff.

8-10-4: LANDSCAPING OF PARKING AREAS:

Parking area screening shall be provided in the following instances:

A. Parking areas, including any and all impervious surfaces of more than four (4) parking stalls, shall be effectively screened to a minimum height of four feet (4') if located within front/corner yards and five feet (5') if located within required side/rear yards. Said plantings shall consist of densely planted trees and shrubs, earth berms or both and shall cover one hundred percent (100%) of the boundary adjacent to a residential use and fifty percent (50%) of the boundary adjacent to a nonresidential use. All parking areas shall be landscaped to provide a minimum of one tree in the area of each fifteen (15) parking spaces (or part thereof) and not less than ten percent (10%) of the interior of any parking space, greater than six (6) spaces, shall be landscaped. Each landscaped area must contain a minimum of one hundred twenty (120) square feet and at least seventy five percent (75%) of the total landscaped area shall contain plantings and/or living ground cover.

B. Parking areas, including any and all impervious services of more than four (4) parking stalls, not located within required yards, shall also be effectively screened to a minimum height of three feet (3') at the previously indicated percentages of cover.

8-10-5: LANDSCAPE BUFFERS FOR CONTIGUOUS AND NONCONTIGUOUS USES:

Contiguous uses shall be appropriately buffered with landscaping. Where one nonresidential use abuts another, shade trees shall be at a maximum spacing of fifty feet (50'); where a nonresidential use abuts a residential use, a solid screen at a minimum height of six feet (6') shall be provided along one hundred percent (100%) of the contiguous boundary consisting of a face brick wall, wood fence and/or a densely planted earth berm and shade trees at a maximum spacing of fifty feet (50'). Where a multi-family use abuts a residential use, a landscape screen to a minimum height of five feet (5') shall be planted along fifty percent (50%) of the contiguous boundary consisting of shade trees at a maximum spacing of fifty feet (50'), shrubs and/or earth berms. Said screening of residential uses shall provide for year-round privacy.

8-10-6: LANDSCAPING OF LOAD AND REFUSE AREAS:

A. Loading and refuse areas, whether in commercial or multi-family residential areas, shall be effectively screened by a face brick wall, wood fence and/or densely planted landscape hedge to a minimum height of six feet (6') at the time of installation.

B. Any commercial or multi-family residential properties with refuse areas existing at the time of the adoption of this Chapter shall have twelve (12) months from the adoption of this Chapter to comply with the requirements of this Section. (Ord. 89-0-13, 11-9-1989)

8-10-7: LANDSCAPING OF SIGNS:

The area around freestanding business and/or residential subdivision identification signs shall be appropriately landscaped to provide one and one-half (1 1/2) square feet of landscape for every square foot of sign surface area. Plants shall be of a size and type proportional to the size of the sign. Seeded, sodded and nonliving ground cover areas shall not be included in calculation. (Ord. 89-0-13, 11-9-1989)

8-10-8: LANDSCAPING OF WETLANDS:

Landscaping of designated wetland areas as determined by the United States Corps of Engineers shall be in conformance with the native wetland planting requirements of the appropriate regulatory body and as approved by the Village staff. (Ord. 89-0-13, 11-9-1989)

8-10-9: INSTALLATION OF LANDSCAPING PLANTINGS:

Installation of all landscaping plantings shall be completed during the normal growing season, not within frozen soil, and shall be appropriately staked and watered. Plantings shall be installed prior to issuance of an occupancy permit, unless weather conditions dictate otherwise, in which case the completion of all landscaping, including lawn areas,

may be extended to the next growing season. Provided, however, that in no event shall the completion of landscaping be extended later than six (6) months after occupancy. And, in the event the completion of landscaping is extended, the granting of any occupancy permit shall be deemed conditional until the landscaping is completed. (Ord. 89-0-13, 11-9-1989)

8-10-10: LANDSCAPE MAINTENANCE BOND:

Security for the growth and maintenance of approved landscaping in the form of cash or a bank letter of credit, in an amount equal to one hundred percent (100%) of the cost of approved landscaping improvements, shall be submitted to the Village and shall be held by the Village to insure that an adequate mat of grass and evidence of new growth exists on plantings for a minimum period extending through one full growing season (April 1 through October 31). The posting of the landscape security required herein shall be the responsibility of the contractor obtaining the building permit or other approval as the case may be and shall be a condition precedent to the issuance of an occupancy permit or other final approval. (Ord. 98-0-6, 2-26-1998)

CHAPTER 11
BELOW GRADE/CONFINED SPACE WORK PERMITS

8-11-1: DEFINITIONS:

Unless the context clearly requires otherwise, the following definitions are hereby established:

BELOW GRADE AND/OR CONFINED SPACE: Any areas as defined by the United States Government Occupational Safety and Health Administration and/or the United States Bureau of Mines.

PERMIT REQUIRED BELOW GRADE/CONFINED SPACE: Any areas as defined by the United States Government Occupational Safety and Health Administration and/or the United States Bureau of Mines.

SCHEDULE OF FEES: Fees to be reimbursed by any person, firm, corporation, contractor or other entity requiring emergency or other services by the Village of Willow Springs Fire Department and mutual aid companies in a below grade or confined space incident. (Ord. 98-0-7, 2-26-1998)

8-11-2: RESPONSIBILITY:

The Fire Chief is charged with the administration of the provisions of this Chapter and shall enforce same in coordination with the Chief of Police. Such administration shall

include the review and issuance of any below grade/confined space permits required hereunder and the establishment of the schedule of fees. (Ord. 98-0-7, 2-26-1998)

8-11-3: PERMIT REQUIRED:

A. Any person, firm, corporation, contractor or other entity working below grade and/or in confined spaces shall secure from the Village a below grade/confined space permit for such work in accordance with this Section.

B. Any person, firm, corporation, contractor or other entity which works below grade and/or in a confined space as a regular part of its business operation shall apply for a below grade/confined space permit at the same time that it is required to apply for a business license pursuant to Title 4 of this Code. Such below grade/confined space permit shall be for the same period as the annual business license.

C. Any person, firm, corporation, contractor or other entity which desires to work below grade and/or in a confined space within the Village shall, prior to the commencement of such work, secure a below grade/confined space permit from the Village. Said below grade/confined space permit shall be effective for one year from the date of its issuance.

D. The annual fee for a below grade/confined space permit shall be one thousand dollars ($1,000.00). (Ord. 98-0-7, 2-26-1998)

8-11-4: REIMBURSEMENT OF COST:

Any person, firm, corporation, contractor or other entity requiring emergency or other services by the Fire Department or mutual aid companies shall reimburse the Village in accordance with the schedule of fees within fifteen (15) days after receipt of an invoice for such services from the Village. (Ord. 98-0-7, 2-26-1998)

CHAPTER 12
DEMOLITION PERMIT

8-12-1: PERMIT REQUIRED:

Any person, firm, corporation, contractor or other entity desiring to demolish or wreck any structure within the Village shall first secure a permit from the Building Department. An application for such permit shall be in forms provided by the Building Department. A permit shall be issued following satisfaction of any requirements and conditions set forth in this Chapter. Upon issuance of such demolition permit, such permit shall be subject to the conditions of this Chapter. (Ord. 96-0-1, 1-11-1996)

8-12-2: SERVICE CONNECTIONS:

Before a principal structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure. A permit to demolish or remove a structure shall not be issued until a release is obtained from each utility service or company, stating that their respective service connections and appurtenant equipment have been removed or sealed and plugged in an acceptable manner. (Ord. 96-0-1, 1-11-1996)

8-12-3: NOTICE TO ADJOINING OWNERS:

Only when written notice by certified mail has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal is necessitated by the proposed work, shall a permit be granted for the removal of a building or structure. (Ord. 96-0-1, 1-11-1996)

8-12-4: RESTORATION OF DEMOLITION SITE:

All foundation walls, footings, concrete floors, and other concrete in areas below grade must be removed. All demolition debris, including, but not limited to bricks, concrete, wood and metal shall be removed, and all voids resulting from the above removal shall be filled immediately to at least the existing grade with organic material or granular materials in accordance with section 213 of the State of Illinois Standard Specifications for Road and Bridge Construction. The area must then be swaled for proper drain-off. The land must be restored as close as possible to its' original stage. The final top layer of fill shall contain adequate top soil to sustain grass and be seeded in a professional manner. (Ord. 96-0-1, 1-11-1996)

8-12-5: CASH BONDS:

In addition to any permit fees required by this Chapter, no firm or persons shall be issued a wrecking or demolition permit within the Village if the cost of such work is five thousand dollars ($5,000.00) or more until such firm or person shall deposit with the Building Department a cash bond in the amount of two thousand dollars ($2,000.00) cash, and a license and permit bond in the amount of ten thousand dollars ($10,000.00). Each bond shall comply with the laws of the State. If the demolition is not completed in accordance with Village ordinance, the Village shall give notice to the applicant stating the action(s) required to comply with the Village ordinance and if the applicant fails to take the action stated, the Village shall have the right to utilize said bond, or any portion thereof, to satisfactorily complete the demolition. (Ord. 96-0-1, 1-11-1996)

8-12-6: CASH BOND REFUND FOR DEMOLITION WRECKING:

The deposits made pursuant to Section 8-12-5 shall be refunded to the permittee upon return of the cash deposit receipt and when compliance with the Village codes and ordinances is complete and all streets, alleys, sidewalks or parkways have been restored

to their original condition to the satisfaction of the Building Commissioner. If the permittee fails to finish any cleanup of the Village, after due notice shall take such action as is necessary to complete necessary repairs and/or cleanup. The fund shall be reduced by the amount of final repairs to the street, alley, sidewalk, parkway, trees or other Village property. (Ord. 96-0-1, 1-11-1996)

8-12-7: BUILDING DEMOLITION OR WRECKING PERMIT FEE:

The permit fee to demolish or wreck a building or structure shall be as follows:

Single-family or two-family residence	$250.00
Multiple-family residence up to 6 units	350.00
Multiple-family residence over 6 units up to 12 units	550.00
Multiple-family residence over 12 units	750.00
Commercial building	750.00
Industrial building	750.00
Residential garage or equal in size	75.00
Minimum fee for any smaller building	25.00

(Ord. 96-0-1, 1-11-1996)

8-12-8: SAFETY:

A. The contractor shall exercise proper precaution at all times for the protection of persons and property and shall be responsible for all damages to person or property, either on or off the site, which occur as a result of his prosecution of the work. (Ord. 96-0-1, 1-11-1996)

B. Public sidewalks shall be kept passable for pedestrian traffic at all times. If it is necessary to partially block the street, barricades shall be placed and warning lights shall be activated at night and the director of public works shall be notified. Approved fencing shall be used to screen and secure the construction site, at the discretion of the building department and/or public works department. (Ord. 96-0-1, 1-11-1996; amd. Ord. 33-O-2006, 9-28-2006)

C. The contractor shall adhere to all applicable regulations of the U.S. or Illinois environmental protection agency and shall secure all required licenses, approvals or permits required therefrom before the issuance of a permit pursuant to this chapter. Care shall be taken to prevent the spread of dust or flying particles. After work is started on any building, the work on the building shall be continued to completion promptly and expeditiously.

D. The contractor, his representative or employees shall not burn or cause to be burned, within the site of the work any paper, wood or other combustible refuse, waste or other material resulting from wrecking or other operations. (Ord. 96-0-1, 1-11-1996)

CHAPTER 13
BUILDING CODE ADJUDICATION

8-13-1: CODE HEARING DEPARTMENT

A. Definitions

"Code": Any municipal ordinance, law, housing or building code or zoning ordinance that establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in a municipality or any municipal ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or the abatement of nuisances from private property.

"Building Inspector": A full time state, county or municipal employee whose duties Include the inspection or examination of structures or property in a municipality to determine if zoning or other code violations exist.

"Property Owner": The legal or beneficial owner of a structure.

"Hearing Officer": A municipal employee or an officer or agent of a municipality, other than a building inspector or law enforcement officer, whose duty it is to:

1. Preside at an administrative hearing called to determine whether or not a code violation exists;

2. Hear testimony and accept evidence from the building inspector, the building owner and all interested parties relevant to the existence of a code violation;

3. Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and

4. Issue and sign a written finding, decision and order stating whether a code violation exists.

B. Code Hearing Department. The corporate authorities of any municipality shall adopt this Chapter and establish a Code Hearing Department within an existing code enforcement agency or as a separate and independent agency in the municipal government. The function of the hearing department is to expedite the prosecution and correction of code violations in the manner set forth in this Chapter.

C. Hearing Procedures Not Exclusive. This Chapter does not preclude the Village from using other methods to enforce the provisions of its Village Code.

D. Instituting Code Hearing Proceedings. When a building inspector finds a code violation while inspecting a structure, he shall note the violation on a multiple copy violation notice and report form, indicating the name and address of the structure owner, the type and nature of the violation, the date and time the violation was observed, the names of witnesses to the violation, and the address of the structure where the violation is observed.

The violation report form shall be forwarded by the building inspector to the Code Hearing Department where a docket number shall be stamped on all copies of the report, and a hearing date noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 nor more than 40 days after the violation is reported by the building inspector.

One copy of the violation report form shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report form shall be returned to the building inspector so that he may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail on the owner of the structure, along with a summons commanding the owner to appear at the hearing. Service may be made on the owner by mailing the report and summons to the owner's address registered with the municipality. If the name of the owner of the structure cannot be ascertained or if service on the owner cannot be made by mail, service may be made on the owner by posting or nailing a copy of the violation report form on the front door of the structure where the violation is found, not less than 20 days before the hearing is scheduled.

E. Subpoenas; Defaults. At any time prior to the hearing date the hearing officer assigned to hear the case may, at the request of the building inspector or the attorney for the municipality, or the owner or his attorney, issue subpoenas directing witnesses to appear and give testimony at the hearing. If on the date set for hearing the owner or his attorney fails to appear, the hearing officer may find the owner in default and shall proceed with the hearing and accept evidence relevant to the existence of a code violation.

F. Continuances - Representation at Code Hearings. No continuances shall be authorized by the hearing officer in proceedings under this Chapter except in cases where a continuance is absolutely necessary to protect the rights of the owner. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this Chapter shall not exceed 25 days. The case for the municipality may be presented by the building inspector, by any other municipal employee or by an attorney designated by the municipality. However, in no event shall the case for the municipality be presented by an employee of the Code Hearing

Department. The case for the dwelling owner may be presented by the owner, his attorney, or any other agent or representative.

G. Hearing; Evidence. At the hearing, a hearing officer shall preside and shall hear testimony and accept any evidence relevant to the existence or nonexistence of a code violation in the structure indicated. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Chapter.

H. Eviction - Rights of the Occupants. No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing.

I. Defenses to Code Violations. It shall be a defense to a code violation charged under this Chapter if the owner, his attorney, or any other agent or representative proves to the hearing officer's satisfaction that:

a. The code violation alleged in the notice does not in fact exist, or at the time of the hearing the violation has been remedied or removed;

b. The code violation has been caused by the current property occupants and that in spite of reasonable attempts by the owner to maintain the dwelling free of such violations, the current occupants continue to cause the violations; and

c. An occupant or resident of the dwelling has refused entry to the owner or his agent to all or a part of the dwelling for the purpose of correcting the code violation.

J. Findings, Decision, Order. At the conclusion of the hearing the hearing officer shall make a determination on the basis of the evidence presented at the hearing whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include the hearing officer's findings of fact, a decision whether or not a code violation exists based upon the findings of fact, and an order, ordering the owner to correct the violation or dismissing the case, in the event a violation is not proved. If a code violation is proved, the order may also impose the sanctions that are provided in the code for the violation proved. A copy of the findings, decision, and order shall be served on the owner within five days after they are issued; service shall be in the same manner as the report form and summons are served pursuant to Section D of this Chapter. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the code.

K. Administrative Review. The findings, decision and order of the hearing officer shall be subject to review in the circuit court of the county where the municipality is located, and the provisions of the Administrative Review Law, and all amendments

and modifications thereto, and the rules adopted pursuant thereto are adopted and shall apply to and govern every action for the judicial review of the final findings, decision and order of a hearing officer under this Chapter.

L. Judgment on Findings, Decision, Order,

a. Any fine, other sanction or costs imposed, or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Administrative Review Law shall be a debt due and owning the municipality and, as such, may be collected in accordance with applicable law.

b. After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the code violation, the municipality may commence a-proceeding in the circuit court of the county where the municipality is located for purposes of obtaining a judgment on the findings, decision and order. Nothing in this Section shall prevent a municipality from consolidating multiple findings, decisions and orders against a person in such a proceeding. Upon commencement of the action, the municipality shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order was issued in accordance with this Chapter and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines, other sanctions and costs imposed by the findings, decision and order does not exceed $2,500. If the court is satisfied that the findings, decision and order were entered in accordance with the requirements of this Chapter, and that the property owner had an opportunity for a hearing under this Chapter and for judicial review as provided in this Chapter: 1) the court shall render judgment in favor of the municipality and against the property owner for the amount indicated in the findings, decision and order, plus costs. Such judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money; and 2) the court may also issue such other orders and injunctions as are requested by the municipality to enforce the order of the hearing officer to correct a code violation.

M. Sanctions Applicable to Owner - Property. The order to correct a code violation and the sanctions imposed by a municipality as the result of a finding of a code violation under this section shall attach to the property as well as to the owner of the property, so that a finding of a code violation against one owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision and order of a hearing officer under this section. (Ord. 2008-O-09)

TITLE 9A
ZONING REGULATIONS

CHAPTER 1
GENERAL ZONING PROVISIONS

9A-1-1: DEFINITIONS:

For the purpose of this title, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not discretionary. (Ord., 1-9-1964)

ACCESSORY BUILDING, STRUCTURE, OR USE: An accessory building, structure, or use is one which:

1. Is subordinate to and serves a principal building, principal structure or principal use; and

2. Is subordinate in building area, intensity of use, or purpose to the principal building, principal structure or principal use served; and

3. Contributes to the comfort, convenience, or necessity of occupants of the principal building, principal structure or principal use served. (Ord. 90-0-18, 8-9-1990)

ALLEY: A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

APARTMENT: A suite of rooms in a multiple- or two-family dwelling, or where more than one living unit is established above nonresidential uses, intended or designed for use as a residence by a single family.

APARTMENT HOUSE: See Dwelling, Multiple. (Ord., 1-9-1964)

AUDITORIUM: A room, hall, or building, often a part of a church, theater, school, recreation building, or other building, used for the gathering of people as an audience to hear lectures, plays, and other presentations.

AUTOMOBILE ACCESSORY STORE: A place of business being operated solely for the sale and purchase of automotive parts and accessories. The installation, replacement, addition, or modification of any parts of accessories shall not be allowed.

AUTOMOBILE LAUNDRY (CAR WASH): A building or portion thereof containing facilities for washing motor vehicles. It may use automatic production line methods; a chain conveyer, blower, steam cleaning device, or other mechanical devices, or it may provide space, water, and equipment for the hand washing of motor vehicles, whether by the customer or the operator.

AUTOMOTIVE SERVICE STATION (GAS STATION): Any building or premises used for dispensing, sale, or offering for sale any automotive fuels or oils which has pumps and storage tanks. Also, any building or premises where battery and tire sales or other similar services are rendered but only if rendered wholly within a building. When such dispensing, sale or offering for sale of any fuels or oils is incidental to the conduct of an automotive repair garage, the premises shall be classified as an automotive repair garage. Automotive service stations shall not include automobile or trailer sales lots, new or used, on which such vehicles are parked for purposes of inspection and sale. The enclosed storage of automobiles, trucks, trailers, or other motor vehicles for purposes other than awaiting repair shall be prohibited.

BANKS AND FINANCIAL INSTITUTIONS: Commercial banks, currency exchanges, savings and loan associations, brokerage offices, and other similar financial institutions, but not including loan offices, finance companies and pawn shops.

BANQUET HALL: A building, or portion thereof, primarily intended to accommodate one or more groups of diners or patrons for functions such as banquets, wedding receptions, etc.

BASEMENT: A story, partly underground having one-half (1/2) or more of its floor to ceiling height above the average level of the adjoining ground and with a floor to ceiling height of not less than six and one-half feet (6 1/2'). (Ord. 90-0-18, 8-9-90)

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property. When a structure is divided into separate parts by unpierced walls extended from the ground up, each part is deemed a separate building.

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge, for a gable, hip and gambrel roof.

CLUB or LODGE, PRIVATE: A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal and State laws and ordinances of the Village. (Ord., 1-9-64)

DECK: An accessory structure which consists of a platform which connects to the exterior wall of a residence, is exposed to open air, has access to the interior of the residence, and is supported by posts or columns extending to the ground. (Ord. 94-0-3, 2-24-94)

DENSITY: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the tract of land (in acres) within a development.

1. Density, Gross: Gross density calculations shall include all nonresidential land uses and private streets of the development as well as the rights of way of existing dedicated streets on the borders of the development shall be excluded from gross density calculations. The result is the number of dwelling units per gross acre of land.

2. Density, Net: Net density calculations shall include only the area of the actual tract of land upon which the dwelling units are proposed to be located, associated parking areas, common open space, and associated recreational facilities within the area. Rights of way of existing dedicated and private streets (existing and proposed) circulation drives, and other nonresidential uses shall be excluded. The result is the number of dwelling units per net acre of land.

DETENTION/RETENTION:

1. Detention: The temporary on-site restraining of storm water. A detention pond is a "dry-bottom" pond.

2. Retention: The permanent on-site maintenance of storm water. A retention pond is a "wet bottom" pond. (Ord. 90-0-18, 8-9-90)

DISTRICT: A section or sections of the Village for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and intensity of use are uniform. (Ord., 1-9-64)

DRIVE-IN or DRIVE-THROUGH ESTABLISHMENT: A place of business being operated for the sale and purchase at retail of food or beverages and other goods, services, or entertainment which is designed and equipped so as to allow its patrons to be served or accommodated while remaining in their motor vehicles. Examples of drive-in or drive-through establishments include, but are not limited to, the following:

1. Drive-In Bank or Financial Institution: A building or portion thereof where normal financial activities such as depositing or withdrawing funds, cashing checks, making utility payments, etc., are carried on directly by a customer seated in a motor vehicle and a teller within the building at a drive-up window.

2. Drive-In Theater: An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.

3. Drive-Through Restaurant: A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place off the premises. (Ord. 90-0-18, 8-9-90)

DWELLING: Any building or portion thereof, but not a trailer, which is designed and used exclusively for residential purposes.

DWELLING, MULTIPLE: A building designed for or occupied exclusively by more than two (2) families.

DWELLING, SINGLE-FAMILY: A building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY: A building designed for or occupied exclusively by two (2) families.

DWELLING UNIT: A "dwelling unit" consists of one or more rooms, arranged or used as living quarters for one family. Individual bathrooms and complete kitchen facilities permanently installed shall be included for each "dwelling unit".

FAMILY: Excepting domestic employees, any number of persons related by blood, marriage or adoption or not to exceed five (5) persons not so related, living together in a room or rooms comprising a single housekeeping unit. (Ord., 1-9-64)

FLOOR AREA: (For the purpose of determining the floor area ratio, conversions of existing structures, and maximum size of business establishments.) The sum of the horizontal areas of the floor space contained in all floors, including a basement floor but not including a cellar floor, of a building or buildings on a lot. Floor area is measured in square feet from the exterior faces of the exterior walls of each building or from the center line of party walls separating two (2) buildings.

Such floor area shall also include:

1. Space devoted to elevator shafts and stairwells at each floor;

2. Floor space used for mechanical equipment when the structural headroom exceeds seven feet ten inches (7'10") in height, except equipment such as bulkheads, water tanks, and cooling towers, when located on the roof, whether or not such equipment is in the open or enclosed;

3. Floor space in that part of a half-story where headroom is seven feet ten inches (7'10") or more in height;

4. Floor space devoted to interior balconies, mezzanines, and enclosed porches;

5. Floor space devoted to accessory uses in the principal building and in the accessory building or buildings; and

6. Floor space devoted to enclosed off-street parking and off-street loading.

FLOOR AREA: (For the purpose of determining off-street parking and off-street loading requirements.) The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to such use requiring off-street parking and off-street loading including

accessory storage areas located within selling or working space (such as counters, racks or closets), and any basement floor area devoted to dwelling purposes, to retailing activities, to the production or processing of goods, or to business or professional offices. However, such floor area shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities including aisles, ramps, and maneuvering space; or cellar floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional office.

FLOOR AREA RATIO: The numerical value obtained through dividing the gross floor area of a building or buildings by the net lot area on which such a building or buildings are located. (Ord. 90-0-3, 2-26-90)

GARAGE: A deck, building, or structure, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

1. Garage, Bus: Any building used or intended to be used for the storage of three (3) or more passenger vehicles of the Second Division (motor buses or motor coaches used in public transportation including school buses).

2. Garage, Detached: A structure which is accessory to the principal building on a zoning lot.

3. Garage, Private Residential: A structure which is accessory to, or an accessory portion of, a residential building and which is used for the parking and storage of vehicles of the First Division owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public. Such a garage may be used for the storage of not more than one vehicle of the Second Division.

4. Garage, Automotive Repair: Any building other than a private residential garage or a storage garage where motor vehicles are equipped, repaired, serviced, hired, sold, or stored.

5. Garage, Public Parking: Any structure intended to be used for the temporary, daily, or off-street parking of passenger vehicles and commercial vehicles under one and one-half (1 1/2) tons rated capacity and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

6. Garage, Storage: Any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease, or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold.

7. Garage, Truck: Buildings which are used or intended to be used for the storage of nonpassenger vehicles of the Second Division (motor trucks, truck trailers, tractors, and commercial vehicles). (Ord. 90-0-18, 8-9-90)

GRADE OR GRADE LEVEL: The average elevation at the corners of the smallest polygon formed by the intersecting lines of the minimum required front yard, rear yard, and side yards.

Grade shall be established prior to any development, demolition, or issuance of a drainage or tree removal permit. (Ord. 2006-O-04)

HOME OCCUPATION: Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate not more than one square foot in area. There is no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; and no person is employed there other than a member of the immediate family residing on the premises.

HOTEL: An establishment which is open to transient guests, in contradistinction to a lodging house, and is commonly known as a hotel in the community in which it is located and which provides customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bell boy service.

HOTEL APARTMENT: A hotel on which at least ninety percent (90%) of the hotel accommodations are occupied by permanent guests. (Ord., 1-9-64)

HOTEL - MOTEL: An establishment containing lodging accommodations designed for use by transients, travelers, or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial, or desk service, meeting rooms, restaurants, including the sale of alcoholic beverages.

JUNK YARD: An area where hunk, waste, scrap, discarded or salvaged materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes automobile wrecking or salvage yards, any lot on which one or more unregistered, inoperable motor vehicles are placed, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but does not include uses established entirely within enclosed buildings.

KENNEL: Any premises or portion thereof on which four (4) or more pets over four (4) months of age are kept, or any premises or portion thereof on which more than two (2) such animals are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

LABORATORY, RESEARCH: A building or groups of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, provided that no more than fifty percent (50%) of the floor area of the building or buildings so occupied may be used for offices for executive or administrative purposes. No more than fifteen percent (15%) of a building so occupied may be used for ancillary manufacturing, fabricating, processing, assembly, storage, repair, or service facilities. All such facilities shall be subject to compliance with the required conditions and performance standards of Section 9A-7A-9.

LAUNDERETTE: A business that provides coin operated self-service type washing, drying, dry cleaning, and ironing facilities, providing that: (1) not more than four (4) persons, including owners are employed on the premises; and (2) no pick up or delivery service is maintained.

LODGING HOUSE (Including Boarding and Rooming House): A residential building, or portion thereof, other than a motel or hotel, containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging with or without meals provided for compensation on a weekly or monthly basis.

LODGING ROOM: A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room. (Ord. 90-0-18, 8-9-90)

LOT: A parcel of land designated as a lot on a plot of subdivision duly recorded.

LOT OF RECORD: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds, prior to the date of the adoption of these regulations.

MANUFACTURING or INDUSTRY: Any use in which the major activity is the treatment, processing, rebuilding, repairing or wholesale storage of material, products or items and where the finished product is not acquired by the ultimate user on the premises, as distinguished from a rental use where the treatment, processing, repairing or storage is secondary to the sale, exchange or repairing of materials or products on the premises.

MEDICAL CANNABIS CULTIVATION CENTER: An establishment operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis in accordance with the laws of the State of Illinois. In addition, a cultivation center must be located at least 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.

MEDICAL CANNABIC DISPENSING FACILITY: An establishment operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia or related supplies and educational materials to registered qualifying patients in accordance with the laws of the State of Illinois. In addition, a dispensary cannot be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility. A registered dispensing facility may also not be located in a house, apartment, condominium, or an area zoned for residential use. (Ord. 2014-O-22)

MOTEL: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot and designed for use by

transient automobile tourists. A "motel" furnished customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a "motel" less than thirty percent (30%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

NONCONFORMING USE: A use lawful at the time of passage of the original zoning ordinance or any amendment thereto, which does not conform after the passage of the zoning ordinance or amendment thereto with the use regulations of the district in which it is situated. (Ord., 1-9-64)

NOTICE - LEGAL PUBLICATION: Notice - legal publication, shall be in compliance with Chapter 100 Notices, of the Illinois Revised Statutes.

NOXIOUS MATERIALS: Material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects upon the psychological, social, or economic well being of human beings.

OCTAVE BAND FILTER: An electrical frequency separation designed according to standards promulgated by the American Standard Association and used in conjunction with a sound meter to take measurements in specific octave intervals. (American Standard for Sound - Level Meters, A.S.S. 224.3-1944)

OFF-STREET LOADING AND UNLOADING SPACE or BERTH: An open, hard surfaced area of land, other than a street, or a public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors and trailers to avoid undue interference with public streets and alleys. Such space shall comply with Section 9A-9-7 of this Title.

OFF-STREET PARKING SPACE: A temporary storage space for motor vehicles within a public or private parking area in compliance with the requirements set forth in Section 9A-9-6 of this Title.

OPEN SALES LOT: A lot or parcel of land used or occupied for the purpose of buying, selling or trading of all goods and commodities and including the storage of same prior to sale or exchange. An open sale lot is not allowed as a principal use land; an open sale lot shall only be allowed as an accessory use to permitted or special use. (Ord. 90-0-18, 8-9-90)

OPEN SPACE:

1. Public Open Space: Areas permanently reserved for open space purposes which are owned, operated, and maintained by local political jurisdiction with no limitations on access or use.

2. Private Open Space: Areas permanently reserved which are under private ownership and management and which have limitations on access or use by the general public. (Ord. 90-0-3, 2-26-90)

PARKING SPACE: A durably surfaced area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile, and if the space is unenclosed, comprising an area of not less than two hundred fifty (250) square feet, exclusive of a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. (Ord., 1-9-64)

PLANNED UNIT DEVELOPMENT (PUD): A tract of land which developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses, and is processed under the planned unit development provisions of this Title. Also, a parcel of land planned as a single unit rather than as an aggregate of individual lots, with design flexibility from traditional siting and/or zoning regulations (such as side yards, setbacks and height limitations) or land use restrictions (such as prohibitions against mixing land uses within a development). The greater flexibility in locating buildings and in combining various land uses often makes it possible to achieve certain economies in construction, as well as the preservation of open space and the inclusion of amenities. (Ord. 90-0-3, 2-26-90)

RESTAURANT: The following types of restaurants are classified according to the number of operation and anticipated traffic type generated any off-street parking demand needs:

1. Conventional Sit Down Restaurant: Any place of business being operated where there is furnished, for sale, food or drink of any kind for consumption therein. Drive-in, fast food and carryout restaurants are not considered restraints within the concept of this definition.

2. Carry-Out Restaurant: Any place of business being operated where there is furnished, for sale, food or drink of any kind for consumption entirely off premises. No tables, stools or dining facilities are provided in such facilities.

3. Drive-In Restaurant: A building or portion thereof where food and/or beverages are sold in a form only for consumption and where all on a significant portion of the consumption taken place or is designed to take place outside the boundaries of the building, usually in a motor vehicle on the site.

4. Fast Food Restaurant: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state for consumption in the building, or outside the building on the premises or for carry-out with consumption off premises.

RETAIL: The sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for the purpose of resale. (Ord. 90-0-18, 8-9-90)

SERVICE ESTABLISHMENT: Shop wherein the major activities are the repair and maintenance of wearing apparel, sporting goods, and articles for use in the home, including household appliances. (Ord., 1-9-64)

SHOPPING CENTER: A complex of three (3) or more businesses or commercial establishments, the whole planned, developed and maintained as a single unit sharing common parking facilities. (Ord. 90-0-18, 8-9-90)

STORY: That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall space not more than three feet (3') above the top floor level, and in which space not more than sixty percent (60%) of the floor area is finished off for use.

STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE: Anything constructed or erected, that use of which requires permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas. (Ord., 1-9-64)

TAVERN or LOUNGE: A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food. (Ord. 90-0-18, 8-9-90)

TERRACE: A raised, flat level or series of levels of earth with sloping sides used for flower beds, landscaping and/or erosion control purposes. (Ord. 94-0-3, 2-24-94)

USE: A purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied. Also, any activity, occupation, business, or operation carried on, or intended to be carried on, in or on a building or structure or on a tract of land. Said use or uses shall comply with all performance standards contained in this Chapter.

1. Use, Accessory: A subordinate use which is clearly and customarily incidental to the principal use of a building or premises, and which is located on the same lot as the principal building or use, except for such accessory parking facilities, and are specifically authorized to be located elsewhere.

2. Use, Nonconforming: Any use of land, buildings, or structures which is not permitted in the zoning district in which such use is located, but which use conformed with all of the codes, ordinance, and other legal requirements applicable at the time such use was established.

3. Use, Principal: The main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a permitted or a special use.

VILLAGE ADMINISTRATOR: The Village Administrator of the Village.

VILLAGE BOARD OF TRUSTEES: The Village Board of Trustees of the Village.

WAREHOUSE: A structure, part thereof, or area used principally for the storage of goods and merchandise.

1. Warehouse, Mini: A structure containing separate spaces of varying sizes leased or rented to the general public on an individual basis. (Ord. 90-0-18, 8-9-90)

WIRELESS TELECOMMUNICATION ANTENNA: A specific device, the surface of which is used to transmit and/or receive radio frequency signals, microwave signals, or other signals transmitted to or from other antennas. (Ord. 2014-O-18)

WIRELESS TELECOMMUNICATION TOWER: A structure designed and constructed to support one (1) or more Wireless Telecommunication Antennas and including all appurtenant devices attached to it. A tower can be freestanding or supported. (Ord. 2014-O-18)

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of the front yard, or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used. (Ord., 1-9-64)

YARD, CORNER SIDE: A yard extending along the corner side lot line from the front yard to the rear lot line. (Ord. 90-0-3, 2-26-90)

YARD, FRONT: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual steps.

YARD, REAR: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than the steps. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line. (Ord., 1-9-64)

ZONING LOT: A single tract of land, which (at the time of filing for a building permit), is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Zoning lot lines shall not cross zoning district boundary lines unless otherwise permitted in this Chapter. Therefore, a zoning lot or lots may or may not coincide with a lot of record. (Ord. 90-0-3, 2-26-90)

9A-1-2: COMPLIANCE REQUIRED, EFFECT OF PENDING CHANGE:

A. Permitted Uses: It shall be unlawful to use or occupy any premises, building or structure in the Village for any use or purpose other than one permitted by the terms of this Title in the zoning district wherein such premises, building or structure is located.

B. Permit Issuance, Compliance Required:

1. Buildings: No building or structure shall be erected, and no permit for the erection or alteration of any building or structure shall be issued, if such construction or alteration would result in a violation of the provisions of this Title; or if the completed or altered building or structure would not be in compliance herewith.

2. Utilities: No permit for connection with or service from any Municipality-operated water distribution system or other utility shall be issued for connection with service to any building or premises used or maintained in violation of the provisions of this Title.

3. Permit or License Pending Change in Zoning: No permit for the erection of any building or structure, or license or permit for the conduct of any use, shall be issued for a period of three (3) months after the question of amending the zoning ordinance, so as to prohibit the use or building contemplated in the area concerned, has been referred by the Village Board of Trustees to a board or commission to hold a public hearing on the question of adopting such amendment. Provided, that if final action by the Village Board is not taken on the question within three (3) months of the time the matter is so referred to hold a public hearing, the permit shall issue. If within such three (3) month period the governing body of the Municipality shall pass an ordinance amending the zoning ordinance so as to prohibit such building, structure or use, no such permit shall be issued. If a permit for any such building or structure, or a license for the conduct of any such business or use, has been issued prior to such reference, but the business or use has not been established, or no substantial part of the construction has been completed at the time of such reference, such license or permit shall be suspended and no action taken thereunder for a period of three (3) months after the question of amending the zoning ordinance has been so referred. If final action by the Board of Trustees is not taken on the question within three (3) months of the time of reference, the rights under the permit or license may be exercised. If within such three (3) month period the governing body of the Municipality shall pass an ordinance prohibiting the use of a building or structure on the site involved, such prohibition shall be applicable to the holder of such permit or license.

9A-1-3: OCCUPANCY AND BUILDING PERMITS:

A. Application for Certificates of Occupancy and Building Permits:

1. Certificates for occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such buildings shall have been completed. A record of all certificates shall be kept on file in the office of the Village Clerk and copies shall be

furnished on request, to any person having a propriety or tenancy interest in the building affected.

2. No permit for excavation for or the erection of any building shall be issued before application has been made for a certificate of occupancy and compliance. No building or premises may be occupied until such certificate shall have been issued.

3. All applications for building permits shall be accompanied by a plat in triplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plats shall be kept in the office of the Village Clerk.

B. Compliance With Regulations Required: No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate shall have been issued by the Building Commissioner stating that the building complies with all the building and health laws and ordinances and with the provisions of these regulations. No change of use shall be made in any building or part thereof now or hereafter without a certificate of occupancy and compliance having been issued by the Building Commissioner, and no permit shall be issued to make such change unless it is in conformity with the provisions of this Title or amendments hereto, hereafter duly enacted.

C. Location Restriction, Certain Buildings: No building shall be built, used or occupied as a tavern, saloon or where intoxicating beverages are sold to the public within one thousand two hundred feet (1,200') of any public school or church within the Village limits.

The Building Commissioner shall inspect all applications and measure off said distance and report to the Village Board his findings as to the distance measured by him before he shall issue said license.

D. Continuance of Present Use: Nothing in this Section shall prevent the continuance of the present occupancy or use of an existing building, except as may be necessary for safety of life and property.

9A-1-4: INTENSITY OF USE OF LOT; SETBACK LINES:

A. Setback Lines: It shall be unlawful to erect or alter any building or structure closer to the street than the distance prescribed in the following regulations:

Every part of a building or structure hereafter erected or relocated shall be located or set back from the established center line of every section line, road or street, at least eighty feet (80'); from the established center line of every half section line, road or street, at least seventy feet (70'); and from the established center line of every other road or street fronting a lot or building plot, at least sixty three feet (63'). This regulation shall not be interpreted to reduce buildable width of a corner lot, or of a corner and adjoining lot in single ownership,

subdivided and recorded by law at the time of the passage of these regulations, to less than fifty feet (50').

EXCEPTIONS:

1. On a lot of a recorded subdivision existing on the day of the adoption of these regulations, having an original depth of less than one hundred sixty feet (160'), the setback shall not be more than one-fourth (1/4) of said recorded depth, as measured back from the original front line of said recorded lot.

2. No part of a new or relocated residence in the same block, on the adoption date of these regulations, more than one foot (1') for each three feet (3') of distance between such buildings or parts thereof.

3. Where more than thirty percent (30%) of the frontage on one side of the street of a block is occupied by residences, the average setback shall be not less than fifty feet (50') and not greater than one hundred feet (100') from the established center line of the road or street.

4. Steps, open terraces and underground structures.

5. Fences, hedges and shrubbery, provided that such obstructions located on land at road or street corners within the vision triangle created by the required building, setback and side yard shall preserve a clear view between points four feet (4') above the crown of each intersecting street or road.

6. Eaves, chimneys, bay windows, and other ordinary building projections may extend into the required setback area but not more than eighteen inches (18").

7. Gasoline pumps and air and water services of retail service stations, provided the centers thereof shall be at least thirteen feet (13') distant from the street or highway right of way lines.

B. Side Yards: In the R-1, R-2 and R-3 districts any buildings or structures or parts thereof, hereafter erected, and any residence erected or relocated in any other district shall be provided with an open space or side yard at least five feet (5') wide along each line of the building plot which is a side line of the plot used or of the plot adjoining. (Ord., 1-9-1964)

9A-1-5: SPECIAL USES:

A. Special Use Permit: The development and execution of this zoning title is based upon the division of the village into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the

public need for the particular use of the particular location. Such special uses fall into two (2) categories:

1. Uses operated by a public agency or publicly regulated utilities, or uses traditionally affected with a public interest; and

2. Uses entirely private in character but which are generally similar to the uses permitted in the district to which such proposed use is sought to be located but which may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

B. Initiation Of Special Uses: Any person owning or having a proprietary interest in the subject property may file an application for a special use permit with the village clerk setting forth the nature of the special use requested in ordinance with the guidelines set forth in subsection A of this section. Said application shall be forwarded by the village clerk to the plan commission.

C. Authorization: An application for a special use shall be acted upon by the president and board of trustees only after a public hearing has been held by the plan commission, and the findings and recommendations of the plan commission have been reported to the president and board of trustees. The President and Board of Trustees shall place on agenda and approve, deny, or table the recommendations within sixty days (60) days of its next regular meeting following receipt of the written recommendations of the Plan Commission. The plan commission of the village is hereby designated as the commission or committee, as provided by the statutes of the state of Illinois, for the purpose of conducting the required public hearings. Notice of the time and place of such public hearing shall be given at least once not more than thirty (30) nor less than fifteen (15) days before the hearing by publishing a notice thereof in one or more newspapers published in the village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the village. (Ord. 2015-O-16A)

The plan commission shall make findings based upon the evidence presented to it in each specific case with respect to each of the following matters:

1. The establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;

2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

4. If applicable, adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and (Ord. 83-0-3, 3-24-1983)

6. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. (Ord. 19-O-2004, 7-8-2004)

D. Special Use Conditions And Limitations: Prior to granting any special use, the plan commission may recommend certain conditions and restrictions, and the president and board of trustees, in addition to the conditions and restrictions recommended by the plan commission or in lieu thereof, may stipulate certain conditions and restrictions, including, but not limited to, those upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required. In all cases in which special uses are granted, the president and board of trustees shall require such evidence and guarantees as it may deem necessary as proof that compliance will be made with the said stipulated conditions. Special uses and the issuance of special use permits shall be authorized by an ordinance duly enacted. A certified copy of the ordinance authorizing the special use and the issuance of a special use permit shall be recorded by the village clerk in the office of the recorder of deeds of Cook County, Illinois, or the registrar of Torrens titles of Cook County, Illinois, as the case may be.

E. Termination Of Special Use Permit:

1. A special use permit granted by the president and board of trustees shall be subject to termination in the manner provided herein below under any of the following circumstances:

i) Failure to commence construction of the proposed use within eighteen (18) months from and after the date of the granting of said permit. Construction shall not be deemed to have commenced unless and until all necessary building and other village permits have been obtained.

ii) Following the issuance of occupancy permits, abandonment or other failure to utilize the property for the purposes permitted by the special use for a period of two (2) months out of any consecutive six (6) month period.

iii) Upon written application, the president and board of trustees may authorize extensions of any time period specified hereinabove but each such extension shall not exceed one year at a time.

2. Upon the written application of any person or any village official following the expiration of any time period or authorized extension thereof, as provided hereinabove filed with the village clerk, the plan commission shall hold a public hearing with regard to whether any of the conditions described in subsection E1 of this section exist and whether on account of such conditions and other circumstances the special use permit

shall be terminated or whether the property shall be rezoned to another use. Public notice of such hearing shall be given by newspaper publication and the legal owner of record of the subject property shall be notified by certified mail, return receipt requested. The hearing shall otherwise be conducted in accordance with the procedures required by this title for an amendment to these zoning regulations.

3. Following such hearing, the plan commission shall prepare written findings of fact and its recommendations regarding the continuation or termination of the special use and regarding the rezoning of the property to another reclassification. Such findings and recommendations shall be transmitted forthwith to the president and board of trustees for final action. The president and board of trustees, within sixty (60) days after its next regular meeting after receiving such findings and recommendations, may grant a further extension of the special use permit or may terminate the special use permit. (Ord. 2015-O-16A)

4. In making its determination, the plan commission and the president and board of trustees shall consider the effect of changed conditions, if any, upon the property. When the property in question was granted a change in zoning category contemporaneously with its special use or achieved such a use as part of an annexation agreement, the plan commission and the president and board of trustees shall consider whether the property would have been granted the zoning classification underlying its special uses if it were not for the conditions which were imposed by the special use or by an annexation agreement, as the case may be. It is the intent of this provision to prevent the rezoning of land to a higher (less restrictive) category based upon the promise of development of a well planned special use subject to various conditions, the abandonment of that use and attempted development of the property without proper planning controls under a zoning category which would not have been granted, but for the planning requirements imposed under the special use.

5. During the time that the plan commission and president and board of trustees are considering the disposition of a special use which has prima facie been abandoned in accordance with the time period set forth in this subsection E, no permits for new construction shall be issued for the property and no buildings for which permits have been previously issued shall be constructed until the president and board of trustees has made a final decision regarding the future zoning of the property. (Ord. 83-0-3, 3-24-1983)

9A-1-5-1: SPECIAL USE - PLANNED UNIT DEVELOPMENTS:

A. Policy Statement: It is the policy of the village to promote progressive development of land and construction thereon by encouraging more creative and imaginative design for land developments than is possible under the more conventional zoning regulations by allowing planned unit developments as a particular type of special use within each zoning district. Therefore, the authorization for special use - planned unit developments is contained in section 9A-1-5 of this chapter. Whenever the term "planned unit development" is used in this section, or elsewhere in this title, it shall mean a "special use - planned unit development". The planned unit development provisions are intended to allow more efficient use of land and

thus result in more economical land development. Further, the planned unit development provisions allow greater design flexibility than is normally permitted by the district regulations, thereby encouraging more rational utilization of the topographic and natural characteristics of the property as a means of promoting preservation of natural site qualities, better urban amenities, more open space and a higher quality project. (Ord. 19-O-2004, 7-8-2004)

1. The following objectives may be obtained through the use of the planned unit development procedures:

    a. To permit a maximum choice in the types of environment available to the public by allowing a variety of uses in a single development and permitting a flexible application of the individual district regulations for each use;

    b. To promote a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses serving nearby residential areas;

    c. To encourage a development pattern which preserves and utilizes natural topography and geological features, scenic vistas, trees and other vegetations, and prevents the disruption of natural drainage pattern;

    d. To facilitate a development pattern more in harmony with the objective of the comprehensive plan for land use, transportation facilities and community facilities.

2. The planned unit development is intended to provide for developments incorporating a single type of a variety of related uses which are planned and developed as a unit. Such development should provide amenities not otherwise required by law and establish facilities and open space greater than the minimums required by law.

3. The planned unit development may provide for a wide range of development techniques and ownership methods, including conventional subdivisions, cluster developments, zero lot line subdivisions with common areas controlled by an owners' association, condominium ownership of land and buildings, or other ownership techniques. The entire development shall be controlled by means of a planned unit development ordinance including graphics which establishes densities, approximate height and location of buildings and improvements and records the locations of natural features of property in keeping with the land use development policies of the village.

B. General Requirements: The basic provisions and requirements concerning planned unit development are as follows: (Ord. 90-0-3, 2-26-1990)

1. A planned unit development shall initially, at time of approval, be under single ownership or unified control. "Unified control" is deemed to exist once a person, or persons, have exercised control over the land subject to the proposed planned unit

development, pursuant to proper authorization, whether as owner(s) or prospective purchaser(s). (Ord. 19-O-2004, 7-8-2004)

2. Public improvements shall be constructed in accordance with existing ordinances and regulations of the village.

3. The village board of trustees may, upon recommendation of the plan commission as to benefits to the village, vary the lot, yard, and bulk regulations of this title for planned unit development if such variations are consistent with the general purpose of the ordinance and will result in better site planning and, thus, be of greater benefit both to the occupants of the development, to the surrounding neighborhood, and to the village as a whole. (Ord. 90-0-3, 2-26-1990)

4. The planned unit development shall not have undue negative impacts on existing or proposed transportation systems nor upon other public services or systems.

5. Planned unit developments should generally in all cases strive to adhere to the development guidelines and directions provided by the village's comprehensive land plan. Provided, however, that the plan commission may recommend and/or village board may approve a planned unit development plan that is not entirely consistent with the guidelines and directions provided by the village's comprehensive land plan, but only in cases where the plan commission and/or village board first finds, based upon sufficient clear and convincing testimony and evidence presented to the plan commission by the applicant, that both the proposed planned unit development, and the uses proposed therein, are appropriate for the general area of the proposed development and the adjacent and surrounding zoning district classifications and uses already in existence. (Ord. 19-O-2004, 7-8-2004)

C. Concept Plan:

1. Preapplication Conference: A preapplication conference shall be held with the plan commission prior to filing a formal application. At such conference, the applicant may provide any information necessary to clearly explain the planned unit development to the plan commission.

2. Plan Commission Review: The purpose of a preapplication conference and presentation is to provide advice and assistance by the plan commission to the applicant before presentation of the preliminary plan, so that the applicant may determine:

a. Whether the proposed planned unit development appears in general to be in compliance with the provision of the Zoning Ordinance and other applicable ordinances;

b. Whether any zoning amendment or variation is required in connection with the proposed planned unit development.

c. Whether the proposed planned unit development will be in conformity with the Official Comprehensive Plan and other planning policies adopted by the Village.

The pre-application conference is mandatory but does not require formal application, fee, or filing of a planned unit development. The Plan Commission shall consult with, advise, and assist the applicant in meeting Village goals and objectives, but shall have no power to approve or disapprove any proposed planned unit development, or to impose any special requirements with respect to the applicant's right to make formal application for approval thereof.

D. Preliminary Plan:

1. Application and Processing: Application for approval of a planned unit development shall be filed in quadruplicate with the required fee with the Village Administration, on a form provided by the Village Clerk to the Plan Commission for a public hearing thereon and their recommendations to the Village Board of Trustees. The application shall include as a minimum:

a. Maps: The map or maps which shall be included as part of the application shall be drawn at a scale of one hundred feet (100') to the inch (1" = 100') and shall show an additional two hundred feet (200') on adjacent property around the perimeter of the proposed development.

The following maps shall be prepared:

(1) Boundary Survey: A boundary line survey of the subject site which shall be prepared and certified by a registered land surveyor.

(2) Topography: A map showing the existing topographic character of the land with contours shown at intervals no greater than two feet (2'). Topographic data shall refer to the U.S.G.S. North American Datum - Mean Sea Level Elevation.

(3) Site Analysis: A detailed site analysis of the property which shall show the following:

(A) Physical factors information:

i. Existing land uses both on the site and adjacent to it;

ii. Wooded areas;

iii. Soil problem areas based upon a soil survey of the site to include a report from the Cook County Soil and Water Conservation District. Additional soil information may be requested by the Plan Commission, and/or the Village Engineer;

iv. Portions of the site in any floodway and/or flood plain fringe area;

v. Streams, drainage ditches, culverts, and standing water;

vi. Isolated preservable trees six inches (6") or more in diameter at one foot (1') above ground level; and

vii. General directions of the storm water run-off across the property.

(B) Other information:

i. Existing County and/or Municipal zoning on all parts of the subject site and on adjacent properties;

ii. Municipal corporate boundaries across and adjacent to the subject site;

iii. School district boundaries across and adjacent to the subject site; and

iv. Easements (location, width, and purpose) across and adjacent to the subject site.

(4) Land Use Plan: A proposed land use plan which shall be drawn upon a print of the topographic map for the site. The proposed land use plan shall contain the following information:

(A) Identification and description:

i. Name of the planned unit development;

ii. Location of the subject site by section, town and range or by other approved legal descriptions;

iii. Name and address of the land planner and/or engineer;

iv. Name and address of the owner and/or trust beneficiary or developer;

v. Scale, north point, and date of preparation; and

vi. Acreage.

(B) Design features information which shall show:

i. Right of way alignments, widths and names for all streets. Street names within the planning jurisdiction of the Village shall be chosen so that they are of a simple phonetic spelling and so that no conflicts will be created with the names of existing Village streets by sound-alike names. Such

street names shall not duplicate the name of any street heretofore used in the Village or its environs unless such street is an extension of or is in line with an already named street in which event that name shall be used. The Village Board reserves the right to approve all street names.

ii. The location and height of all nonresidential (by use), multi-family, or single-family attached buildings and structures;

iii. Off-street parking and service areas;

iv. All areas to be dedicated as common open space and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses;

v. The pedestrian circulation system, any parkway belt system, or bicycle circulation system; and

vi. All other information necessary to clearly show the proposed elements of the planned unit development.

(5) Preliminary Engineering Plan: Preliminary engineering plans for all public or private support facilities including roads, sidewalks, drainage ditches, culverts and water retention areas, sanitary sewers, storm sewers, water supply lines, lighting and landscaping. The preliminary engineering plans shall be subject to the approval of the Village Engineer.

(6) Preliminary Plat: A preliminary plat prepared in accordance with the procedures of the Willow Springs Subdivision Control Ordinance.

b. Written Documents. Written documents which shall be included as part of the application for approval of the preliminary plan are:

(1) Statement of Objectives: A statement of planning objectives to be achieved by the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

(2) Statement of Ownership and Occupancy Intentions: A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the land areas or structures.

(3) Quantitative Summary: A quantitative summary including, but not limited to, the following:

Acreage and square footage of the subject parcel;

Residential density;

Total square footage of coverage by principal buildings;

Total square footage of coverage by accessory buildings;

Square footage of roads;

Square footage of exterior parking areas;

Number of parking spaces;

Percentage of ground cover for principal buildings, accessory buildings, parking areas, roads, and recreational facilities - individually and collectively;

Square footage of uncovered ground on site; and Square footage of commonly owned and maintained open space.

(4) Open Space Statement: A statement describing why the area for usable common open space was chosen, the unique advantages it offers, and how it is envisioned that residents will utilize the space either actively or passively.

(5) Staging: The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin and to end, with emphasis given to area density, use, and public facilities such as open space to be developed in each stage.

(6) A proposed draft of covenants, conditions and regulations to assure proper maintenance and repair of and to provide for maintainable adequate personnel to assure security of all areas and facilities under common ownership, including, but not limited to common area utilities, designated open areas, recreational facilities and drainage facilities, with provisions for the payments for such maintenance, repairs and security and enforceability thereby, by or on behalf of the Village. The proposed draft shall include, where appropriate, any proposed charter and/or bylaws of an association for owners or tenants within the planned unit development and/or a copy of any proposed condominium easements or other instruments.

(7) Evidence of the capability of the developers to implement the general type of development proposed in the P.U.D. application.

c. Other Information: Other information may be requested if the Plan Commission finds that the planned unit development may create special problems for traffic, parking, landscaping, and/or economic feasibility. Such information shall be provided at the developer's expense. Information may include, but is not limited to, any of the following:

(1) An off-street parking and loading plan;

(2) A traffic study indicating the volume of traffic to be generated by the planned unit development or a phase of it and proposing any special engineering design features and/or traffic regulation devices needed to insure the proper safety of traffic circulation to, through, and around the planned unit development or a phase of it;

(3) A Fiscal Impact Analysis: A tax impact study detailing the impact taxing bodies;

(4) A landscaping planting plan, indicating the height, size, location, quantities, and variety of stock to be planted, using botanical and common names.

2. Plan Commission Review and Hearing on Preliminary Plan: No special use - planned unit development shall be granted by the Village Board of Trustees except after a public hearing before the Plan Commission as required under this Section. Within no more than sixty (60) days following adjournment of the public hearing, the Plan Commission shall:

a. Submit its written recommendations, which may include the recommendations of the Village Engineer, Village Administrator and/or Village Attorney, to the Board of Trustees with a copy being sent to the applicant; or

b. Advise the applicant in writing if any changes, additions, or corrections are required in the preliminary plan. Following such changes, additions or corrections, the applicant shall re-submit ten (10) copies of the revised preliminary plan for consideration by the Plan Commission. The applicant shall do so without paying an additional filing fee. The Plan Commission shall submit its recommendations in writing to the Village Board which may also include the recommendations of the Village Engineer, Village Administrator and/or Village Attorney. A copy shall also be sent to the applicant. Changes in an application for planned unit development initiated by the petitioner shall require an additional filing fee;

c. The Plan Commission and the Village Board may utilize the services of the professional Village consultants in arriving at recommendations or decisions. The applicant shall pay the Village the reasonable cost incurred for the services rendered by its consultants within ten (10) days after the submission of the bill from the Village to the applicant. The Village consultants shall include, but not be limited to, the persons who provide the Village with advice in the fields of engineering, law, planning, traffic, design, and finance;

d. The Plan Commission shall review the preliminary plan at a regularly scheduled monthly meeting within forty five (45) days after transmittal of said application by the Village Administrator. After review of the application for special use - planned unit development, the Plan Commission shall prepare a report of its findings and recommendations and shall submit said report to the Village Board of Trustees.

3. Action by the Village Board: The Village Board of Trustees shall accept or reject the preliminary plan within sixty (60) days after its next regular meeting following the receipt of the written recommendations of the Plan Commission. The applicant and the Village Board

of Trustees may mutually agree to extend the sixty (60) day period. The Village Board may require such special conditions in the approval of the preliminary plan, as it may deem necessary to insure conformity with the intent of all Comprehensive Plan elements and the stated purpose of the planned unit development:

a. If the preliminary plan is disapproved, the Village Board shall state in writing the reasons for the disapproval. Such writing, shall be filed with the Village Clerk, and a copy shall be sent to the applicant.

b. If the preliminary plan is approved, the Village Board shall authorize the applicant to submit a final development plan for the planned unit development.

c. Upon approval by the Village Board of the preliminary plan by ordinance, a record shall be prepared including findings of fact and setting forth the terms of relief and/or variances granted from existing ordinances. The final development plan shall be approved as the final land use and zoning plan if it conforms with the preliminary plan. The preliminary plan and final development plan may be filed and approved simultaneously, if all requirements hereof are met.

d. Approval of the preliminary plan shall not constitute approval of the final development plan. Rather it shall be deemed an expression of approval of the layout submitted on the preliminary plan as a guide to the preparation of the final development plan or plans. No building permit shall be issued for any structure until a final development plan has been approved and filed with the appropriate Recorder of Deeds.

e. The final development plan or plans shall be submitted by the developer to the Plan Commission not later than one year after adoption of the preliminary plan or such other additional time, as may be authorized by the ordinance adopting the preliminary plan.

E. Final Development Plan:

1. Within one year following the approval of the preliminary development plan, the applicant shall file with the Plan Commission, a final development plan for at least the first stage of development, containing in final form the information required in the preliminary plan. The Village Board may at its sole discretion agree by motion to grant extensions of this one year period. The final development plan shall also include the following:

a. A final land use plan, suitable for recording with the appropriate County Recorder of Deeds. The purpose of the final development plan is to designate the land subdivided into lots as well as the division of other lands not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general;

b. An accurate legal description of the entire area under immediate development within the planned unit development;

c. A subdivision plat in the same form and meeting all the requirements of a normal final subdivision plat, to the extent that compliance with the subdivision regulations of the Village shall be required;

d. An accurate legal description of each separate unsubdivided use area, including common open space;

e. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed;

f. Certificates, seals and signatures required for the dedication of land, and recording the document;

g. Tabulations of each separate legal description required for the dedication of land, and recording the document;

h. Final landscaping plan;

i. Final utilities and drainage plan;

j. Condominium declaration, final agreements, bylaws, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open area or the common facilities. These documents must be approved by the Village Attorney;

k. Final development and construction schedule;

l. Final architectural plans; and

m. Final engineering drawings.

2. The final development plan shall be considered or approved as follows:

a. The plan commission shall review the final development plan within thirty five (35) days of its submission and shall recommend approval if it is in substantial compliance with the preliminary development plan. The plan commission shall certify to the village board that the final development plan is in conformity with the previously filed preliminary development plan.

If the final development plan is substantially changed from the approved preliminary development plan, the plan commission shall recommend to the village board that a new public hearing be held in conformance with the procedures for approval of the preliminary development plan.

b. The village board, after receipt of the recommendation of the plan commission, shall itself review the final development plan and shall, within sixty (60) days after its next

regular meeting following the receipt of the recommendation, if it is in conformity with the preliminary development plan, authorize issuance of building permits after recording of the final development plans. If the final development plan is held not to be in substantial conformity with the preliminary development plan, the village board shall inform the applicant with regard to the specific areas found to be not in compliance and shall order a public hearing before the plan commission after which a recommendation shall be made as to whether such modifications shall be approved, rejected or approved as further changed by the board.

c. Approval by the village board of the final development plan for any proposed planned unit development shall be effective only for a period of sixty (60) days after the date of such approval unless, within such sixty (60) day period, the applicant shall record or cause the recordation of the final land use plan, the final subdivision plat, the final restrictive covenants, and the deeds and/or easement agreement required or approved by the village board, in the office of the recorder of deeds of Cook County, Illinois.

F. Changes And Modification Of The Planned Unit Development After Approval Of The Final Development Plan:

1. After the approval of the final development plan, the use of land and the construction, modification or alteration of any buildings, or structures within the planned unit development shall be governed by the approved final development plan rather than by any other provisions of the zoning ordinance of the village.

2. No change shall be made in the approved final development plan except upon application to the appropriate agency according to the following procedures:

a. During the construction of the planned unit development, the procedure shall be as follows:

(1) Minor changes may be made by the village which do not change the concept or intent of the development as required by engineering or other circumstances not foreseen at the time that the final plat was approved.

(2) All other changes in the approved final development plan shall be made by the village board of trustees under the procedures authorized by the zoning ordinance for an amendment to the zoning map.

(3) Any changes which are approved for the final plat shall be recorded as amendments to the recorded copy of the final plat. If changes are allowed in a final site plan, a new site plan reflecting such changes shall be filed with the village and the appropriate county.

(4) The plan commission may consider the planned unit development subject to revocation if construction falls more than one year behind the schedule filed with the

developer, who shall be notified at least sixty (60) days prior to any revocation hearing authorized by the village board.

b. After the completion of the construction of the planned unit development, the procedure shall be as follows:

(1) Any minor extension, alterations, or modifications of existing buildings or structures may be permitted by the administrator within the standards of the planned unit development consistent with the purpose and intent of the final plat and final land use plan.

(2) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final plat unless an amendment to the final plat is approved. Such amendment shall follow the procedures authorized by the zoning ordinance for an amendment to the zoning map.

(3) All other changes in the final plat shall be made by the village board of trustees, under the procedure authorized by the zoning ordinance for an amendment to the zoning map. No changes may be made in the final plat unless they are required for the continued successful functioning of the planned unit development, or unless they are required by changes in conditions that have occurred since the final development plan was approved, or by changes in the development policy of the village. (Ord. 90-0-3, 2-26-1990)

G. Standards: No planned unit development shall be recommended for approval by the plan commission unless the plan commission shall find and recommend, in addition to the special use standards contained in subsections 9A-1-5C1 through C6 of this chapter, that the following standards shall be met: (Ord. 19-O-2004, 7-8-2004)

1. General:

a. The uses permitted by such exceptions as may be requested or recommended or necessary or desirable and appropriate to the purpose of the development.

b. The uses permitted in such development are not of such a nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.

c. The site plan effectively treats the developmental possibilities of the subject property, making appropriate provisions for the preservation of streams, wooded areas, floodplain areas, and similar physical features.

d. When private facilities are made part of a planned unit development, the applicant shall submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the village board. Private

facilities include, but are not limited to, common driveways, and private common open space or recreation facilities.

e. Any bulk exceptions shall be solely for the purpose of promoting an integrated site plan which is more beneficial to the residents or occupants of such development as well as the neighboring property; that would be obtained under the bulk regulations of this title for buildings developed on separate zoning lots. (Ord. 90-0-3, 2-26-1990)

f. All planned unit developments shall comply with the performance standards, if any, contained within the underlying zoning district's regulations herein.

g. The site of a planned unit development shall be accessible from public roads which are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the uses located in the proposed development. Traffic control signals will be provided without expense to the village when the village board of trustees determine that such signals are warranted and/or required to prevent traffic hazards or congestion in adjacent streets. (Ord. 19-O-2004, 7-8-2004)

h. All of the planned unit developments shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping and treatment of turf to handle storm waters.

2. Industrial Planned Unit Developments:

a. The standards for an industrial planned unit development shall conform to the applicable performance standards of this title.

b. At least ten percent (10%) of the industrial land use areas shall be reserved for landscape and open space purposes. (Ord. 90-0-3, 2-26-1990)

3. Village Center - Planned Developments:

a. General Objectives: Overall land use and design objectives for development within the village center-planned development district include:

(1) Dwellings, shops, and workplaces generally located in close proximity to each other.

(2) Generally rectilinear patterns of connected streets and blocks.

(3) A hierarchy of public and/or private streets, with facilities for automotive vehicles, public transit, bicycles and pedestrians.

(4) Well configured squares, plazas, greens/commons, landscaped streets, and parks woven into the pattern of the village center and dedicated to collective social activity, recreation and visual enjoyment.

(5) Civic buildings for assembly, or for other civic purposes, that act as landmarks, symbols, and activity centers for community identity.

(6) On-street parking and centralized parking facilities to collectively support principal uses in the Village Center.

b. Land Use And Design Guidelines:

(1) General Design Guidelines Applicable To All Uses:

(A) Residential Land Use Density:

(i) As defined in the Comprehensive Plan amendment for the Village Center for various types of residential uses provided for therein.

(ii) Residential uses shall be prohibited on the ground floor in commercial and mixed use areas.

(B) Land Use Allocation And Use Limitations:

(i) The Village Center should have a Village green, plaza or other public gathering place within the mixed use commercial portion of the development.

(ii) One hundred percent (100%) of the total of all block frontages within the mixed use commercial portion of the Village Center should be occupied by pedestrian-oriented businesses on the ground floor, preferably retail stores and shops. Nonretail, commercial service businesses (e.g., offices, cleaners, etc.) should not exceed thirty percent (30%) of the total of all block frontages within the mixed use commercial portion of the Village Center.

(iii) A minimum of twenty five percent (25%), and a maximum of fifty percent (50%) of the total gross land area within the Village Center should be residential use, excluding residential uses part of mixed use buildings.

(iv) At least five percent (5%) of the total land area within the Village Center should be for civic uses and/or mass transit facilities, including parking.

(v) Restaurants shall be allowed to operate outdoor cafes on sidewalks, including areas within the public right of way and in courtyards, provided that each owner/operator secures an outdoor use permit from the Village. The following are minimum standards that shall apply to all outdoor cafes:

(a) Planters, posts with ropes or other similar removable enclosures are permitted as a way of defining the area occupied by the cafe.

(b) Pedestrian circulation and access to store entrances shall not be impaired.

(c) Extended awnings, canopies or large umbrellas shall be permitted. Colors shall complement building colors.

(d) Outdoor cafes shall provide additional trash receptacles in the outdoor eating area.

(e) Operators of outdoor cafes shall be responsible for maintaining a clean, litter-free and well-kept appearance within and immediately adjacent to the area of their activities.

(vi) All utility distribution lines located within the Village Center shall be placed underground. Utilities should be located within alleys wherever possible.

(C) Lot And Block Layout:

(i) The perimeter of a full block should generally range from one thousand four hundred feet (1,400') to one thousand six hundred feet (1,600'), measured at the property (right-of-way) line.

(ii) Each block should be designed to include service access or an alley.

(D) Access And Parking:

(i) The principal pedestrian entrance to all commercial and mixed use buildings shall be from the front sidewalk, public plaza, square or green.

(ii) Pedestrian and bicycle linkages shall be established within and between blocks in the Village Center and between the Village Center and surrounding neighborhoods or activity centers.

(iii) Sidewalks shall be provided adjacent to all streets. Such sidewalks shall be at least ten feet (10') wide within commercial and mixed use areas and at least five feet (5') wide within residential areas.

(iv) Generally on-street parking should be provided throughout the Village Center.

(v) All off-street parking lots shall be landscaped and shall not interfere with the reasonable continuity of building facades and pedestrian activity. No surface parking lot space may be located closer than ten feet (10') from any street right-of-way line.

(vi) Cumulative parking requirements for mixed use occupancies and districts may be reduced where it can be determined that the peak requirement of the several occupancies occurs at different times (either daily or seasonally). The "Shared Parking" report published by the Urban Land Institute may be used as a guideline in the estimation of parking demand for mixed use buildings, sites and districts.

(vii) Off-street parking facilities and private garages shall have access from alleys or from streets at locations which do not conflict with vehicular or pedestrian circulation.

(viii) All above-grade parking structures shall be designed in a manner that is integrated with nearby building architecture to minimize visual impact.

(ix) Rear alleys should be provided for all residential lots within the Village Center.

(E) Street Design: Streets should be organized according to a hierarchy based on function, size, capacity and uses served. Streets and right of ways are, therefore, expected to differ in dimension. Each type of street shall be separately detailed. All streets and right of ways should be designed in accordance with the design guidelines contained in the Comprehensive Plan for the Village Center for the type of street planned in the Village Center.

(F) Building Design:

(i) Residential and nonresidential buildings should be designed to emulate the architectural tradition and history of the towns along the Illinois and Michigan Canal, in accordance with the design guidelines contained in the Comprehensive Plan amendment for the Village Center.

(ii) All rooftop mechanical shall be enclosed in building material that matches the structure or is visually compatible with the structure.

(iii) All building elevations shall have a high quality architectural finish, consisting of materials that are similar to those used on building facades that face a public street.

(G) Facades:

(i) Blank Walls: No blank wall that faces a public street, public plaza or walkway should exceed fifty feet (50') in length.

(ii) Storefronts: Storefronts are an integral part of a building and should be integrally designed with the upper floors to be compatible with the overall facade character. Buildings with multiple storefronts should have sufficient articulation to minimize monotonous appearance, and be unified through the use of architecturally compatible materials, colors, details, awnings, signs, and lighting fixtures.

(iii) Outdoor Activity: Commercial, condominium and mixed use buildings should promote and accommodate outdoor activity with balconies, arcades, terraces, decks and courtyards for customers', residents' and employees' use.

(iv) Windows: Ground floor retail, service and restaurant uses shall have large pane display windows. Ground floor windows should be provided for over fifty percent (50%) of the ground floor front elevation for retail uses and over twenty five percent (25%) for all other nonresidential uses. Such windows should be framed by the surrounding wall and should not exceed seventy five percent (75%) of the total ground level facade area. Windows should be set to the inside of the building face wall.

(v) Projections: Balconies, awnings, and projecting wall signs shall be permitted to encroach within sidewalk areas as follows:

(a) Balconies: three feet (3').

(b) Awnings: six feet (6').

(c) Signs: four feet (4').

(H) Signs: Signs within the Village Center should have their own unique character designed to complement the overall architecture of the development. As a general principle, signs shall be treated as a pedestrian amenity and designed to be viewed in a "slow traffic" environment. The following guidelines are intended to apply to all types of signs in the Village Center:

(i) Location: Signs should be placed to avoid disrupting the rhythm of windows and trim or obscuring any of a building's more significant architectural details or ornamentation. Wall signs and projecting signs shall be placed at or above the transom level, below a second story windowsill on a multi-story building and below the roof on a single-story building. Roof signs are prohibited.

(ii) Size: Signs should be sized in proportion to the building and other signs in the district. Wall signs, awnings, and canopies should extend the width of the storefront, unless such store occupies more than one adjoining building, in which case individual signs should be provided on each building to expose the building piers.

(iii) Style: Information and decoration on signs should be limited in order to harmonize with the setting. Colors on signs should coordinate with overall building colors. Signs with a dark background and light colored lettering have the most impact. Lettering should consist of simple, easy-to-read typefaces, with no more than two (2) letter-type families per sign. Generally, the area of the sign covered by the letter forms should occupy a maximum of seventy five percent (75%) of the sign area.

(iv) Lighting: Internal illumination and flashing signs are prohibited. Where provided, lighting should be simple in design and/or concealed. Concealed up-lit light fixtures, fixtures of simple design, or fixtures appropriate to the period of the building are recommended.

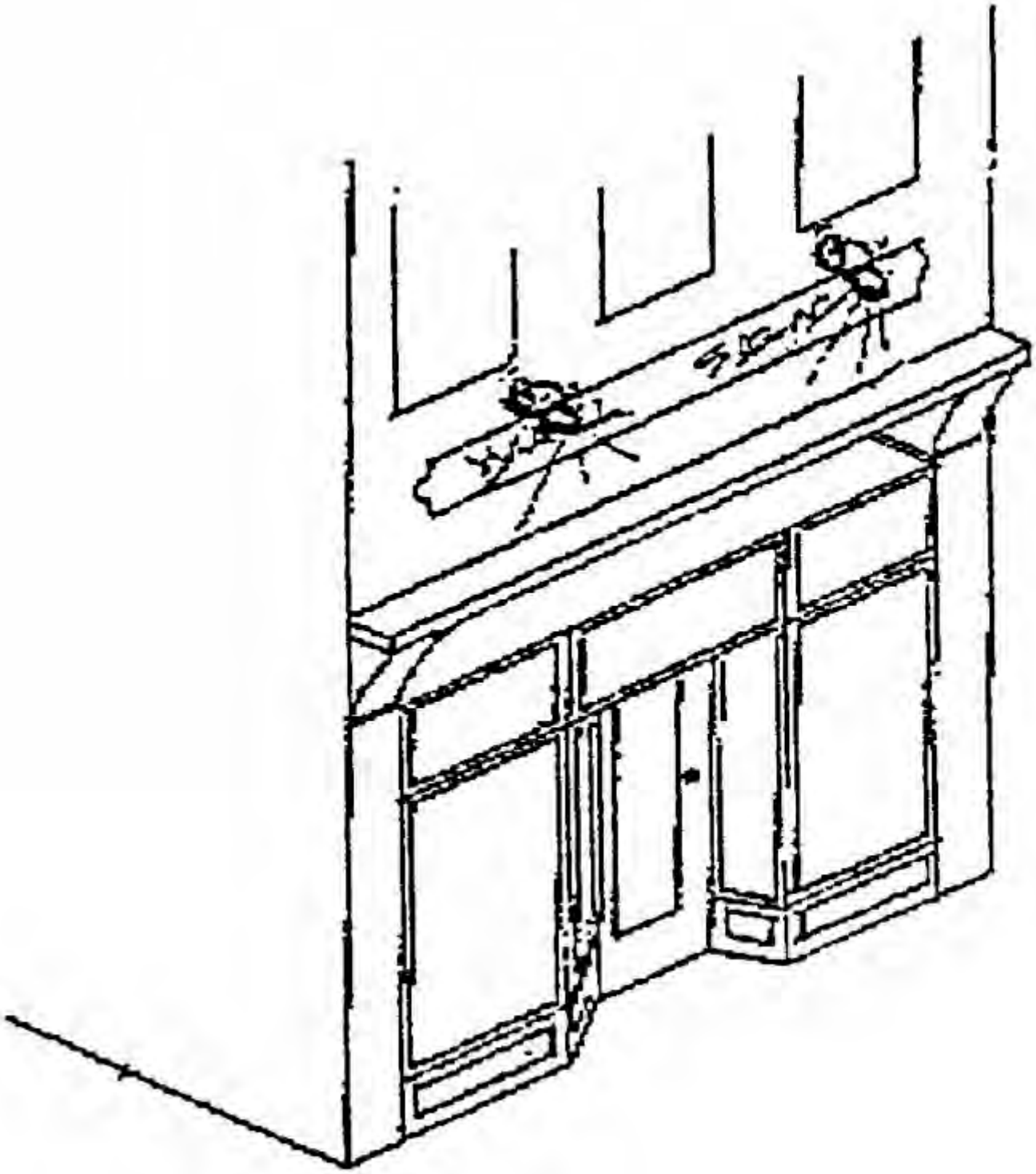
(v) Materials: Materials should be compatible with the structure to which the signs are attached and with other signs in the historic district. The materials originally used for signs on the building should serve as examples for new signs.

(vi) Awnings And Canopies: Awnings and canopies should be integrated with the building facade. Awning and canopies throughout a block should produce a consistent pattern through their size and shape. Graphics should appear only on the overhanging valance, and such valance should be no more than twelve inches (12") in height.

(vii) Multiple Signs: Where multiple storefronts exist on a single building, the individual signs for each store should relate well to each in terms of height, proportion, color and background value.

(viii) Examples Of Signs: Below are some examples of signs:

Limiting the Amount of Information on a Sign



Example of Desirable Sign Lighting

Individual Signs on One Building

(I) Lighting: Lighting must be controlled in both height, intensity and design to create the desired "traditional" character of the Village Center.

(i) Light fixtures shall not produce glare on adjacent residential properties. To achieve this, luminaries shall be shielded to prevent light shining beyond the lot lines onto neighboring properties.

(ii) Where business uses and off-street parking lots abut residential uses, light standards shall not exceed twelve feet (12') in height.

(iii) Lighting fixtures within the public right of way should be of a "traditional" character to reinforce the distinction of the Village Center from other retail areas.

(2) Nonresidential And Mixed Use Areas:

(A) Lot Requirements: No minimums.

(B) Building/Yard Setbacks:

(i) Front: No minimum; fifteen feet (15') maximum.

(ii) Side: No minimum, except fifteen feet (15') required when abutting a lot used or planned for single-family use.

(iii) Rear: No minimum, except thirty feet (30') required when abutting a lot used or planned for single-family use.

(iv) Setbacks From Major Arterial Streets: Building setbacks from the Archer Avenue right of way shall not be greater than eighty feet (80') to reduce the amount of parking placed in front of buildings and to ensure adequate landscape screening areas. All parking areas shall be setback a minimum of fifteen feet (15') from the Archer Avenue right of way to provide adequate screening.

(C) Building Height:

(i) Not to exceed four (4) stories.

(a) Where the distance between building facades across a public street is one hundred ten feet (110') or less, the fourth story of a building shall be set back a minimum of ten feet (10') as measured at the intersection of the floor plane of the fourth story and the property line along the public street frontage.

(b) Where the distance between building facades across a public street is greater than one hundred ten feet (110'), the fourth floor building setback shall not apply.

(D) Lot Coverage: No maximum.

(E) Frontage Buildout: Buildings facades in commercial mixed use areas should occupy at least ninety percent (90%) of the lot frontage.

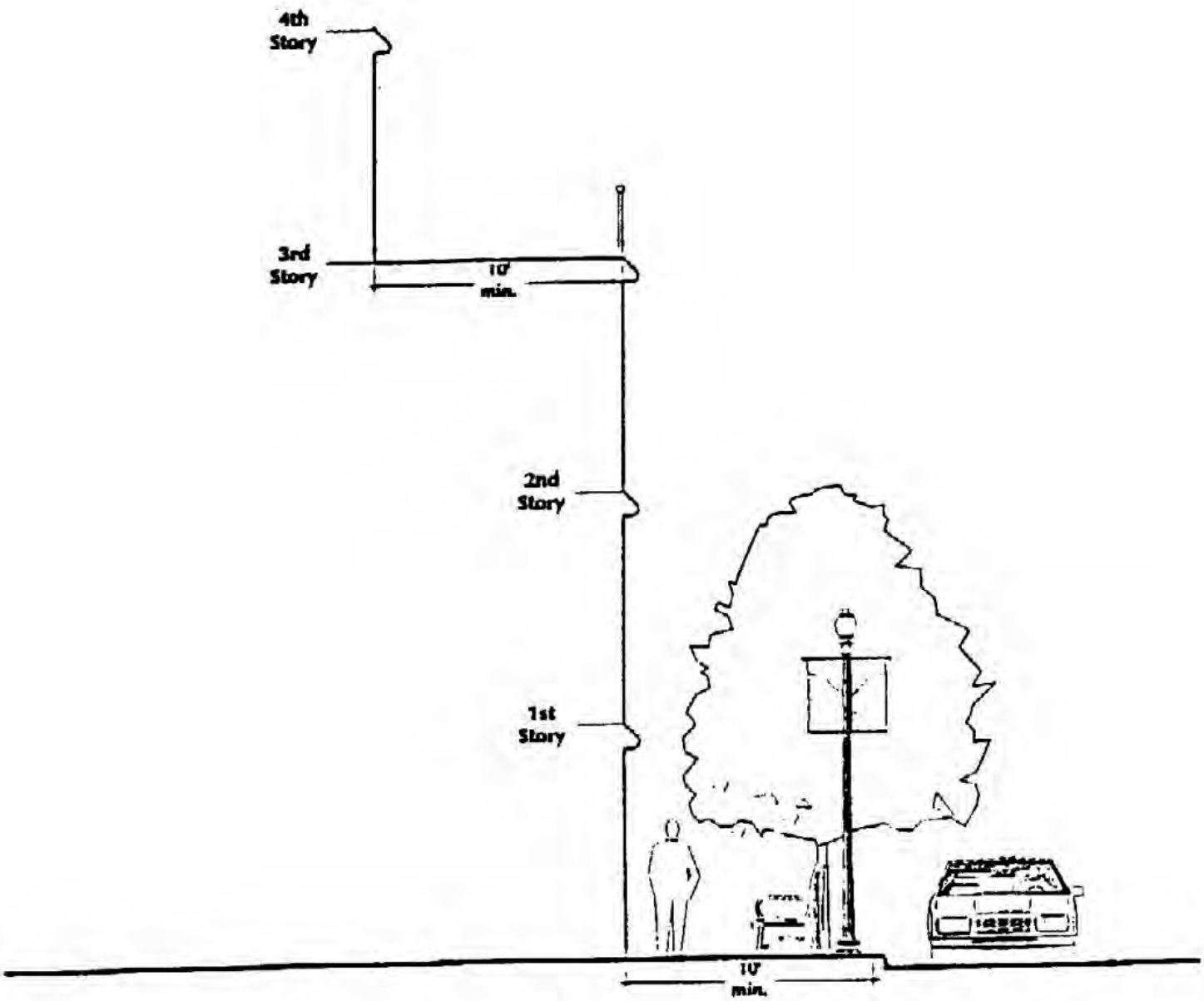


Figure 1

(3) Residential Uses:

(A) Lot Size: Attached single-family: one thousand nine hundred (1,900) square feet average, excluding right of way. Condominium: no requirement.

(B) Lot Width: Attached single-family: twenty four feet (24') minimum. Condominium: no requirement.

(C) Building/Yard Setbacks:(i) Front: Ten feet (10') minimum; fifteen feet (15') maximum. No requirement for residential uses part of mixed use sites.

(ii) Side: Attached single-family: no minimum. Condominium: no minimum, except fifteen feet (15') required when abutting a lot used or planned for single-family use.

(iii) Rear: Attached single-family: twenty feet (20') minimum. Condominium: no minimum, except thirty feet (30') required when abutting a lot used or planned for single-family use.

(D) Building Height: Attached single-family: two (2) stories. The height may be increased by one story if the required off street parking occupies not less than sixty percent (60%) of the ground floor area. Condominium: three (3) stories, freestanding. If part of a mixed use building or complex, see above height requirements for nonresidential and mixed use areas.

(E) Lot Coverage: Attached single-family: 0.70 maximum. Condominium: no requirement. (Ord. 99-0-6, 3-11-1999)

4. North Willow Springs Road Corridor - Planned Development:

A. General Objectives: Overall land use and design objectives for development within North Willow Springs Road Corridor-Planned Development District (NWSRC-PD) include:

(1) Shops, open space, and Senior Residential Housing should be located in close proximity to each other to create an integrated development that is pedestrian oriented and accessible for vehicles.

(2) Parks and passive open space shall be incorporated into each Residential and Senior Residential Housing development within the NWSRC-PD.

(3) New development should respect the residential character of nearby areas through establishment of transitional zones, adequate setbacks, landscape buffer areas, minimum lighting levels, and screening between such residential areas and incompatible uses.

(4) Future road access points should be minimized and coordinated with existing and planned streets.

(5) The opportunity for cut-through traffic in residential areas should be minimized.

(6) Development within exsting woodland areas should be restricted if viable woodland areas exist based upon a recent certified tree survey.

(7) The identity and image of the Willow Springs Road corridor, and other arterial roads in the district, as defined by the Comprehensive Plan, should be enhanced with landscaping, streetscape elements, and infra-structure improvements.

(8) The impact on local school districts should be minimized, and positive financial benefits to local school districts should be enhanced.

B. Land Use and Design Guidelines:

(1) General Design Standards Applicable to All Uses:

(A) Land Use Allocation: All land uses shall conform to the intent of the Village of Willow Springs Comprehensive Plan, as amended. The standards below shall serve as guidelines in the review of a specific project:

- SR-3 Single family residential: 20% Minimum to 40% Maximum of total NWSRC-PD District.

- B-1 Neighborhood Commercial: 10% Minimum to 15% Maximum of total NWSRC-PD District with access and frontage restricted to Willow Springs Road only.

- Public Accessible Parks & Open Space: 10% minimum of total NWSRC-PD District. Required setback areas, retention areas, and detention areas, shall not be used in calculating open space.

- Senior Residential Housing: 35% minimum to 60% maximum of total NWSRC-PD District with a density of not greater than 12 living units per acre, including Independent, Minimal Care, Intermediate Care and Skilled Care Housing (a majority of Senior Residential Housing shall be Independent Housing).

(i) Any development within the NWSRC-PD District should reserve and maintain a minimum of fifty percent (50%) of each development site area for publicly accessible parks and/or "outdoor" open space. This should include preservation of the Burr Oak forest at the southwest corner of Willow Springs Road and 79th street, and any other significant trees worthy of preservation. Required setback areas shall not be used in calculating open space.

(ii) The balance of the land within the NWSRCPD District shall consist of a mix of residential and non- residential uses that

conforms to the intent of the Comprehensive Plan. Except as otherwise may be provided, for the purposes of this Section 9A-1-5-1G.9 "Senior Residential Housing" developments as permitted in Section 9A-12-3 shall be classified as a non-residential use.

Trees and shrubs used for landscaping shall conform to the following minimum standards upon installation:

(a) Evergreen trees: Not less than eight (8') feet in height.

(b) Ornamental trees: Not less than ten (10') feet in height.

(c) Shade Trees: Not less than three and 1/2 (3.5") inches in caliper, as measured six inches above grade.

(d) Shrubs: Not less than twenty-four (24") inches in height, unless used for screening, in which case shrubs shall not be less than four (4') feet in-height-

(F) Buffer Yards:

(i) A minimum landscape buffer yard of one hundred (100)feet shall be required along the full length of willow Springs Road and all other arterial roads within the NWSCR-PD District, and shall include an undulating berm having an average height of eight (8) feet with a 3:1 slope; the final design of such berm shall be approved as part of a final planned development plan.

(ii) A minimum landscape buffer yard of one hundred (100) feet shall be required along the full length of 79th Street and German Church Road, and all other major collector roads.

(iii) A minimum landscape buffer yard of one hundred (100) feet shall be required along the entire lot line of all uses that abut an existing or planned residential property.

(iv) No buildings or parking area shall be permitted within a required buffer yard.

(v) Unless otherwise provided, internal buffer yards between buildings or uses shall be as defined in the planned development special use permit ordinance.

(G) Minimum Density of Plant Materials in Buffer Yards:

(i) The following table (see Appendix attached for illustrations of the minimum number of plantings required in each bufferyard) classifies bufferyards into two categories: A and B. To calculate the minimum number of plants required in a buffer yard, the length of each side of a property requiring a bufferyard should be divided by one hundred feet (100') and multiplied by the number of plants shown in the appropriate illustration; fractions of plants should be rounded up to the next whole number.

BUFFER YARD DENSITY*

Adjacent Land Use

Proposed Land Use	Senior Housing	Non Residentail	Arterial Roads	Collector Roads	Residential
Senior Housing	A	A	B+	A	B
Non-Residential	A	A	B+	A	B

*Note: At least 20% of the area of all buffer yards shall be planted with perennial and annual beds

+Requires use of an undulating berm, masonry wall, or wood fence or a combination of these elements

(ii) All landscape areas shall be irrigated.

(iii) See Appendix attached for illustrations of landscaped buffer yards A and B. The final design of all buffer yards. Shall be approved as part of the planned development special use ordinance.

(H) Parkways and Street Trees:

(i) All dedicated and private collector roads should include a minimum 10 foot parkway strip between the sidewalk and the roadway.

(ii) All dedicated and private collector roads shall have street trees within the parkway strip on both side of the street, with not less than one tree for every 40 linear feet of right-of-way or fraction thereof, provided, however, that clustered landscape designs that provide a more creative parkway treatment are encouraged.

(iii) All parkways and other areas to be grassed shall be sodded grass and not seeded.

(I) Parking Lots and Screening:

(i) Subject to sub-paragraphs (a) and (b) below, all parking lots shall include landscape islands at a ratio of one landscape island for every fifteen (15)parking spaces or fraction thereof, such that no parking space may be greater than one hundred and thirty-five feet (135') away from a landscape island. Each island shall be a minimum of 10' by20' in size and shall be concrete curbed and ground covered and shall include at least one tree in addition to other shrubs and plant materials.

(a) The maximum spacing requirement between parking spaces and landscaped islands may be waived to allow for a lesser number of larger landscaped islands to be provided, which islands shall be of sufficient size to sustain a diversity of plant material and shall be designed to be irregularly shaped and placed within the parking lot in a non-grid fashion in order to create relief in the -monotonous layout of the parking lot; and

(b) All landscaped islands shall be irrigated.

(ii) In addition to the requirements of part I(i) immediately preceding, and within a distance of thirty (30') feet surrounding parking areas, not less than one tree shall be rov ded for every two (2) spaces.

(iii) All parking lots located in front of the primary building and that is not otherwise fully screened from the public right-of-way shall be screened with a hedge, berm, or similar treatment covering one hundred 100%) percent of the width of the parking lot. Hedges and berms should be maintained between 30 and 40 inches in height and berms should generally maintain a slope of 1:2 (vertical: horizontal) and have a natural undulating design.

(iv) All parking lots located adjacent to Senior Residential Housing developments shall be screened from view using a continuous hedge of six feet (6`) in height along one hundred (100%) percent of the width of the parking lot. Shrubs shall be spaced at a maximum of four feet (4') on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, berms or any mix thereof, or by providing a six foot (6') solid commercial grade wood fence or masonry wall along the length of the property. Shade trees shall be provided inside the fence at the equivalent of one (1) tree every fifty lineal feet (50'), or faction thereof.

(v) Loading docks, service yards, trash receptacles, and open storage yards shall be screened from view from the public right-of-way and adjacent properties by a masonry wall, or solid year-round landscaping.

(vi) There should be sufficient quantities of shade, ornamental, and evergreen trees, shrubs and ground covers to adequately screen unattractive views at the side and rear of adjacent buildings.

(J) Foundation Landscaping:

(i) At minimum an eight (8') foot wide landscape area should be provided adjacent to all building walls (excluding driveways, entrance areas, covered walkways, service and delivery areas).

(ii) Foundation landscape areas shall be planted with a balance of understory and evergreen trees, shrubs, flowers, and ground covers, designed to provide year-round colors.

(iii) Foundation landscape plantings should emphasize the softening of large expanses of building walls length and height, accent building entrances and architectural features and screen mechanical equipment adjacent to buildings.

(K) Tree Preservation: Tree surveys shall be required for all developments within the INTWSRC-PD District. Every effort in the design of building and parking areas shall be made to protect the existing quality trees. Particular attention shall be made to preserve the Burr Oak Forest at the southwest corner of Willow Springs Road and 79th Street and other high quality trees, where located in the NWSRC-PD District.

(L) Building Design:

(i) Bulk and Mass: All buildings should be designed with treatments to break up the mass and bulk. Buildings shall include vertical architectural treatment to break down the scale of the building into visually smaller components. Any facade with a blank wall shall be screened through landscaping, berming, and/or fencing. Architectural details shall continue on all facades visible from the public right-of-way. Large expanses of blank walls facing the street are inappropriate.

The following design elements should be incorporated to break up the horizontal plane of a building or wall:

(a) Change in color, texture, or materials;

(b) Projections, recesses, and reveals, structural bays, entrances;

(c) Grouping of windows or doors; and/or

(ii) Materials and Color:

(a) A minimum of 80% of all facades (discounting windows and doors), visible from the public right-of-way or surrounding residential areas, should be covered with face brick, natural stone, or some other masonry product of similar quality so as to add-texture, color and visual interest and, to avoid the bland appearance of large walls, roofs and facades.

(b) Ribbed metal/vinyl siding is prohibited as a primary exterior surface material. It may be used as trim material covering no more than 10% of any facade.

(c) Smooth faced gray concrete block and tilt up concrete panels are prohibited on all facades visible from the public right-of-way or neighboring properties. These products may be used for structural purposes provided they are covered with an appropriate material such as face brick.

(d) E.I.F.S (commonly known as Drivit) should be used for accent purposes only, and should not cover more than 10% of any facade visible from the public right-of-way.

(e) Facade colors should be earth tone colors with low reflectance. High-intensity, metallic, or fluorescent colors are prohibited.

(f) All final building materials, specifications, and colors shall be listed in the planned development special use permit ordinance.

(iii) Mechanical Equipment: Roof-mounted heating, ventilation and air conditioning equipment (excluding roof vents), ductwork, air compressors, and other fixed operating machinery shall be fully screened from public view with architectural treatments that complement the overall design of the structure.

(M) Lighting:

(i) Light fixtures shall not produce glare on adjacent residential properties. To achieve this, luminaries shall be shielded to prevent light from shining beyond the lot lines onto neighboring properties, and light levels shall not exceed 0.2 foot-candle measured at the property line. All light fixtures, with the exception of decorative fixtures used in

pedestrian areas when expressly approved by the Village, shall consist of flush mounted, cut-off lighting, such that no part of the bulb or fixture lens extends below the fixture housing.

(ii) Light standards shall not exceed twelve (12') feet in height.

(iii) Decorative lighting fixtures and standards shall be provided in all development areas.

(iv) For buildings and ground surfaces the following average maintained levels of illumination shall not be exceeded:

(a) Building and Monuments (floodlighted)

Foot-candle Light Surfaces	5.0
Medium Light Surfaces	10.0
Medium Dark Surfaces	15.0
Dark Surfaces	20.0

(b) Parkinq Areas

Senior Residential Housing	2.0
Other Uses	4.5

(c) Building Entrances and Exits 0.5

Notwithstanding the foregoing, the Village may authorize higher levels of illumination for certain uses upon a determination that demonstrates that the level of light produced from the site will not negatively impact adjacent property or the character of the Village.

(v) All developments shall submit catalogue cuts of all proposed lighting fixtures and styles and a photometric study and plan indicating light levels for buildings and.parking areas within the entire site.

(vii) Light level measurements shall be in preformed in accordance with the Illuminating Engineering Society of North America, IES Lighting Handbook standards.

(N) Signs:

(i) Maximum Sign Area per Zoning Lot by Street Classification and Use. The maximum total area of all monument signs along arterial roadways on a zoning lot for which a permit is required, shall not exceed the following: (All street classifications shall be as identified in the Comprehensive Plan of the Village of Willow Springs).

(a) Regional Arterial Road

(1) Commercial Use = 3.0 square feet/lineal foot, but not to exceed 350 square feet

(2) Senior Housing = 0.25 square feet/lineal foot, but not exceed 200 square feet

(b) Community/Local Arterial Road

(1) Commercial Use = 1.5 square feet/lineal foot, but not exceed 200 square feet

(2) Senior Housing = 0.20 square feet/lineal foot, but not exceed 100 square feet

ii) Number Dimensions, Location of Individual Siqns by Street Classification. Individual monument signs subject to the limits of N(i)(a) and (b) immediately preceding shall not exceed the applicable maximum number, dimensions, or setbacks provided below:

(a) Square Feet per Lineal Foot of Frontage**:

Regional Arterial Road

(1) Commercial Use = 0.35 square feet/lineal foot

(2) Senior Housing = 0.15 square feet/lineal foot

Community/Local Arterial Road

(1) Commercial Use = 0.20 square feet/lineal foot

(2) Senior Housing =0.10 square feet/lineal foot

**No permitted free-standing sign shall be required to be less than 25 square feet.

Freestanding signs shall not exceed 125 square feet in area.

(b) Height: eight feet (8')

(c) Setback: fifteen feet (15')

(d) Number of Signs Permitted Per Zoning Lot: one (1)

(1) Each zoning lot shall be allowed one (1) sign; provided that any lot with more than 1,000 lineal feet of frontage on any single street shall be permitted one (1) additional sign for every additional 500 lineal feet of frontage.

(2) Lots fronting on two or more streets are allowed the permitted sign area for each street frontage, but signs cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

(e) Building Signs. Building signs shall be authorized on any zoning lot in accordance with the Village Sign Code or as authorized in the POD Ordinance.

(f) Design Standards:

(1) Applicants shall describe in graphic form, the proposed design for all signs for the purpose of establishing a uniform format and appearance.

(2) Signs along roadways shall be monument signs. These signs should be made of a high-quality neutral material such as brick, stone, or other similar products, in order to maintain the historically rural character of the community. Pole or pylon signs are prohibited.

(3) The colors and materials of signs shall be similar to and compatible with the architectural style, colors and materials of the related building. Every sign shall be designed as an integral architectural element of the building and site to which it relates.

(4) The number of graphic elements on a sign shall be held to the minimum needed to convey the rigs message and shall be composed in proportion to the area of the sign face.

(5) Internal illumination of signs is prohibited.

(6) Changeable copy on signs and message signs are prohibited.

(7) Signs should be oriented to vehicular traffic as well as pedestrians, and scaled appropriately.

(8) Except as specified above, all signs shall meet the requirements of the Village's Sign Code.

(O) Underground Utilities: All utilities, including electric, telephone, gas and cable within and along all public and private roads shall be installed underground.

(P) Utility Meters/Transformers: Wall-mounted utility meters shall not be mounted on the front elevation of a building. Wall-mounted utility meters and ground supported transformers shall be painted to match the nearest building. If visible from residential areas or the public right-of-way, meters and transformers shall be screened by landscaping equal in height to the tallest meter or transformer.

Senior Housing Design and Service Standards:

(1) The following design and services standards shall apply to all Senior Residential Housing Developments:

(A) Density: Not to exceed twelve(12) living units per acre.

(B) Building Height: Not to exceed three (3) stories or 36 feet. An increase in height may be justified if a project achieves an excellence of design, provides more open space and/or other amenities than required, and demonstrates that the added height will not negatively impact surrounding properties.

(C) Maximum Lot Coverage: Fifty Percent (50%) of total site area, including all structures, drive aisles, and parking areas.

(D) Parking Requirements:

(i) One (1) underground resident parking space shall be provided for each (1) living unit, and such spaces shall be marked for use by the Senior Residential Housing. All developments shall comply with the handicapped parking space requirements under the American Disabilities Act.

(ii) One (1) visitor parking space shall be provided for every two (2) living units, and such spaces shall be marked for use by the Senior Residential Housing.

(iii) Employee parking stalls shall equal the highest number of employees on duty during any one shift.

(E) Walkways and Curbs: All external walkways and curbs shall contain ramps in place of, or in conjunction with, steps. Ramp slope shall not exceed five percent (5%)

(2) The following design and services standards shall apply to Senior Residential Housing developments:

(A) Minimum Living Unit Size: Independent Housing components within a Senior Residential Housing development shall comply with the following minimum requirements for each living unit:

(i) Studio,800 square feet square feet

(ii) One-Bedroom Units, 1000square feet

(iii) Two-Bedroom Units 1200 square feet

(B) Building Height: Shall not exceed three (3) stories or thirty-six (36) feet. when adjacent to a residential area, building heights shall not exceed two (2) stories or twenty-four (24) feet. Variations based on design excellence or increase amenities shall be limited to four (4) stories or forty-eight (48) feet.

(C) Gross density: Shall not exceed twelve (12) living units per acre and shall include all levels of care facilities (independent, minimal, intermediate and skilled)

(D) Laundry Facilities: All Senior Residential Housing developments shall provide laundry facilities adequate to accommodate the number of living units proposed within each individual residential structure. For structures containing multiple living units a minimum of one (1) washer and one (1) dryer per each ten (10) living units shall be provided; however in no case shall there be less than two (2) washers and dryers provided within a multiple unit structure. All free- standing and/or attached units, which provide primary access to the unit through an independent exterior door, shall contain one (1) washer and one (1) dryer.

(E) Required Services and Amenities for Senior Residential Housing:

(i) A building manager or supervisory employee shall be on site 24 hours per day.

(ii) A 24-hour internal emergency response system call button shall be provided in all units.

(iii)All residents shall have access to an on-site health care facility, which maintains at least one employee on duty 24 hours per day who is trained in the administration of first aid and who is certified in cardio-pulmonary resuscitation for the elderly.

(iv) The owner and operators or manager shall, on at least a semiannual basis, survey the personal and service needs of the residents and document changes in medical history or conditions.

(v) The manager shall maintain a detailed and current written emergency medical plan for each resident. This plan shall be based upon the semiannual survey and upon any supplemental information provided by the resident.

(vi) All residents shall have access to a shared dining facility located within the development.

(vii) All residents shall have access to a full service fitness center which shall provide a wide range of equipment and services to accommodate the recreational and medical needs of seniors.

(viii) Interior community space and related equipment shall be required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, meeting rooms, music and craft rooms.

(ix) Elevators shall be provided in all buildings containing living units that are completely contained on a story above the first floor. In such cases, an elevator shall not be more than one hundred feet (100') from a living unit it is intended to serve.

d. Commercial Design Standards (not including Senior Residential Housing) : All bulk and area standards for commercial uses within the NWSRC-PD shall comply with the regulations set forth in Section 9A-5-5, except for the following:

(1) Floor Area Ratio: FAR of .25

(2) Building Height: 3 stories or 35'

(3) Maximum Impervious Surface Coverage: 50% of planned development area; 3 stories or 35'

(4) Maximum impervious Surface Coverage: 50% of planned development area

H. Exceptions To Minimum Requirements: Whenever an applicant for a planned unit development proposes to provide and set out, by platting, deed, dedication, restriction, covenant or other legal method, any land or space separate from single-family or multi-family residential areas or commercial or industrial areas to be used for parks, playgrounds, commons, greenways, pathways or other open areas, the plan commission may consider and recommend to the village board deviations to, and the village board may authorize deviations from, the applicable minimum requirements of the village's subdivision regulations and the zoning ordinance, including, but not limited to:

1. Front yard;

2. Rear yard;

3. Side yard;

4. Lot area;

5. Bulk standards; and

6. Off street parking.

I. Special Use - Planned Unit Developments Conditions And Limitations; Recording Ordinance; Major/Minor Changes: Prior to granting any planned unit development, the plan commission may recommend certain conditions and restrictions, and the village board, in addition to the conditions and restrictions recommended by the plan commission, or in lieu thereof, may stipulate certain conditions and restrictions, including, but not limited to, those upon the establishment, location, construction, maintenance and operation of the planned unit development as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required. In all cases in which planned unit developments are granted, the village board shall require such evidence and guarantees as it may deem necessary as proof that compliance will be made with the said stipulated conditions. Planned unit developments shall be authorized by an ordinance duly enacted. A certified copy of the ordinance authorizing the planned unit development shall be recorded by the village attorney in the office of the recorder of deeds of Cook County, Illinois. All planned unit development projects shall be developed by only according to the ordinance approving the planned unit development and all supporting data. The ordinance and supporting data, together with all amendments shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises and location of structures in the planned unit development project as set

forth therein. Changes to the approved and recorded planned unit development may be made, but only as follows:

1. Major Changes: Changes which alter the concept or intent of the planned unit development specifically, including, but not limited to: increases in density; increases in the height of buildings; reductions of proposed open space; significant changes in building locations; significant changes in building elevations; changes in proposed amenities; changes in the development schedule; changes in road standards; or other similar significant changes, may be approved only by submission of a new final planned unit development plat and supporting data, the review and approval of which must follow the "final plat" procedure. All changes to the "original" final plat shall be recorded with the county recorder of deeds as amendments to the final plat or reflected in the recording of the new "corrected" final plat.

2. Minor Changes: The director of planning and zoning may approve minor changes in the planned unit development which do not change the concept or intent of the development. Minor changes shall be any change not defined as a "major change".

J. Effect Of Denial Of A Planned Unit Development: After a public hearing, no application for a planned unit development which has been denied wholly or in part by the village board shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the village board.

K. Termination Of Planned Unit Development: The terms, provisions, requirements, conditions and the process for the termination of special use permits as contained in subsection 9A-1-5E of this chapter, entitled "Termination Of Special Use Permit" shall apply to the termination of planned unit developments as if fully set forth herein. (Ord. 19-O-2004, 7-8-2004)

9A-1-6: NONCONFORMING USES:

The lawful use of land or buildings existing at the time of the adoption of these regulations may continue although such use does not conform to the regulations specified by this title for the district in which such land, use or building is located.

For purposes of this section a building or structure initially established on or before August 9, 1990, shall be deemed to include any building or structure for which a building or permit has been lawfully issued.

A. Authority To Continue Nonconforming Buildings, Structures And Uses: Any building, structure or use which existed lawfully at the time of the adoption of this title, and which becomes nonconforming upon the adoption of this title (August 9, 1990) or of any subsequent amendment thereto, may be continued only in accordance with the following regulations:

1. Repairs And Alterations: Ordinary repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations shall be made in

or to such building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law, or except to make the building or structure and use thereof conform to the regulations of the district in which it is located. Ordinary repairs and alterations shall be determined by the building inspector and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.

2. Additions And Enlargements:

a. A nonconforming building or structure all or substantially all of which is designed or intended for a use not permitted in the district in which it is located shall not be added to or enlarged in any manner unless such nonconforming building or structure and use thereof, including all additions and enlargements thereof, is made to conform to all the regulations of the district in which it is located.

b. A nonconforming building or structure which is nonconforming only as to the bulk restrictions of subsection D of this section, may be added to or enlarged, provided such additions or enlargement conform to all regulations of the district in which it is located.

3. Moving: No nonconforming building or structure shall be moved in whole or in part to any other location unless every portion of such building or structure, and the use thereof, is made to conform to all regulations of the district in which the moved building is to be located.

4. Restoration Of Damaged Nonconforming Building Or Structure: Any nonconforming building which has been destroyed or damaged by fire, explosion, act of God, or by a public enemy to the extent of sixty percent (60%) or more of its assessed valuation shall thereafter conform to the provisions of this title. Where more than forty percent (40%) of the assessed value of the building remains after such damage, such structure may be restored to the same nonconforming use as existed before such damage.

5. Discontinuance Of Use In Nonconforming Building Or Structure: A nonconforming building or structure, or portion thereof, in which the use has ceased by discontinuance or abandonment, on July 15, 1994, or thereafter, or which is abandoned and remains unoccupied, or is not used for a continuous period of six (6) months, shall not thereafter be occupied or used, except by a use which conforms to the use regulations of the district in which it is located.

6. Change Of Use In Nonconforming Building Or Structure: The nonconforming use of a nonconforming building or structure, or portion thereof, may be changed to a use permitted in the district in which the building or structure is located.

a. The nonconforming use of a part of such building or structure shall not be expanded or extended into any other portion of such building or structure, nor changed to any other nonconforming use.

b. If a nonconforming use of such a building or structure is discontinued, or abandoned for a period of six (6) consecutive months, it shall not be renewed, and any subsequent use of such building or structure shall conform to the use regulations of the district in which the premises are located.

c. Once a use is changed to a conforming use, however, such building or structure shall not thereafter be used for a nonconforming use.

7. Nonconforming Use of Conforming Buildings or Structures: The existing nonconforming use of a part or all of a conforming building or structure may be continued subject to the following provisions:

a. The nonconforming use of a part of such building or structure shall not be expanded or extended into any other portion of such building or structure, nor changed to any other nonconforming use.

b. If a nonconforming use of such a building or structure is discontinued, or abandoned for a period of six (6) consecutive months, it shall not be renewed, and any subsequent use of such building or structure shall conform to the use regulations of the district in which the premises are located.

8. Conversion of Nonconforming Building, Structure or Use: Any nonconforming building, structure or use may be converted to a permitted "special use" by the granting of a special use permit, pursuant to subsection C below.

B. Amortization:

1. Amortization of Nonconforming Building or Structures, Lots or Uses: Except for the criteria listed in B2 below, any nonconforming building, structure, lot or use which existed lawfully on August 9, 1990, or any subsequent amendments thereto, and which remains nonconforming, and any such building, structure, or use which shall become nonconforming upon the adoption of any subsequent amendments thereto, shall be discontinued and cease in accordance with the following:

a. Where no building or structure is employed in connection with such use, such use shall be discontinued within one year of July 15, 1994.

b. Where all or substantially all of the physical improvements employed in a nonconforming building or structure, have an assessed valuation, on July 15, 1994, of ten thousand dollars ($10,000.00) or less, such use shall be discontinued within two (2) years from July 15, 1994.

c. All nonconforming signs, billboards and outdoor advertising structures shall be removed in accordance with this Title.

d. Any nonconforming use in a conforming building or structure existing in any residential district on July 15, 1994, shall be entirely discontinued within five (5) years from July 15, 1994.

e. Any nonconforming structure that was erected, converted, or structurally altered in violation of the provisions of this Title which this Section amends shall not be validated by the adoption of this amendment, and such violations, or any violations of this Section may be ordered removed or corrected by the proper officials at any time.

f. Any nonconforming use in any business or industrial district shall be entirely discontinued with any change in occupancy, but in no case shall the nonconforming use continue beyond five (5) years after July 15, 1994.

2. Certification of Nonconforming Use:

a. Any nonconforming use which existed lawfully on August 9, 1990, and which remains nonconforming on July 15, 1994, or of any subsequent amendment thereto, may be continued, provided that a certificate of nonconformance is obtained from the Building Commissioner. The certificate shall not be issued unless the basis therefor is clear and contradicted, such as a lawfully issued building permit. The obligation for obtaining such certificate rests solely with the owners or interests of the nonconforming use.

b. Failure to obtain a certificate of nonconformance within a period of six (6) months from July 15, 1994, will require the amortization procedures of this Section. This does not negate the option of applying for a special use permit as provided for herein.

C. Special Use:

1. Conversion to Special Use: Subject to the requirements of this subsection, any nonconforming use in the B-1 Community Shopping district or B-2 commercial and business service district may become a permitted "special use" by the granting of a special use permit.

2. Granting Of Permit: A special use permit may be granted only when it is shown and the village finds that the nonconforming use is providing a particular service to the residents of Willow Springs or that the use is not detrimental to the village as a whole or to adjacent properties. The village may impose such reasonable conditions as are necessary to ensure compliance with the above finding(s) and to ensure the eventual elimination of the use.

D. Exceptions:

1. No building, structure or use lawfully established by virtue of a lawfully issued building permit on or before August 9, 1990, shall be subject to amortization under this title solely by reason of being nonconforming with respect to the bulk and other standards prescribed below for any of the following:

a. Floor area ratio;

b. Yards - front, side and rear;

c. Lot area;

d. Lot width;

e. General area/lot coverage of structures;

f. Gross floor area.

E. Penalty:

1. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this section shall upon conviction be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00), or the maximum allowable under state law for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

2. In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this section, the building commissioner or director of code enforcement or any owner or tenant of real property in the same contiguous zoning district as the building, structure or land in question, in addition to other remedies, may institute any appropriate action or proceeding: a) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, b) to prevent the occupancy of the building, structure or land, c) to prevent any illegal act, conduct, business or use in or about the premises, or d) to restrain, correct or abate the violation. (Ord. 94-0-12, 8-11-1994, 2014-O-24)

9A-1-7: AMENDMENTS:

A. Authority: The regulations imposed and the districts created under the authority of this title may be amended, from time to time, by ordinance in accordance with applicable statutes of the state of Illinois [1]. An amendment shall be granted or denied by the board of trustees only after a public hearing before the plan and zoning commission and a report of its findings and recommendations has thereafter been submitted to the board of trustees. The plan and zoning commission is hereby designated the commission or committee as provided by the statutes of the state of Illinois for the purpose of conducting the required public hearing.

B. Initiation Of Amendments: Amendments may be proposed by the president and board of trustees, plan and zoning commission, or by any resident of or owner of real estate in the village or any resident or owner of real estate outside the territorial limits of the village proposing to annex real estate to the village.

C. Processing: An application for an amendment shall be filed with the plan and zoning commission in care of the village clerk, which shall hold a public hearing and submit to the president and board of trustees a report of its findings and recommendations. Notice of the

time and place of such public hearing shall be given at least once not more than thirty (30) nor less than fifteen (15) days before the hearing by publishing a notice thereof in one or more newspapers published in the village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the village.

1. The plan and zoning commission shall make findings based upon the evidence presented to it in each specific case with respect to each of the following matters: (Ord. 83-0-3, 3-24-1983; amd. Ord. 12-O-2005, 8-11-2005)

a. The amendment will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;

b. The amendment will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within adjoining areas; and

c. The amendment will not impede the normal and orderly growth, development and improvement of surrounding property as well as the village at large. (Ord. 83-0-3, 3-24-1983)

2. The president and board of trustees, within sixty (60) days after its next regular meeting following receipt of the findings and recommendations of the plan and zoning commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable statutes of the state of Illinois [2], or may refer it back to the plan and zoning commission for further considerations. (Ord. 83-0-3, 3-24-1983; amd. Ord. 12-O-2005, 8-11-2005)

3. If a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the village clerk, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of all members of the board of trustees then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail, return receipt requested, at the address of such applicant and attorney shown in the application for the proposed amendment, and proof of such service shall be filed with the village clerk at the time the written protest is filed. (Ord. 83-0-3, 3-24-1983)

9A-1-8: ENFORCEMENT; PENALTY:

A. Penalty: Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this title shall upon conviction be fined not less than fifty dollars ($50.00) nor more than one thousand dollars

($1,000.00), or the maximum allowable under state law for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

B. Enforcement: In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this title, the building commissioner or director of code enforcement or any owner or tenant of real property in the same contiguous zoning district as the building, structure or land in question, in addition to other remedies, may institute any appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, (2) to prevent the occupancy of the building, structure or land, (3) to prevent any illegal act, conduct, business or use in or about the premises, or (4) to restrain, correct, or abate the violation. (Ord. 90-0-3, 2-26-90, 2014-O-24)

9A-1-9: SITE PLAN REVIEW:

A. Intent: In order to exercise a more orderly control of land development within zoning districts of specific concern, the Village hereby established a site plan review process. It is recognized that the very nature of development creates potential for traffic generation problems, overcrowding and adverse environmental effects. It is within the R-3, B-1, B-2 and L-1 Zoning Districts which the Village intends to subject to site plan review so that the meaning and intent of the Zoning Ordinance and all the provisions thereof are complied with.

B. Procedure: A written application for site plan review shall be submitted to the Village Administrator who will schedule the item for review by the Plan Commission. Ten (10) copies of the site plan shall be submitted by the property owner or his certified agent to the Village Administrator at least ten (10) days prior to the Plan Commission meeting at which the site plan will be reviewed. The Village Administrator shall review the site plan for conformance with the Zoning Ordinance of the Village, and shall make a report to the Plan Commission. After reviewing the report of the Village Administrator, the Plan Commission shall recommend approval or denial of the site plan, with or without conditions, or may defer the item for further study. Once a recommendation is made, the site plan shall be forwarded to the Village Board for consideration and approval. Consultation with the appropriate Village staff and consultants is encouraged throughout this process to insure a minimum of delay. The Village Board may approve, approve with conditions, table, or deny the site plan. The President and Board of Trustees shall take action on the site plan within sixty (60) days after its next regular meeting following the receipt of the written recommendations of the Plan Commission. (Ord. 2015-O-16A)

C. Site Plan Details: The site plan shall contain the following detail information.

1. A base map, drawn to scale, showing all lot boundaries and dimensions and a written description of the property;

2. The area (square footage) of the following must be included on all site plans:

a. Total lot area,

b. Total building area,

c. Total landscaped area,

d. Total area devoted to parking lots and driveways,

e. Total area of interior parking lot landscaping.

3. Location and dimensions of existing and proposed buildings and structures, existing zoning and land use within two hundred feet (200') including adjacent lot lines and significant features and buildings on adjoining properties.

4. The location and dimensions of all existing, and proposed parking lots and drives, roadways and rights of way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, fences, free standing electrical equipment, free standing HVAC/mechanical equipment and other free standing structural features as determined necessary by the Village Administrator.

5. Names and addresses of owner, application, planner, architect, engineer, landscape architect, as appropriate.

6. Scale, north arrow, date.

7. Title of the project or property.

8. Location and dimensions of existing and proposed buildings and structures, including adjacent lot lines and significant features and buildings on adjoining properties.

9. Ground elevations, existing and proposed, top of foundation elevations on all adjacent structures.

10. Location of flood plains, existing vegetation, fences, walls, etc.

11. Vehicular, service and pedestrian access, including driveways, sidewalks, curbs, street pavement markings, traffic signals and on-site parking, circulation signage and curb cuts within two hundred feet (200') of site.

12. Off-street parking and loading areas, including number of spaces and dimensions.

13. Lighting standards, including location, size, height, illumination and intensity.

14. Outdoor storage areas, if any.

15. Waste disposal areas, including type of containers, bins, dumpsters, etc., and enclosure methods.

16. Engineering, drainage, grading, flood plain, and on-site water detention areas.

17. Horizontal elevations of all proposed structures, including detailed description of exterior construction materials. Elevations shall represent those colors which will be utilized in the design.

18. Other plan details as determined necessary by the Village Administration, including, but not limited to:

a. Performance standards evaluation authorized under subsection 9A-7A-1A9.

b. Traffic impact analysis.

c. Market research analysis.

d. Flood plain mitigation measures.

e. Erosion control measures.

19. Timetable for construction of proposed improvements.

D. Design Criteria: Approval of site plans shall be based upon conformity to zoning regulations as well as general conformance to overall site design criteria. A developer should seek to integrate the following design characteristics into those plans submitted for site plan approval:

1. Integration and Compatibility: The overall design shall integrate neighborhood and site characteristics into a compatible expression of building mass, scale, color and circulation.

2. Minimalization of Impacts: Spatial designs should minimize the impacts of traffic, noise, reflected light, debris, and other undesirable effects of development, upon abutting properties and the neighborhood as a whole.

3. Architectural Innovation: Developers should seek to provide innovative design of structures by varying vertical planes of building facades and/or by varying the elevation of roof lines.

4. Loading/Refuse Area: Design of loading and refuse areas should be sensitive to aesthetic concerns and provide screening compatible with abutting properties. Where possible, such loading and refuse areas should be located so as to not be visible from public roads.

5. Parking Lots: Parking lots and driveways shall be designed to safely and effectively circulate vehicles throughout the site. When appropriate, cross easements should be provided between adjoining properties to allow for circulation of vehicles.

6. Vehicle Access and Curb Cuts: Vehicular systems for both on-site and off-site traffic should be designed in a manner which facilities smooth progression of movement, yet is sensitive to other design considerations such as pedestrian activity and off-street parking. Curb cuts shall be located to safely and efficiently allow vehicle ingress and egress to the site. The use of shared curb cuts and cross easements shall be provided when appropriate. One curb cut shall be allowed for ingress/egress unless specific documentation is provided demonstrating the need for additional curb cuts.

7. Pedestrian Circulation: Site and building design shall accommodate pedestrian circulation on site from parking areas, plazas, open space, and public rights of way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible.

8. Uniform Signage: Signage shall be designed to provide compatibility with building form, shape and color. Signage shall be uniform or complimentary in color and overall design. Signage shall not conflict with signage from adjoining properties. All signs must comply with Chapter 9A-8, Sign Regulations.

9. Open Space: Design of any development shall provide for a maximum use of open space, particularly along the perimeter of the site, in parking lots and near the building foundation. Larger developments should include designs which allow for the centralized open space containing detention/retention ponds, passive recreation areas, bike/pedestrian paths, and other amenities which will serve the development.

10. Detention/Retention Ponds: When appropriate, detention and retention ponds should be designed to provide for shared storage between property. Ideally, such shared storage should include the greatest land area possible.

11. Lighting: On-site lighting standards shall be compatible with the architectural and spatial designs, and shall provide for safe illumination on the site for vehicles and pedestrians.

E. Site Landscaping Design Criteria: A landscape plan must accompany any application for site approval. Landscape plans shall meet the requirements of Section 8-10-1 of this Code except that any and all procedural requirements and standards related to plan approval are hereby null and void in favor of the procedures for site plan approval of this chapter.

F. Performance Guarantee: As a condition of approval, the plan commission may recommend that the applicant be required to file with the village treasurer a letter of credit or a performance guarantee approved by the village attorney to ensure completion of approved landscaping, fencing, parking, and loading, drainage and all other specific items of the site plan. The amount of the performance guarantee and the required completion date shall be recommended by the village administrator based on current costs and set by the village board. If upon inspection of the completed project by the building commissioner, it is found

that the conditions of the site plan have been met, the performance bond shall be released to the applicant.

If the applicant does not complete the development of the items specified on the site plan within the time specified in its bond or other security, the village administrator shall give written notice to the applicant and the surety or other guarantor. If site development in conformity with the conditions of the site plan have not been completed thirty (30) days prior to the expiration of the performance guarantee, the village will take action as is necessary to ensure completion in conformity with the conditions of the site plan within the time period specified, but that adversities not of his making have prevented such completion, the village board may permit him to extend the performance guarantee for an additional specified period of time.

G. Amendments To Site Plan: The required site plan and timetable may be amended by the village board after review and recommendation by the plan commission.

H. Building Permits: Building permits for earth moving, construction, alteration, or any other purpose shall not be issued for a site until a site plan is approved by the village board. (Ord. 90-0-18, 8-9-1990)

9A-1-10: PLAN COMMISSION RECOMMENDATIONS:

A. Notwithstanding any other term or provision to the contrary contained in either this title or title 9B of this code, all required recommendations and findings or reports to be provided from the plan commission to the president and board of trustees, whether or not public hearings are required, including, but not limited to, applications for zoning amendments, special uses (including planned unit developments), variations, site plan reviews and subdivision reviews, shall be in writing. The President and Board of Trustees shall take action on said recommendations within sixty (60) days after its next regular meeting following the receipt of the written recommendations. (Ord. 2015-O-16A)

B. All written recommendations and findings or reports from the plan commission to the president and board of trustees shall be transmitted to the president and board of trustees within fifteen (15) days following, either:

1. The completion of any required public hearings on the application; or

2. The final review meeting of the plan commission for any matters not requiring a public hearing, such as site plan review, subdivision reviews or other matters referred by the president and board of trustees to the plan commission for review.

C. In the event the plan commission shall fail to provide such written recommendations and findings and/or reports within said fifteen (15) days as aforesaid, then, and in that event, the president and board of trustees shall act for purposes of its final action as if the plan commission has made a favorable recommendation and/or report, with no conditions. (Ord. 92-0-25, 8-27-1992)

9A-1-11: PUBLIC HEARING NOTICE REQUIREMENTS:

All applicants or petitioners for any zoning approvals under this title shall comply with the following public hearing notice requirements:

A. Written Notice: In addition to the publication of notice of public hearings by the village as required by law, an applicant or petitioner for any public hearing required by this title shall, not less than fifteen (15) days and not more than thirty (30) days prior to the date set for the public hearing, serve written notice by registered or certified mail, return receipt requested, on the owners of record as recorded in the office of the recorder of deeds of Cook County or as appears from the authentic tax records of Cook County of all property located within two hundred fifty feet (250') in each direction of the property lines of the subject property for which the public hearing is requested; provided, the distance of all public roads, streets, alleys and other public ways shall be excluded in computing the two hundred fifty foot (250') requirement. A copy of the notice served together with a copy of the list of names and addresses served with the notice shall be delivered to the village administrator at the time notice is given to the owners or taxpayers. The notice required herein shall contain the address or specific references to the location for which the public hearing is requested, a brief statement of the nature of the application or petition, the names and addresses of the legal and beneficial owners of the property and the applicant or petitioner, and the time, date and location of the public hearing.

B. Notice By Signposting: An applicant for any public hearing required by this title shall, not less than fifteen (15) days prior to the date before the public hearing, post and maintain a sign in accordance with the specifications of this subsection on each adjacent roadway on the subject property, or at locations recommended by the village administrator. The face of the sign(s) required by this title shall be at least thirty six inches (36") in height and forty eight inches (48") in length and shall be posted at least four feet (4') above ground level. The sign(s) shall contain a description of the current zoning action applied for, the date, time and place where the public hearing shall be held, a statement that further information can be obtained from the village and the telephone number of the village of Willow Springs. The sign shall have a white background with a minimum 1.5 inch high black printed block letters, except that the words "NOTICE OF PUBLIC HEARING" shall be in a minimum three inch (3") high red capital printed block letters. The sign(s) shall meet all other requirements as may be set forth by the village. A sample sign is as follows:

SAMPLE SIGN

SIZE: 36 INCHES HIGH BY 48 INCHES WIDE (3' x 4')

NOTICE OF PUBLIC HEARING _3 inch red letters

HEARING FOR:

HEARING LOCATION:

HEARING BODY:

DATE:

TIME:

PUBLIC ATTENDANCE AND COMMENTS INVITED

FOR DETAILS CALL: **VILLAGE OF WILLOW SPRINGS**

VILLAGE ADMINISTRATOR

(708) 467-3700

Signs, and all print on the signs, shall be of a sufficient weatherproof material such that the sign will maintain its integrity during the entire pendency of the proceeding. Signs shall be removed by applicant or petitioner within fifteen (15) days following final action by the village board on the application or petition which is the subject of the public hearing.

C. Affidavit Of Notice: Prior to the commencement of the public hearing, the applicant or petitioner shall file an affidavit certifying to compliance with the notice requirements of subsections A and B of this section. Said affidavit shall have attached thereto the list of names and addresses served with notice, together with the original return receipt cards for the registered or certified mail service. (Ord. 19-O-2004, 7-8-2004)

CHAPTER 2
ZONING VARIATIONS

9A-2-1: GRANTING VARIATIONS, VILLAGE DECISION:

The president and board of trustees, by ordinance, upon report of the plan and zoning commission, and only after a public hearing before the plan and zoning commission, shall decide variations of the provisions of this zoning title in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the plan and zoning commission shall have made a finding of fact based upon the standards hereinafter prescribed

that there are practical difficulties or particular hardships to the applicant in complying with the regulations of this zoning title. (Ord. 83-0-3, 3-24-1983; amd. Ord. 24-O-2000, 8-24-2000; Ord. 12-O-2005, 8-11-2005)

9A-2-2: APPLICATION FOR VARIATION:

A. An application for a variation shall be filed in writing with the village clerk and may be made by any government office, department, board, bureau or commission, by any person having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest or any exclusive possessory interest applicable to the land or land and improvements described in the application for variation. (Ord. 83-0-3, 3-24-1983; amd. Ord. 24-O-2000, 8-24-2000)

B. An application for a variation shall be filed with the village clerk who shall forward such application to the plan and zoning commission for hearing. No variation shall be made by the president and board of trustees except after a public hearing before the plan and zoning commission. Notice of the time and place of such public hearing shall be given at least once not more than thirty (30) nor less than fifteen (15) days before the hearing by publishing a notice thereof in one or more newspapers published in the village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the village. Notice of the time and place of such public hearing shall also be posted on the bulletin board in the village hall not less than fifteen (15) days before the hearing. (Ord. 83-0-3, 3-24-1983; amd. Ord. 24-O-2000, 8-24-2000; Ord. 12-O-2005, 8-11-2005)

9A-2-3: STANDARDS FOR VARIATIONS:

A. The plan and zoning commission shall not vary the regulations of this title unless it shall make findings based upon the evidence presented to it in each specific case, as follows: (Ord. 83-0-3, 3-24-1983; amd. Ord. 24-O-2000, 8-24-2000; Ord. 12-O-2005, 8-11-2005)

1. The property in question cannot yield a reasonable financial return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located; and

2. The plight of the owner is due to unique circumstances; and

3. The variation, if granted, will not alter the essential character of the locality; and

4. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if strict compliance with zoning regulations were carried out; and

5. The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification; and

6. The alleged difficulty or hardship is caused by the zoning regulations and has not been created by any person presently having an interest in the property; and

7. The granting of the variation will not be detrimental to public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

8. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. (Ord. 83-0-3, 3-24-1983; amd. Ord. 24-O-2000, 8-24-2000)

B. The plan and zoning commission may recommend and the president and board of trustees may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this subsection, to reduce or minimize the effect of such variation upon other property in the neighborhood and to better carry out the general intent of this title. (Ord. 83-0-3, 3-24-1983; amd. Ord. 89-0-17, 11-30-1989; Ord. 24-O-2000, 8-24-2000; Ord. 12-O-2005, 8-11-2005)

9A-2-4: AUTHORIZED VARIATIONS:

Variations from the regulations of this title shall be recommended by the plan and zoning commission only in accordance with the standards established in section 9A-2-3 of this chapter, and may be granted by the president and board of trustees, within sixty (60) days after its next regular meeting following receipt of the recommendation, only in the following instances and in no others: (Ord. 83-0-3, 3-24-1983; amd. Ord. 89-0-17, 11-30-1989; Ord. 24-0-2000, 8-24-2000; Ord. 12-O-2005, 8-11-2005, Ord. 2015-O-16A)

A. To permit any yard or setback less than the yard or setback required by the applicable regulations, but not more than twenty five percent (25%). (Ord. 83-0-3, 3-24-1983)

B. Except as specifically provided in subsections H and I of this section, to permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than ninety percent (90%) of the required area and width. The percentage set forth in this subsection, except as set forth in subsections H and I of this section, is not to be reduced by any other percentage for minimum lot area and area set forth in this title. (Ord. 90-0-7, 4-12-1990)

C. To permit the same off street parking facility to qualify as required facilities for two (2) or more uses, provided the substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week.

D. To reduce the applicable off street parking or loading facilities required by not more than one parking space or loading space, or twenty percent (20%) of the applicable regulations, whichever number is greater.

E. To increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.

F. To increase by not more than ten percent (10%) the maximum gross floor area of any use so limited by the applicable regulations.

G. To exceed any of the authorized variations allowed under this section, when a lot of record or a zoning lot, vacant or legally used on the effective date hereof, is by reason of the exercise of the right of eminent domain by any authorized governmental body or by reason of a conveyance under threat of an eminent domain proceeding reduced in size so that the remainder of said lot of record or zoning lot or structure on said lot does not conform with one or more of the regulations of the district in which said lot of record or zoning lot or structure is located. (Ord. 83-0-3, 3-24-1983)

H. To permit in those lots which: 1) are zoned within an R-1 residence district; and 2) were legally platted prior to January 1, 1970; and 3) are located within an area of the village bounded as follows:

On the north by the Des Plaines River, on the south by Archer Avenue, on the east by LaGrange Road and on the west by Willow Springs Road, variations in minimum lot size which exceed the ten percent (10%) maximum variation allowed in subsection B of this section, but in no event shall such variation be granted which would authorize a minimum lot size of less than six thousand five hundred (6,500) square feet. Additionally, the plan and zoning commission in its recommendation, and/or the president and board of trustees in its final approval, may condition the approval of a variation in lot size authorized by this subsection upon the completion by the owner of the subject lot(s) of certain development considerations, including, but not limited to, approved landscaping, architectural review to assure quality construction, adequate buffering and screening of adjacent lots and any special setback requirements deemed necessary to limit impacts to surrounding properties and the village as a whole and in order to maintain property values. (Ord. 90-0-7, 4-12-1990; amd. Ord. 24-O-2000, 8-24-2000; Ord. 12-O-2005, 8-11-2005)

I. To permit in the following ten (10) lots located on Hill Street and Spring Street, designated by the permanent real estate index numbers:

18-33-209-007	18-33-209-009
18-33-209-008	18-33-209-010
18-33-209-022	18-33-209-025
18-33-209-023	18-33-209-026
18-33-209-024	18-33-209-027

variations in minimum lot size which exceed the ten percent (10%) maximum variation allowed in subsection B of this section, but in no event shall such variation be granted which would authorize a minimum lot size of less than five thousand three hundred seventy five

(5,375) square feet. Additionally, the plan and zoning commission in its recommendation to the president and board of trustees, and/or the president and board of trustees in its final approval, may condition the approval of a variation in lot size authorized by this subsection upon the completion by the owner of the subject lot(s) of certain development considerations, including, but not limited to, approved landscaping, architectural review to construction, adequate buffering and screening of adjacent lots and any special setback requirements deemed necessary to limit impacts to surrounding properties and the village as a whole and in order to maintain property values. (Ord. 91-0-6, 4-25-1991; amd. Ord. 24-O-2000, 8-24-2000; Ord. 12-O-2005, 8-11-2005)

9A-2-5: APPEALS:

A. Initiation:

1. An appeal may be taken to the plan and zoning commission by any person aggrieved by an administrative order, requirement, decision or determination under the zoning ordinance of the village by the building commissioner or other authorized officials of the village other than the president and board of trustees.

2. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the plan and zoning commission, after the notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the plan and zoning commission on due cause shown.

B. Processing:

1. The appeal shall be taken within forty five (45) days of the action complained of by filing with the officer from whom the appeal is taken and with the plan and zoning commission in care of the village clerk a notice of appeal specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the plan and zoning commission all papers and documents constituting the record upon which the appeal is taken.

2. The plan and zoning commission shall conduct a hearing within a reasonable time from receipt of the notice of appeal. The plan and zoning commission shall give ten (10) days' notice of said hearing date to all parties and shall decide the appeal and prepare written findings of fact and a decision within thirty (30) days from the conclusion of the hearing. The plan and zoning commission may reverse or affirm, wholly or partly, or may modify the order, requirement or decision or determination as in its opinion ought to be made on the premises and to that end has all the powers of the official from whom the appeal is taken. (Ord. 83-0-4, 3-24-1983; amd. Ord. 89-0-17, 11-30-1989; Ord. 24-O-2000, 8-24-2000; Ord. 12-O-2005, 8-11-2005)

9A-2-6: FEES:

A. Applications for a variation, special use, special use - planned unit development, zoning amendment or site plan review shall be made in the office of the village clerk on forms provided by the village clerk. The applications shall be accompanied by a nonrefundable fee in the following amounts:

Relief Required	Application Fee
Variations	$400.00
Special use, special use - planned unit development, zoning amendment, site plan review	750.00

An applicant shall pay the appropriate application fee for each approval required. By way of example, if the applicant requires a zoning amendment, seven hundred fifty dollars ($750.00), site plan review, seven hundred fifty dollars ($750.00) and variation(s), four hundred dollars ($400.00), the total application fee payable is one thousand seven hundred fifty dollars ($1,750.00). (Ord. 26-O-2009)

B. The fee for filing a notice of appeal for review of any order, requirement, decision or determination of the building commissioner shall be five hundred dollars ($500.00). This fee shall be paid to the office of the village clerk prior to filing the notice of appeal and is nonrefundable. A receipt from the village clerk evidencing payment of the fee shall accompany the notice of appeal when filed with the plan and zoning commission.

C. In addition to the payment of the foregoing fees in subsections A and B of this section, the applicant, or owner of the subject property, if different, or person appealing in the case of an appeal, shall reimburse the village (or pay directly to the village's consultants if so directed by the village) all expenses, costs and fees incurred by the village in its sole judgment in connection with the consideration and review of applications for variation(s), special use, special use - planned unit development, zoning amendment, site plan review or an appeal. Such costs shall include, but not be limited to, stenographic fees; engineering review fees; traffic engineer fees; financial consultants; planning consultants; landscape consultants; and other consulting fees; attorney fees; public hearing and other publication charges; and recording charges. These charges shall be paid within seven (7) days after an invoice is submitted to the applicant, owner or appellant by the village clerk or person performing the service, but in no event shall the plan and zoning commission or village board of trustees take any final action or render any final decision on any application or appeal prior to payment of all invoiced items. These fees and charges shall be paid notwithstanding an adverse decision to the applicant on an appeal, the abandonment of the proceedings by the applicant, or the denial of the request of an applicant, in whole or in part, by the plan and zoning commission and/or the village board of trustees. (Ord. 95-0-36, 12-28-1995; amd. Ord. 24-0-2000, 8-24-2000; Ord. 12-O-2005, 8-11-2005)

D. In addition to the foregoing, the village may, in its sole discretion, upon receipt of an application for a variation, special use, special use - planned unit development, zoning amendment or site plan review, require the applicant to deposit with the village for deposit by

the village into a special account, an advance payment, toward the subsection C development review fees and costs to be incurred by the village. The amount of such deposit shall be determined by the village, the receipt of which shall be a condition precedent to the village's acceptance of an application and the commencement of the development/zoning review process. From time to time as fees are incurred by the village, they shall be paid by the village from said special account and the applicant so notified. At such time as the village deems necessary, the applicant shall deposit additional monies to the special account. The deposit of such additional monies within ten (10) days of a request therefor shall be a condition precedent to the village continuing the development/zoning review process. (Ord. 95-0-36, 12-28-1995; amd. Ord. 24-0-2000, 8-24-2000)

CHAPTER 3
ZONING DISTRICTS MAP

9A-3-1: ZONING DISTRICTS ESTABLISHED:

In order to classify, regulate and restrict the location of residential, business, commercial and industries, and the location of buildings designated for specified uses and to regulate and limit the height of buildings hereafter erected or altered, to regulate and limit the use of lot areas, and to regulate and determine the area within and surrounding such buildings, the Village is hereby divided into classes of districts, as follows:

R-1	Residence District
R-2	Residence District
R-3	Residence District
SR-1	Suburban Residential Single-Family District
SR-2	Suburban Residential Single-Family District
SR-3	Suburban Residential Single-Family District
SR-4	Suburban Residential Single-Family District
B-1	Community Shopping District
B-2	Commercial and Business Service District
L-I	Light Industrial District
VC-PD	Village Center-Planned Development District

(Ord. 90-0-18, 8-9-1990; amd. Ord. 90-0-19, 9-13-1990; Ord. 99-0-6, 3-11-1999; Ord. 2007-O-32)

9A-3-2: RULES FOR DETERMINATION OF DISTRICT BOUNDARIES:

Where uncertainty exists with respect to the boundaries of the various districts as shown in the map referred to herein and made a part hereof by reference, the following rules apply:

A. The district boundaries are either streets or alleys unless otherwise shown and where the districts designated on said map are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

B. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on said map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

C. In unsubdivided property the district boundary lines on such map shall be determined by use of the scale appearing on the map. (Ord., 1-9-1964)

9A-3-3: DISTRICT MAP:

The boundaries of the districts are shown upon the map which is made a part of this Title by reference, which map is designated as the "District Map". The District Map and all notations, references and other information shown thereon are a part of this Title and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the Clerk of the Village. (Ord., 1-9-1964)

9A-3-4: AUTOMATIC ZONING CLASSIFICATION OF TERRITORY ANNEXED:

Automatic Zoning Classification of Territory Annexed: When any territory is hereafter annexed to the Village and such territory is not rezoned into another zoning classification in accordance with the procedures, requirements and process of this Title and State statutes, as applicable, then, and in that event, such territory annexed shall be automatically classified in the ordinance
annexing the territory as SR-4 Suburban Residential Single-
Family District, said zoning district being the highest restrictive zoning classification providing principally for residential use under this Title. (Ord. 98-0-8, 3-26-1998; Ord. 2007-O-32)

9A-3-5: VACATION OF STREETS:

Whenever any street, alley, or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such a vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. (Ord., 1-9-1964)

9A-3-6: COMPLIANCE WITH REGULATIONS REQUIRED:

A. No building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the district in which said building or premises is located.

B. No building shall be erected or altered to exceed in height the limit herein established for the district in which such building is located.

C. Except as hereinafter provided no lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Title, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which such building is located. (Ord., 1-9-1964)

9A-3-7: ZONE A PROVISIONS:

A. Zone Established: There is hereby established a zone, to be known as Zone A for the Village, the boundaries of said Zone A to be the same as the corporate limits of the Village and to include all lands included in the Village limits.

B. Zone Restrictions For Trailers:

1. Restricted: It shall be unlawful for any person to establish or maintain within the limits of Zone A of the Village any trailer court, trailer house, business office trailer or any itinerant establishments.

2. Construction Trailer Exceptions: Construction trailers, owned by construction companies doing work on large construction jobs within the limits of Zone A may be granted permission by the Village Board of Trustees to park their trailers in a designated area by the Village Board of Trustees for a short period of time while construction is being done within the limits of Zone A, at a cost to be determined by the Board. (Ord. 78-7, 5-11-1978)

9A-3-8: INTERPRETATION:

The following rules shall govern the interpretation of use lists within the districts:

A. Minimum Requirements: In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

B. Interpretation Of Uses Listed In Definitions: Nothing contained in Section 9A-1-1 of this Title shall be construed to be a listing of permitted or special uses; uses which are contained among the several definitions are not necessarily found within any of the particular sections devoted to permitted or special uses, and to the extent that such uses are defined but not found in any particular section devoted to permitted or special use, such defined use shall be expressly prohibited.

C. Interpretation Of Use Lists: The Village Board may allow land uses (permitted or special) which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses. However, such unlisted uses shall not be approved by the Village Board until an application for such use has been received and approved by the Plan Commission and the Plan Commission submits a

written recommendation to such application to the Village Board. The Village Board upon taking final action on the request may accept, modify or reject the Plan Commission recommendation. All uses which are not listed but which have been approved by the Village Board shall be added by ordinance to the appropriate use list at the time of periodic updating and revision of this Chapter. Provided, further, that in the case of a special use all hearing and notice requirements pertaining to special uses under this Title must be followed. (Ord. 90-0-18, 8-9-1990)

CHAPTER 4
RESIDENTIAL DISTRICTS

9A-4-1: R-1 RESIDENCE DISTRICT:

A. Permitted Uses; Accessory Buildings And Uses; Special Uses:

1. Subject to all of the requirements of this section, it shall be unlawful to use or occupy any building, structure or premises in the R-1 residence district for any purpose other than the following and the accessory uses and special uses set forth in subsections A2 and A3 of this section:

Home occupations as defined in section 9A-1-1 of this title.

One single-family detached dwelling per lot.

2. Subject to the area requirements set forth below, only one each of the following buildings or structures shall be permitted as accessory uses within the R-1 residence district:

Automobile garages.

Children's playhouses and play equipment.

Gazebos and similar structures.

Private basketball and tennis courts.

Private greenhouses.

Private swimming pools for the use of the lot owners and their guests.

Sheds, tool houses or similar nonresidential buildings customarily incidental to the residential use of the principal structure.

Storm water detention facilities and ponds not used for recreational purposes.

3. Only the following special uses may be allowed within the R-1 residence district, subject to the issuance of a special use permit in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Planned unit developments in accordance with section 9A-1-5-1 of this title.

Religious institutions and their accessory uses.

The following educational institutions: public and private elementary and high schools.

The following public service facilities:

a. Fire and police station.

b. Municipal administration buildings, excluding public works garage or storage facilities.

c. Storm water detention and retention facilities.

d. Public parks or playgrounds.

e. Public libraries. (Ord. 19-O-2004, 7-8-2004)

B. Uses Expressly Prohibited: No person shall keep or maintain in an R-1 district any livestock animal whose usual habitat is outside a residence, including, but not limited to, horses, cattle, sheep, pigs, goats and the like. (Ord. 83-0-7, 7-14-1983)

C. Height: No building shall hereafter be erected or altered to exceed thirty five feet (35') in height, or two (2) stories.

D. Area:

1. Rear Yard: There shall be a rear yard having a depth of not less than fifteen percent (15%) of the depth of the lot, provided such rear yard be not less than fifteen feet (15'), and need not exceed twenty five feet (25') in depth.

2. Side Yard: There shall be a side yard on each side of the building having a width of not less than fifteen percent (15%) of the width of the lot, provided no side yard be less than seven feet and six inches (7' 6”) in width. (Ordinance 13-O-2008) 4-24-08.

3. Setback: The setback line shall be thirty feet (30') from the front lot line. (Ord. 86-0-17, 8-28-1986)

E. Intensity Of Use Of Lot: No building with its accessory buildings shall occupy in excess of sixty percent (60%) of the area of an interior lot, nor in excess of seventy five percent (75%) of the area of a corner lot. (Ord., 1-9-1964)

F. Minimum Lot Size: No lot within the R-1 residence district shall contain less than:

1. Except as provided in subsection F2 of this section, nine thousand (9,000) square feet in area;

2. Any subdivided lot of record, which subdivided lot of record existed on or before January 9, 1964, shall only be required to have a minimum seven thousand five hundred (7,500) square feet in area;

3. A minimum frontage of sixty five feet (65'), except when:

a. Two (2) subdivided lots of record as of October 18, 1994, with each of said lots containing a minimum twenty five feet (25') of frontage, are combined to create one lot with a minimum frontage of fifty feet (50'); or

b. A subdivided lot of record, which existed as of October 18, 1994, contains a minimum frontage of fifty feet (50'), but less than sixty five feet (65'); and

4. Minimum lot depth of one hundred feet (100'). (Ord. 97-0-1, 1-9-1997)

G. Limitations On Accessory Structures:

1. No detached garage shall:

a. Exceed a height of fifteen feet (15') measured at the highest point of the garage;

b. Incorporate the use of gambrel or mansard roofs; or

c. Contain an interior floor area in excess of six hundred fifty (650) square feet for a two (2) car garage or in excess of eight hundred fifty (850) square feet for a three (3) car garage.

2. No decks shall:

a. Extend into any front yard beyond the main building;

b. Extend into any required side yard; or

c. Extend into an easement. (Ord. 94-0-3, 2-24-1994)

9A-4-2: R-2 RESIDENCE DISTRICT:

A. Permitted Uses; Special Uses:

1. Subject to all of the requirements of this section, it shall be unlawful to use or occupy any building, structure or premises in the R-2 residence district for any purpose other than the following and the special uses set forth in subsection A2 of this section:

Apartment buildings containing two (2) or more dwelling units, provided that each such dwelling unit shall contain a minimum eight hundred (800) square feet of living space.

2. Only the following special uses may be allowed within the R-2 residence district, subject to the issuance of a special use permit in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Planned unit developments in accordance with section 9A-1-5-1 of this title.

Religious institutions and their accessory uses.

The following educational institutions: public and private elementary and high schools.

The following public service facilities:

a. Fire and police stations.

b. Municipal administration buildings, excluding public works garage or storage facilities.

c. Storm water detention and retention facilities.

d. Public parks or playgrounds.

e. Public libraries. (Ord. 19-O-2004, 7-8-2004)

B. Uses Expressly Prohibited: No person shall keep or maintain in an R-2 district any livestock animal whose usual habitat is outside a residence, including, but not limited to, horses, cattle, sheep, pigs, goats and the like. (Ord. 83-0-7, 7-14-1983)

C. Height: No building hereafter erected or altered shall exceed thirty five feet (35') in height or two (2) stories.

D. Area:

1. Rear Yard: There shall be a rear yard of not less than twenty five feet (25').

2. Setback: There shall be a setback of not less than thirty feet (30'). Accessory buildings shall not be placed nearer the street line than buildings of primary use.

3. Side Yard: There shall be a side yard on each side of the building having a width of not less than fifteen percent (15%) of the lot or tract frontage, but not less than seven feet six inches (7' 6”) exclusive of sidewalks. (Ordinance 14-O-2008) 4-24-08.

4. Outer Court: An outer court shall not be less than five feet (5') nor be less than two and one-half inches (2 1/2") wide for each foot of height of such court, nor be less than two and one-half inches (2 1/2") wide for each foot of length of such court from the closed end.

5. Inner Court: An inner court shall have a width of not less than six feet (6') nor less than two and one-half inches (2 1/2") wide for each foot of height of such court, nor shall its area be less than the square of its required least dimension.

E. Intensity Of Use Of Lot: No multiple dwelling or group of dwellings should be erected or altered in the R-2 residential district to accommodate or make provision for more than one family for each two thousand one hundred seventy eight (2,178) square feet or more of the

lot area on which said multiple dwelling is to be situated, but in no case shall the combined floor area of all apartments exceed the total lot area. (Ord., 1-9-1964)

9A-4-3: OFF STREET PARKING:

The requirements of chapter 9A-9 of this title shall be applicable with regard to standards and requirements for off street parking and loading. (Ord. 90-0-18, 8-9-1990)

9A-4-4: R-3 RESIDENCE DISTRICT:

A. Permitted Uses; Special Uses:

1. Subject to all requirements of this section, it shall be unlawful to use or occupy any buildings, structures or premises in the R-3 residence district for any purpose other than the following and the special uses set forth in subsection A2 of this section:

Single-family attached dwellings (townhomes).

2. Only the following special uses may be allowed within the R-3 residence district, subject to the issuance of a special use permit in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Planned unit developments in accordance with section 9A-1-5-1 of this title.

Religious institutions and their accessory uses.

The following educational institutions: public and private elementary and high schools.

The following public service facilities:

a. Fire and police stations.

b. Municipal administration buildings, excluding public works garage or storage facilities.

c. Storm water detention and retention facilities.

d. Public parks or playgrounds.

e. Public libraries. (Ord. 19-O-2004, 7-8-2004)

B. Minimum Lot Area: Six thousand (6,000) square feet per dwelling unit.

C. Minimum Lot Width: Fifty feet (50').

D. Minimum Lot Depth: One hundred twenty feet (120').

E. Required Setbacks:

1. The front yard setback line shall be thirty feet (30') from the front lot line.

2. No interior side yard is required in the case of party walls. However, if a yard is provided between buildings, it shall be a minimum of twenty feet (20').

3. The rear yard shall be a minimum of twenty feet (20').

4. The side yard shall be not less than fifteen percent (15%) of the width of the lot provided. No side yard shall be less than ten feet (10') in width. (15-O-2008), 4-24-08.

F. Maximum Building Height: Thirty-five feet (35') or two (2) stories whichever is less. (Ord. 16-0-2008), 4-24-2008.

G. Minimum Habitable Floor Area For Each Dwelling Unit: The minimum habitable floor area for each dwelling unit shall be one thousand eight hundred (1,800) square feet, exclusive of the basement and any garage area. (Ord. 19-O-2004, 7-8-2004)

H. Maximum Consecutive Buildings: No more than four (4) townhomes shall be constructed in a row without intervening side yards. (Ord. 88-0-11, 5-12-1988)

I. Parking Requirements: The requirements of chapter 9A-9 of this title shall be applicable with regard to standards and requirements for off street parking and loading. (Ord. 90-08-18, 8-9-1990)

9A-4-5: SR-1 SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT:

A. Intent: The SR-1 suburban residential single-family district (the "SR-1 district") is intended to provide for spacious single-family residential development on lots served by public streets, sewer and water systems. The SR-1 district is intended to create an atmosphere allowing a lower density and a more open residential feeling located between traditional and larger estate districts. The permitted uses, lot area, setbacks and other requirements are designed to encourage a quality residential district.

B. Permitted Uses: Subject to all of the requirements of this section, it shall be unlawful to use or occupy any building, structure or premises in the SR-1 district for any purpose other than the

following and the accessory uses and special uses set forth in subsections C and D of this section:

One single-family detached dwelling per lot.

C. Accessory Buildings And Uses: Subject to the area requirements set forth below, only one each of the following buildings or structures shall be permitted as accessory uses within the SR-1 district:

Automobile garages.

Children's playhouses and play equipment.

Gazebos and similar structures.

Private basketball and tennis courts.

Private greenhouses.

Private swimming pools for the use of the lot owners and their guests.

Sheds, tool houses, and similar nonresidential buildings customarily incidental to the residential use of the principal structure.

Storm water detention facilities and ponds not used for recreational purposes. (Ord. 90-O-19, 9-13-1990)

D. Special Uses: Only the following special uses may be allowed within the SR-1 district, subject to the issuance of a special use permit in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Planned unit developments in accordance with section 9A-1-5-1 of this title.

Public libraries.

Public parks or playgrounds.

Religious institutions and their accessory uses.

Storm water detention and retention facilities.

The following educational institutions: public and private elementary and high schools. (Ord. 19-O-2004, 7-8-2004)

E. General Provisions: Uses in the SR-1 district shall conform to the following requirements:

1. Lot Size: Each lot within the SR-1 district shall be a minimum of fifteen thousand (15,000) square feet in area. Lots of not less than fourteen thousand (14,000) square feet in area may be permitted in residential subdivisions containing five (5) or more lots, provided that the average lot area of such subdivision is not less than fifteen thousand (15,000) square feet in area.

2. Lot Width: Each lot shall be a minimum of eighty five feet (85') in width, as measured at the front yard setback line.

3. Required Yards: The following yards are required for development within the SR-1 district:

a. Front Yard: In order to provide design diversity within the SR-1 district, the required setbacks of the principal structures shall alternate between thirty five feet (35') and forty feet (40') on abutting lots between corner lots, subject to the following:

(1) All corner and through lots shall have a thirty five foot (35') setback on each public street right of way;

(2) Alternation of front yard setbacks shall begin within the lot abutting a corner lot and proceed the length of the block;

(3) Where block faces have an even number of lots, a lot adjacent to a corner lot may have a thirty five foot (35') setback; and

(4) Any yard which abuts a public street right of way shall be deemed a front yard.

b. Side Yards: Side yards of a minimum fifteen feet (15') shall be required for all lots in the SR-1 district, subject to the following additional requirements:

(1) Any swimming pool, pond, tennis court, basketball court or flagpole, or other permitted accessory use located within the yard shall be set back a minimum of twenty five feet (25') from any lot line not abutting a public street right of way; and

(2) Any driveway shall be set back a minimum of five feet (5') from any side lot line.

c. Rear Yards: The required yard setback shall be fifty feet (50') for lots with a thirty five foot (35') front yard setback and forty five feet (45') for the lots with a forty foot (40') front yard setback.

4. Permitted Obstructions In Yards: The following shall be allowed within any yard:

a. Landscaping, including trees, shrubbery, and other flora;

b. Berms not exceeding four feet (4') in height; and

c. Statuary.

5. Height Of Building: No structure shall exceed a maximum height of thirty feet (30').

6. Floor Area Ratio: In order to minimize storm water drainage problems and to provide proper architectural scale, the gross floor area of all principal and accessory buildings shall not exceed twenty three percent (23%) of the gross lot area.

7. Lot Coverage-Structures: In order to minimize storm water drainage problems and to provide for proper architectural scale no more than thirty three percent (33%) of a lot may be covered by structures.

8. Lot Coverage-Structures And Impervious Surfaces: In order to minimize storm water drainage problems no more than forty five percent (45%) of gross lot area may be covered by impervious surfaces or structures.

9. Minimum Single-Family Dwelling: Each single-family detached dwelling within the SR-1 district shall contain at least two thousand two hundred (2,200) square feet of livable floor area, exclusive of basements.

10. Fences And Walls: No fence or wall shall be permitted in any front yard. Fences constructed in any yard other than a front yard shall not exceed a height of six feet (6'), except as set forth in this section for the screening of recreational vehicles and boat storage areas. All fences shall be constructed of natural materials (wood, brick or stone) with finished sides facing outward from lot. In residential districts where properties are adjacent or border the following: interstate 294, LaGrange Road, or its ramps, such open or solid fences shall not exceed ten feet (10’) in height.

11. Special Regulations: The following special regulations and conditions shall apply within the SR-1 district:

a. All exterior lighting shall be shaded or directed inward so that no glare is cast upon adjacent lots or public rights of way; (Ord. 90-0-19, 9-13-1990)

b. Each single-family detached dwelling in the SR-1 district shall have a garage providing at least two (2) paved and covered parking areas. Garages shall not be located within any front, side or rear yard and no detached garage shall:

(1) Exceed a height of fifteen feet (15') measured at the highest point of the garage;

(2) Incorporate the use of gambrel or mansard roofs; or

(3) Contain an interior floor area in excess of six hundred fifty (650) square feet for a two (2) car garage or in excess of eight hundred fifty (850) square feet for a three (3) car garage.

c. Truck parking is limited only to those vehicles no larger than those vehicles required under state law to post "B" commercial vehicle or "RV" recreational vehicle license plates;

d. The outdoor storage of recreational vehicles or boats shall not be allowed within any front, side or rear yard and shall be subject to the following:

(1) Recreational vehicle or boat storage areas shall be established only within the buildable area of the lot and located in a landscaped area between the principal structure and the rear yard setback line;

(2) Recreational vehicle and boat storage areas shall be paved and visually screened from view from any adjacent lot or public right of way; and

(3) Screening of such storage areas shall be by fencing or by the planting of visually impermeable coniferous vegetation which, notwithstanding the fencing requirements set forth in subsection E10 of this section shall not be less than seven feet (7') nor greater than twelve feet (12') in height. (Ord. 90-0-19, 9-13-1990)

e. No deck shall:

(1) Extend into any front yard beyond the main building;

(2) Extend into any required side yard; or

(3) Extend into an easement. (Ord. 94-0-3, 2-24-1993)

9A-4-6: SR-2 SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT:

A. Intent: The SR-2 suburban residential single-family district (the "SR-2 district") is intended to provide for spacious single-family residential development on lots served by public streets, sewer and water systems. The SR-2 district is intended to create an atmosphere allowing a lower density and a more open residential feeling located between traditional and larger estate districts. The permitted uses, lot area, setbacks and other requirements are designed to encourage a quality residential district.

B. Permitted Uses: Subject to all of the requirements of this section, it shall be unlawful to use or occupy any building, structure or premises in the SR-2 district for any purpose

other than the following and the accessory uses and special uses set forth in subsections C and D of this section:

One single-family detached dwelling per lot.

C. Accessory Buildings And Uses: Subject to the area requirements set forth below, on one each of the following buildings or structures shall be permitted as accessory uses within the SR-2 district:

Automobile garages.

Children's playhouses and play equipment

Gazebos and similar structures.

Private basketball and tennis courts.

Private greenhouses.

Private swimming pools for the use of the lot owners and their guests.

Sheds, tool houses, and similar non-residential buildings customarily incidental to the residential use of the principal structure.

Storm water detention facilities and ponds not used for recreational purposes. (Ord. 90-0-19, 9-13-1990)

D. Special Uses: Only the following special uses may be allowed within the SR-2 district, subject to the issuance of a special use permit in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Planned unit developments in accordance with section 9A-1-5-11 of this title.

Public libraries.

Public parks or playgrounds.

Religious institutions and their accessory uses.

Storm water detention and retention facilities.

The following educational institutions: Public and private elementary and high schools.(Ord. 19-0-2004, 7-8-2004)

E. General Provisions: Uses in the SR-2 district shall conform to the following requirements:

1. Lot Size: Each lot within the SR-2 district shall be a minimum of twenty thousand (20,000) square feet in area. Lots of not less than nineteen thousand (19,000) square feet in area may be permitted in residential subdivisions containing five (5) or more lots, provided that the average lot area of such subdivision is not less than twenty thousand (20,000) square feet in area.

2. Lot Width: Each lot shall be a minimum of one hundred (100') feet in width, as measured at the front yard setback line.

3. Required Yards: The following yards are required for development within the SR-2 district:

a. Front Yard: In order to provide design diversity within the SR-2 district, the required setbacks of the principal structures shall alternate between thirty five feet (35') and forty feet (40') on abutting lots between corner lots, subject to the following:

(1) All corner and through lots shall have a thirty five foot (35') setback on each public street right of way;

(2) Alternation of front yard setbacks shall begin within the lot abutting a corner lot and proceed the length of the block;

(3) Where block faces have an even number of lots, a lot adjacent to a corner lot may have a thirty five foot (35') setback; and

(4)Any yard which abuts a public street right of way shall be deemed a front yard.

b. Side Yards: Side yards of a minimum twenty feet (20') shall be required for all lots in the SR-2 district, subject to the following additional requirements:

(1) Any swimming pool, pond, tennis court, basketball court or flagpole, or other permitted accessory use located within the yard shall be set back a minimum of twenty five feet (25') from any lot line not abutting a public street right of way; and

(2) Any driveway shall be set back a minimum of five feet (5') from any side lot line.

c. Rear Yards: The required yard setback shall be fifty feet (50') for lots with a thirty five foot (35') front yard setback and forty five feet (45') for the lots with a forty foot (40') front yard setback.

4. Permitted Obstructions In Yards: The following shall be allowed within any yard:

a. Landscaping, including trees, shrubbery and other flora;

b. Berms not exceeding four feet (4') in height; and

c. Statuary.

5. Height of Building: No structure shall exceed a maximum height of thirty five feet (35')

6. Floor Area Ratio: In order to minimize storm water drainage problems and to provide proper architectural scale, the gross floor area of all principal and accessory buildings shall not exceed twenty percent (20% or 4,000 sq. ft.) of the gross lot area.

7. Lot Coverage-Structures: In order to minimize storm water drainage problems and to provide for proper architectural scale, no more than twenty-eight percent (28% or 5,600 sq. ft.) of a lot may be covered by structures.

8. Lot Coverage-Structure and Impervious Surfaces: In order to minimize storm water drainage problems, no more than thirty-eight percent (38% or 7,600 sq. ft.) of gross lot area may be covered by impervious surfaces or structures.

9. Minimum Single-Family Dwelling: Each single-family detached dwelling within the SR-2, district shall contain at least two thousand two hundred (2,200) square feet of livable floor area, exclusive of basements.

10. Fences and Walls: No fence or wall shall be permitted in any front yard. Fences constructed in any yard other than a front yard shall not exceed a height of six feet (6'), except as set forth in this section for the screening of recreational vehicles and boat storage areas. All fences shall be constructed of natural materials (wood, brick or stone) with finished sides facing outward from lot.

11. Special Regulations: The following special regulations and conditions shall apply within the SR-2 district

a. All exterior lighting shall be shaded or directed inward so that no glare is cast upon adjacent lots or public rights of way; (Ord. 90-0-19, 9-13-1990)

b. Each single-family detached dwelling in the SR-2 district shall have a garage providing at least two (2) paved and covered parking areas. Garages shall not be located within any front, side or rear yard and no detached garage shall:

(1) Exceed a height of fifteen feet (15') measured at the highest point of the garage;

(2) Incorporate the use of gambrel or mansard roofs; or

(3) contain an interior floor area in excess of six hundred fifty (650) square feet for a two (2) car garage or in excess of eight hundred fifty (850) square feet for a three (3)car garage.

c. Truck parking is limited only to those vehicles no larger than those vehicles required under state law to post "B" commercial vehicle or "RV" recreational vehicle license plates;

d. The outdoor storage of recreational vehicles or boats shall not be allowed within any front, side or rear yard and shall be subject to the following:

(1) Recreational vehicle or boat storage areas shall be established only within the buildable area of the lot and located in a landscaped area between the principal structure and the rear yard setback line;

(2) Recreational vehicle and boat storage areas shall be paved and visually screened from view from any adjacent lot or public right of way; and

(3) Screening of such storage areas shall be by fencing or by the planting of visually impermeable coniferous vegetation which, notwithstanding the fencing requirements set forth in subsection E10 of this section shall not be less than seven feet (7') nor greater than twelve (12') in height. (Ord. 90-0-19, 9-13-1990)

e. No deck shall:

(1) Extend into any front yard beyond the main building;

(2) Extend into any required side yard; or

(3) Extend into an easement. (Ord. 94-0-3, 2-24-1993)

9A-4-7: SR-3 SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT:

A. Intent: The SR-3 suburban residential single-family district (the "SR-3 district") is intended to provide for spacious single-family residential development on lots served by public streets, sewer and water systems. The SR-3 district is intended to create an atmosphere allowing a lower density and a more open residential feeling located between traditional and larger estate districts. The permitted uses, lot area, setbacks and other requirements are designed to encourage a quality residential district.

B. Permitted Uses: Subject to all of the requirements of this section, it shall be unlawful to use or occupy any building, structure or premises in the SR-3 district for any purpose other than the following and the accessory uses and special uses set forth in subsections C and D of this section:

One single-family detached dwelling per lot.

C. Accessory Buildings And Uses: Subject to the area requirements set forth below, only one of each of the following buildings or structures shall be permitted as accessory uses within the SR-3 district:

Automobile garages.

Children's playhouses and play equipment

Gazebos and similar structures.

Private basketball and tennis courts.

Private greenhouses.

Private swimming pools for the use of the lot owners and their guests.

Sheds, tool houses, and similar non-residential buildings customarily incidental to the residential use of the principal structure.

Storm water detention facilities and ponds not used for recreational purposes. (Ord. 90-0-19, 9-13-1990)

D. Special Uses: Only the following special uses may be allowed within the SR-3 district, subject to the issuance of a special use permit in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Planned unit developments in accordance with section 9A-1-5-11 of this title.

Public libraries.

Public parks or playgrounds.

Religious institutions and their accessory uses.

Storm water detention and retention facilities.

The following educational institutions: Public and private elementary and high schools.

(Ord. 19-0-2004, 7-8-2004)

E. General Provisions: Uses in the SR-3 district shall conform to the following requirements:

1. Lot Size: Each lot within the SR-3 district shall be a minimum of thirty thousand (30,000) square feet in area. Lots of not less than twenty-nine thousand (29,000) square feet in area may be permitted in residential subdivisions containing five (5) or more lots, provided that the average lot area of such subdivision is not less than thirty thousand (30,000) square feet in area.

2. Lot Width: Each lot shall be a minimum of one hundred twenty (120') feet in width, as measured at the front yard setback line.

3. Required Yards: The following yards are required for development within the SR-3 district:

a. Front Yard: In order to provide design diversity within the SR-3 district, the required setbacks of the principal structures shall alternate between thirty five feet (35') and forty feet (40') on abutting lots between corner lots, subject to the following:

(1) All corner and through lots shall have a thirty five foot (35') setback on each public street right of way;

(2) Alternation of front yard setbacks shall begin within the lot abutting a corner lot and proceed the length of the block;

(3) Where block faces have an even number of lots, a lot adjacent to a corner lot may have a thirty five foot (35') setback; and

(4) Any yard which abuts a public street right of way shall be deemed a front yard.

b. Side Yards: Side yards of a minimum twenty feet (20') shall be required for all lots in the SR-3 district, subject to the following additional requirements:

(1) Any swimming pool, pond, tennis court, basketball court or flagpole, or other permitted accessory use located within the yard shall be set back a minimum of twenty five feet (25') from any lot line not abutting a public street right of way; and

(2) Any driveway shall be set back a minimum of five feet (5') from any side lot line.

c. Rear Yards: The required yard setback shall be fifty feet (50') for lots with a thirty five foot (35') front yard setback and forty five feet (45') for the lots with a forty foot (40') front yard setback.

4. Permitted Obstructions In Yards: The following shall be allowed within any yard:

a. Landscaping, including trees, shrubbery and other flora;

b. Berms not exceeding four feet (4') in height; and

c. Statuary.

5. Height of Building: No structure shall exceed a maximum height of thirty five feet (35')

6. Floor Area Ratio: In order to minimize storm water drainage problems and to provide proper architectural scale, the gross floor area of all principal and accessory buildings shall not exceed fifteen percent (15% or 4,500 sq. ft.) of the gross lot area.

7. Lot Coverage-Structures: In order to minimize storm water drainage problems and to provide for proper architectural scale, no more than twenty-one percent (21 % or 6,300 sq. ft.) of a lot may be covered by structures.

8. Lot Coverage-Structure and Impervious Surfaces: In order to minimize storm water drainage problems, no more than twenty-eight percent (28% or 8,400 sq. ft.) of gross lot area may be covered by impervious surfaces or structures.

9. Minimum Single-Family Dwelling: Each single-family detached dwelling within the SR-3, district shall contain at least two thousand two hundred (2,200) square feet of livable floor area, exclusive of basements.

10. Fences and Walls: No fence or wall shall be permitted in any front yard. Fences constructed in any yard other than a front yard shall not exceed a height of six feet (6'), except as set forth in this section for the screening of recreational vehicles and boat storage areas. All fences shall be constructed of natural materials (wood, brick or stone) with finished sides facing outward from lot.

11. Special Regulations: The following special regulations and conditions shall apply within the SR-3 district

a. All exterior lighting shall be shaded or directed inward so that no glare is cast upon adjacent lots or public rights of way; (Ord. 90-0-19, 9-13-1990)

b. Each single-family detached dwelling in the SR-3 district shall have a garage providing at least two (2) paved and covered parking areas. Garages shall not be located within any front, side or rear yard and no detached garage shall:

(1) Exceed a height of fifteen feet (15') measured at the highest point of the garage;

(2) Incorporate the use of gambrel or mansard roofs; or

(3) contain an interior floor area in excess of six hundred fifty (650) square feet for a two (2) car garage or in excess of eight hundred fifty (850) square feet for a three (3)car garage.

c. Truck parking is limited only to those vehicles no larger than those vehicles required under state law to post "B" commercial vehicle or "RV" recreational vehicle license plates;

d. The outdoor storage of recreational vehicles or boats shall not be allowed within any front, side or rear yard and shall be subject to the following:

(1) Recreational vehicle or boat storage areas shall be established only within the buildable area of the lot and located in a landscaped area between the principal structure and the rear yard setback line;

(2) Recreational vehicle and boat storage areas shall be paved and visually screened from view from any adjacent lot or public right of way; and

(3) Screening of such storage areas shall be by fencing or by the planting of visually impermeable coniferous vegetation which, notwithstanding the fencing requirements set forth in subsection E10 of this section shall not be less than seven feet (7') nor greater than twelve (12') in height. (Ord. 90-0-19, 9-13-1990)

e. No deck shall:

1. Extend into any front yard beyond the main building

2. Extend into any required side yard; or

3. Extend into an easement.

(Ord. 94-0-3, 2-24-1993; Ord. 2007-O-32)

9A-4-8: SR-4 SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT:

A. Intent: The SR-4 suburban residential single-family district (the "SR-4 district") is intended to provide for spacious single-family residential development on lots served by public streets, sewer and water systems. The SR-4 district is intended to create an atmosphere allowing a lower density and a more open residential feeling located between traditional and larger estate districts. The permitted uses, lot area, setbacks and other requirements are designed to encourage a quality residential district.

B. Permitted Uses: Subject to all of the requirements of this section, it shall be unlawful to use or occupy any building, structure or premises in the SR-4 district for any

purpose other than the following and the accessory uses and special uses set forth in subsections C and D of this section:

One single-family detached dwelling per lot.

C. Accessory Buildings And Uses: Subject to the area requirements set forth below, only one each of the following buildings or structures shall be permitted as accessory uses within the SR-4 district:

Automobile garages.

Children's playhouses and play equipment

Gazebos and similar structures.

Private basketball and tennis courts.

Private greenhouses.

Private swimming pools for the use of the lot owners and their guests.

Sheds, tool houses, and similar non-residential buildings customarily incidental to the residential use of the principal structure.

Storm water detention facilities and ponds not used for recreational purposes.

(Ord. 90-0-19, 9-13-1990)

D. Special Uses: Only the following special uses may be allowed within the SR-4 district, subject to the issuance of a special use permit in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Planned unit developments in accordance with section 9A-1-5-1 I of this title. Public libraries.

Public parks or playgrounds.

Religious institutions and their accessory uses.

Storm water detention and retention facilities.

The following educational institutions: Public and private elementary and high schools.

(Ord.19-0-2004, 7-8-2004)

E. General Provisions: Uses in the SR-4 district shall conform to the following requirements:

1. Lot Size: Each lot within the SR-4 district shall be a minimum of forty thousand (40,000) square feet in area. Lots of not less than thirty-nine thousand (39,000) square feet in area may be permitted in residential subdivisions containing five (5) or more lots, provided that the average lot area of such subdivision is not less than forty thousand (40,000) square feet in area.

2. Lot Width: Each lot shall be a minimum of one hundred forty (140') feet in width, as measured at the front yard setback line.

3. Required Yards: The following yards are required for development within the SR-4 district:

a. Front Yard: In order to provide design diversity within the SR-4 district, the required setbacks of the principal structures shall alternate between thirty five feet (35') and forty feet (40') on abutting lots between corner lots, subject to the following:

(1) All corner and through lots shall have a thirty five foot (35') setback on each public street right of way;

(2) Alternation of front yard setbacks shall begin within the lot abutting a corner lot and proceed the length of the block;

(3) Where block faces have an even number of lots, a lot adjacent to a corner lot may have a thirty five foot (35') setback; and

(4) Any yard which abuts a public street right of way shall be deemed a front yard.

b. Side Yards: Side yards of a minimum twenty feet (20') shall be required for all lots in the SR-4 district, subject to the following additional requirements:

(1) Any swimming pool, pond, tennis court, basketball court or flagpole, or other permitted accessory use located within the yard shall be set back a minimum of twenty five feet (25') from any lot line not abutting a public street right of way; and

(2) Any driveway shall be set back a minimum of five feet (5') from any side lot line.

c. Rear Yards: The required yard setback shall be fifty feet (50) for lots with a thirty five foot (35') front yard setback and forty five feet (45') for the lots with a forty foot (40') front yard setback.

4. Permitted Obstructions In Yards: The following shall be allowed within any yard:

a. Landscaping, including trees, shrubbery and other flora;

b. Berms not exceeding four feet (4') in height; and

c. Statuary.

5. Height of Building: No structure shall exceed a maximum height of thirty five feet (35')

6. Floor Area Ratio: In order to minimize storm water drainage problems and to provide proper architectural scale, the gross floor area of all principal and accessory buildings shall not exceed thirteen percent (13% or 5,200 sq. ft.) of the gross lot area.

7. Lot Coverage-Structures: In order to minimize storm water drainage problems and to provide for proper architectural scale, no more than eighteen percent (18% or 7,200 sq. ft.) of a lot may be covered by structures.

8. Lot Coverage-Structure and Impervious Surfaces: In order to minimize storm water drainage problems, no more than twenty-four percent (24% or 9,600 sq. ft.) of gross lot area may be covered by impervious surfaces or structures.

9. Minimum Single-Family Dwelling: Each single-family detached dwelling within the SR-4, district shall contain at least two thousand two hundred (2,200) square feet of livable floor area, exclusive of basements.

10. Fences and Walls: No fence or wall shall be permitted in any front yard. Fences constructed in any yard other than a front yard shall not exceed a height of six feet (6'), except as set forth in this section for the screening of recreational vehicles and boat storage areas. All fences shall be constructed of natural materials (wood, brick or stone) with finished sides facing outward from lot.

11. Special Regulations: The following special regulations and conditions shall apply within the SR-4 district

a. All exterior lighting shall be shaded or directed inward so that no glare is cast upon adjacent lots or public rights of way; (Ord. 90-0-19, 9-13-1990)

b. Each single-family detached dwelling in the SR-4 district shall have a garage providing at least two (2) paved and covered parking areas. Garages shall not be located within any front, side or rear yard and no detached garage shall:

(1) Exceed a height of fifteen feet (15') measured at the highest point of the garage;

(2) Incorporate the use of gambrel or mansard roofs; or

(3) contain an interior floor area in excess of six hundred fifty (650) square feet for a two (2) car garage or in excess of eight hundred fifty (850) square feet for a three (3)car garage.

c. Truck parking is limited only to those vehicles no larger than those vehicles required under state law to post "B" commercial vehicle or "RV" recreational vehicle license plates;

d. The outdoor storage of recreational vehicles or boats shall not be allowed within any front, side or rear yard and shall be subject to the following:

(1) Recreational vehicle or boat storage areas shall be established only within the buildable area of the lot and located in a landscaped area between the principal structure and the rear yard setback line;

(2) Recreational vehicle and boat storage areas shall be paved and visually screened from view from any adjacent lot or public right of way; and

(3) Screening of such storage areas shall be by fencing or by the planting of visually impermeable coniferous vegetation which, notwithstanding the fencing requirements set forth in subsection E10 of this section shall not be less than seven feet (7') nor greater than twelve (12') in height. (Ord. 90-0-19, 9-13-1990)

e. No deck shall:

Extend into any front yard beyond the main building;

Extend into any required side yard; or

Extend into an easement. (Ord. 94-0-3, 2-24-1993)

CHAPTER 5
B-1 COMMUNITY SHOPPING DISTRICT

9A-5-1: INTENT AND GENERAL CONDITIONS:

The B-1 Community Shopping District is intended to provide primarily retail convenience shopping and commercial uses which may be compatible with the predominant retail nature of the district. It is intended the district be located along major arterial or collector streets in areas which have been previously subdivided. The district establishes appropriate development standards to protect adjoining residential districts from potential nuisances typically created by retail and commercial uses.

A. General Conditions:

1. Sanitary Service and Potable Water: All uses shall be connected to and maintain potable water supply and sanitary service facilities.

2. Enclosure of Uses: All business, service merchandise, storage, display, and, where permitted repair and processing shall be conducted wholly within enclosed buildings, except for off-street parking, off-street loading, and open sales and rental lots in districts where they are permitted.

3. Processes and equipment employed, and goods processed or sold, shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste. The performance standards specified in Section 9A-7A-9 shall apply where appropriate to permitted uses and the district.

4. Refuse Screening Enclosures Required: All refuse shall be stored in appropriate containers and completely screened so as not to be visible from any street or public right of way. Such screening shall be solid and six feet (6') to eight feet (8') in height. Refuse screening enclosures are considered accessory uses and shall meet minimum yard requirements of the district.

5. Lighting: All exterior building and parking lot lights and landscape lighting shall be directed away from adjacent highways, streets and properties.

6. Signs: All signs shall conform to applicable requirements set forth in Chapter 9A-8 and the approved site plan.

7. Exterior Outside Storage: Exterior outside storage shall be permitted on any lot or lot within the district except that such storage shall be located behind the front building line and shall be screened one hundred percent (100%) by a six foot (6') to eight foot (8') high fence or wall. Such fencing shall be constructed of wood or masonry. Exterior outside storage is considered an accessory use and shall meet minimum yard requirements of the district.

9A-5-2: PERMITTED USES:

The following uses are permitted:

Antique shops.

Art and school supply stores.

Automobile accessory stores.

Bakeries where not more than fifty percent (50%) of the floor area is devoted to processing, and not more than five (5) persons are employed.

Banks and financial institutions, including drive-in facilities.

Barber shops.

Beauty shops.

Bicycle stores - sales, rental, and repair.

Book and stationery stores.

Camera and photographic supply stores.

Candy and ice cream stores.

Catering services, provided, that they are accessory to the principal use, either a food store or a restaurant.

Ceramics stores.

China and glassware stores.

Clothing stores.

Currency exchanges.

Drugstores, pharmacies.

Dry cleaning and laundry receiving establishments with processing done elsewhere; also dry cleaning establishments, where not more than two thousand five hundred (2,500) square feet of floor area is devoted to processing, exclusive of offices and storage space.

Electronic equipment, electrical and household appliance stores, including home computer, radio and television sales.

Florist shops.

Food stores, grocery stores, meat markets, and delicatessens.

Furniture shops, including upholstery when conducted as part of the retail operations and secondary to the principal use.

Furrier shops, including the incidental storage and conditioning of furs.

Garden supply stores.

Gift shops.

Hardware stores.

Hobby shops.

Interior decorating shops, including upholstery and making of draperies, slipcovers and other similar articles when conducted as part of the retail operations and secondary to the principal use.

Investment companies.

Jewelry stores, including watch repair.

Laundries, automatic self-service type or hand, provided that laundry machines shall not exceed ten (10) pounds capacity each, and not more than two (2) persons are employed in addition to one owner or manager.

Leather goods and luggage stores.

Libraries, public branch.

Liquor stores.

Loan offices.

Locksmith shops.

Mail order service stores.

Medical, dental or optical clinics, including accessory laboratories.

Motor vehicle parts store, not including installation.

Musical instrument sales and repair.

Newspaper office (not including printing).

Numismatic and philatelic stores.

Office supply store.

Offices - business, service, and professional.

Offices - governmental.

Offices - medical, dental, optical, chiropractic.

Orthopedic/medical tool sales.

Pet grooming business.

Photocopy establishments, including fast copy print shops.

Photography studios, including developing and printing of photographs.

Physical, cultural, and health services, such as, but not limited to, gymnasiums, reducing salons, masseurs, health clubs, public baths, and handball clubs and buildings, less than two thousand five hundred (2,500) square feet.

Picture framing, when conducted on the premises as an accessory use only.

Post office.

Public garage.

Railroad passenger station.

Repair shops, such as shoes, household appliances, radio and television sets, and similar items.

Restaurants.

Retail uses, generally.

Schools - business, dance, martial arts, music.

Sewing machine sales and service.

Shoe stores.

Sporting goods stores.

Studios - artist, dancer, musician, photographer, etc.

Taverns and lounges.

Tent sales.

Tobacco shops.

Toy stores.

Travel bureaus, including transportation ticket office.

Typewriter sales/service.

Video equipment and accessories - sales, service, rental. (Ord. 90-0-18, 8-9-1990; amd. Ord. 1-O-2002, 1-10-2002)

9A-5-3: SPECIAL USES:

Only the following special uses may be allowed within the B-1 community shopping district, subject to the issuance of special use permits in accordance with the provisions of section 9A-1-5 or 9A-1-5-1 of this title in the case of planned unit developments:

Churches, convents, monasteries, theological schools, rectories, and parish houses.

Daycare centers, provided at least seventy five (75) square feet of outdoor play area is provided for each child using the area at any one time.

Drive-through or drive-in facilities.

Fire stations.

Hotels.

Laboratories - medical, dental, optical.

Municipally owned and operated water filtration plants, pumping stations, reservoirs and storage tanks.

Outdoor sales areas as an accessory use.

Parking lots, as an accessory use only to a permitted or special use hereunder.

Parks and playgrounds.

Planned unit developments in accordance with section 9A-1-5-1 of this title.

Second floor single-family residential dwellings within buildings adjacent to Archer Avenue, but only if each of the following conditions are specifically met:

The single-family dwelling is designed as an integral part of such building; and

The principal first floor use of the building is a permitted use within the B-1 community shopping district; and

The second floor single-family residential dwelling may only be occupied by the owner of the building and the owner's family. (Ord. 19-O-2004, 7-8-2004)

9A-5-4: ACCESSORY USES:

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a permitted or special use may be permitted, provided, they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structures or structural features inconsistent with the permitted use, are structured to the principal use and do not involve the conduct of any independent business, profession, trade or industry. (Ord. 90-0-18, 8-9-1990)

9A-5-5: BULK AND AREA STANDARDS:

Uses in the B-1 community shopping district shall conform to the following requirements:

A. Minimum Lot Area: An area of not less than eight thousand seven hundred fifty (8,750) square feet shall be designated, provided and maintained for each permitted or special use.

B. Minimum Lot Width: A minimum lot width of fifty feet (50') shall be provided for each lot or zoning lot used for a permitted or special use.

C. Required Yards: Required yards shall be provided and maintained in the B-1 community shopping district as described below. Special uses may require yards greater in depth than those set forth here due to the nature, intensity, or operational characteristics of the proposed use, as recommended by the plan commission and approved by the village board.

1. Required Front Yard: A required front yard shall be provided and maintained with a minimum depth of thirty five feet (35').

2. Required Side Yards: A required side yard of ten feet (10') shall be provided and maintained, except for properties zoned B-1 fronting Archer Avenue, lying east of the intersection of the street right of way of Willow Springs Road and Archer Avenue, no side yard shall be required.

On a corner side yard a required yard shall be provided and maintained equal in depth to the required front yard.

When a side lot line coincides with a side or rear lot line in an adjacent residence district, a required side yard shall be provided of not less than twenty five feet (25') and shall screen all buildings and off street parking areas one hundred percent (100%) opacity at a height of six feet (6') to eight feet (8'). Screening shall be constructed of a combination of landscaping and other physical barriers such as fences or walls so as to present a more natural, and aesthetically pleasing barrier. Except, however, where a side lot line of property fronting Archer Avenue east of the intersection of the rights of way of Willow Springs Road and Archer Avenue coincides with a side or rear lot line in an adjacent residence district, a required side yard of not less than ten feet (10') shall be required and shall also be screened as required above.

D. Maximum Building Height: No structure or portion thereof, excluding mechanical penthouse structures, shall exceed a height of thirty feet (30').

E. Floor Area Ratio: The maximum floor area ratio for structures in this district shall be 0.5.

F. Ground Building Coverage: The total ground building coverage of all principal and accessory structures shall not exceed sixty percent (60%) of the gross lot or zoning lot area.

G. Required Landscaping: The minimum area on each lot or zoning lot to be devoted to landscaping shall conform to the requirements of title 8, chapter 10 of this code.

H. Use, Lot And Bulk Regulations: Use, lot and bulk regulations as contained under section 9A-1-4 of this title are not applicable in the B-1 community shopping district. (Ord. 90-0-18, 8-9-1990)

9A-5-6: SITE PLAN REVIEW:

An approved site plan shall be required prior to the issuance of a building permit or prior to the grant of any special use permit within the B-1 district. These provisions, however, do not apply to minor interior modifications, such as tenant spaces in shopping centers which do not affect the intensity of use, nature of use, or exterior features of the site. Site plan requirements are contained in section 9A-1-9 of this title. (Ord. 90-0-18, 8-9-1990)

9A-5-7: OFF STREET PARKING AND LOADING:

The requirements of chapter 9 of this title shall be applicable with regard to standards and requirements for off street parking and loading. (Ord. 90-0-18, 8-9-1990)

CHAPTER 6
B-2 COMMERCIAL AND BUSINESS SERVICE DISTRICT

9A-6-1: INTENT AND GENERAL CONDITIONS:

The B-2 Commercial and Business Service District is intended to provide for those retail, wholesale commercial and limited light manufacturing uses incompatible with the primarily retail character of other commercial districts. The B-2 District is located along or in close proximity to arterial and collector streets in areas that have been previously subdivided and may back up to rail facilities which provide additional transportation access for more intensive commercial uses. The district establishes appropriate development, bulk and use standards and

requires site plan review of development to assure compatibility particularly in transition along residence district boundaries.

A. General Conditions:

1. Minimum Contiguous District Area: The minimum contiguous area for any land zoned B-1 Community Shopping District shall be four (4) acres.

2. Sanitary Sewer and Potable Water: All uses shall be connected to and maintain potable water supply and sanitary sewer facilities.

3. Enclosed Uses: All business service, merchandise, display and permitted repair and processing and manufacturing shall be conducted wholly within enclosed buildings except for off-street parking, off-street loading, open sales and rental lots.

4. Processes and equipment employed and goods processed or sold, shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste. The performance standards specified in Section 9A-7A-9 shall apply where appropriate to permitted uses within the district.

5. Refuse Screening Enclosures Required: All refuse shall be stored in appropriate containers and completely screened so as not to be visible from any streets or public right of way. Such screening shall be solid and six feet (6') to eight feet (8') in height. Refuse screening enclosures are considered accessory uses and shall meet minimum yard requirements of the district.

6 Lighting: All exterior lighting, parking lot and landscape lighting shall be directed away from adjacent highways streets and properties.

7. Signs: All signs shall conform to applicable requirements set forth in Section 9A-8 of the Village Code and the approved site plan.

8. Exterior Outside Storage: Exterior outside shall be permitted on any zoning lot within the district except that such storage shall be located behind the front building line and shall be screened one hundred percent (100%) by a six foot (6') to eight foot (8') high fence or wall. Exterior outside storage is considered an accessory use and shall meet minimum yard requirements for the district.

9A-6-2: PERMITTED USES:

The following uses are permitted:

Amusement establishments - including bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, and skating rinks.

Animal hospitals.

Blueprinting establishments.

Cartage and express facilities-providing storage of goods, motor trucks, or other equipment is in an enclosed structure.

Contractors and construction offices.

Discount department stores.

Exterminators.

Frozen food lockers.

Garages, storage.

Greenhouses and conservatories.

Home improvement center and building materials sales.

Job printing shops - using presses having beds of not more than fourteen inches (14") by twenty inches (20").

Laboratories - medical, dental or optical.

Laundries, retail - where not more than two thousand five hundred (2,500) square feet of floor space is devoted to processing, exclusive of office and storage space.

Machinery sales.

Monument sales.

Motor vehicle and equipment sales.

Pet grooming establishments.

Physical, cultural, and health services - gymnasiums, reducing salons, masseurs, health clubs, public baths, and handball and racquetball clubs and buildings.

Radio and television antennas and towers.

Railroad passenger stations.

Rental service stores.

Restaurants.

Schools, commercial or trade, provided, that operations do not involve danger of fire or explosion, no objectionable standards or noise, vibration, smoke, dust, odor, glare, heat, or other nuisances.

Tent sales.

Wholesale establishments with storage of merchandise limited to samples only.

9A-6-3: SPECIAL USES:

Special uses as hereafter listed may be allowed subject to the issuance of special use permits in accordance with the provisions of Section 9A-1-5.

Garages, automotive repair - but not including automotive wrecking yards.

Kennels.

Limited manufacturing if the following conditions are met:

a. Not more than twenty (20) persons, exclusive of office, sales, managerial, and building service employees, are employed.

b. The operation shall comply with performance standards of Section 9A-7A-9.

c. Adequate provision for parking and loading shall be made.

Meat processing-including the sale of meat and meat products to restaurants, hotels, clubs, or other similar establishments when conducted as part of the retail business on the premises.

Newspaper offices, including printing.

Planned unit developments.

Trailer sales or rental.

Warehouses, self service storage.

Wholesale establishments, with storage of merchandise not limited to samples only.

9A-6-4: ACCESSORY USES:

Accessory uses, buildings or other structures customarily incidental to and commonly associated with a permitted or special use may be permitted, provided they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structures or structural features inconsistent with the permitted use, are structured to the principle use and do not include the conduct of any independent business, profession, trade or industry.

9A-6-5: BULK AND AREA STANDARDS:

Uses in the B-2 Commercial and Business Service Zoning District shall conform to the following requirements:

A. Minimum Lot Area: An area of not less than twenty thousand (20,000) square feet shall be designated, provided and maintained for each permitted or special use.

B. Minimum Lot Width: A minimum lot width on one hundred feet (100') shall be provided for each lot or zoning lot used for a permitted or special use.

C. Required Yards: Required yards shall be provided and maintained in the B-2 Commercial and Business Service District as described below. Special uses may require yards greater in depth than those set forth here due to the nature, intensity, or operational characteristics of the proposed use, as recommended by the Plan Commission and approved by the Village Board.

1. Required Front Yard: A required front yard shall be provided and maintained with a minimum depth of thirty five feet (35').

2. Required Side Yards: A required side yard of ten feet (10') shall be provided and maintained.

On a cornerside yard, a required yard shall be provided and maintained equal in depth to the required front yard.

Where a side lot line coincides with a side or rear lot line in an adjacent residence district, a required side yard shall be provided of not less than twenty five feet (25') and shall screen all buildings and off-street parking areas at one hundred percent (100%) capacity at a height of six feet (6') to eight feet (8'). The screen shall be constructed of wood, stone or brick.

3. Required Rear Yard: A required rear yard of fifteen feet (15') shall be provided and maintained.

Where an area lot line coincides with a side or rear lot line in an adjacent residence district, a landscaped yard shall be required along such rear outside lot line of not less than twenty five feet (25') and shall screen all buildings and off street parking areas at one hundred percent (100%) capacity at a height of six feet (6') to eight feet (8'), the screen shall be constructed of wood, stone or brick.

4. Maximum Building Height: No structure or portion thereof, excluding mechanical penthouse structures, shall not exceed a height of thirty feet (30').

5. Floor Area Ratio: The maximum floor area ratio for structures in this district shall be five-tenths (0.5).

6. Ground Building Coverage: The total building coverage of all principal and ground structures shall not exceed sixty percent (60%) of the gross lot or zoning lot area.

7. Required Landscaping: The minimum area of each lot or zoning lot to be dedicated to landscaping shall conform to the requirements of Title 8 Chapter 10; Landscaping Requirements, of the Village Code of Ordinances.

8. Use Lot and Bulk Regulations: Use lot and bulk regulations as contained under Section 9A-1-4 area not applicable in the B-2 Commercial and Business Service District.

9A-6-6: SITE PLAN REVIEW:

An approved site plan shall be required prior to the issuance of a building permit or prior to the granting of any special use permit within the B-2 District. These provisions however, do not apply to minor interior alterations, such as tenant spaces in shopping centers which do not affect the intensity of use, nature of use, or exterior features of the site. Site plan requirements are contained in Section 9A-1-9.

9A-6-7: OFF-STREET PARKING AND LOADING:

The requirements of Chapter 9A-9 shall be applicable with regard to standards and requirements to off-street parking and loading. (Ord. 90-0-18, 8-9-90)

CHAPTER 7A
L-1 LIGHT INDUSTRIAL DISTRICT

9A-7A-1: INTENT AND GENERAL CONDITIONS:

The L-1 Light Industrial District is intended to control the development of lands to be used by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses without creating nuisances. The District regulations are designed to permit the operations of manufacturing, wholesaling and warehousing activities with adequate protection to adjacent district uses and sufficient control of external effects to protect one industry from another and particularly where such light industrial uses adjoining uses in other than industrial zoning districts. In this District, outdoor storage must be completely screened and all industrial operations must be in an enclosed building.

A. General Conditions:

1. Minimum Contiguous District Area: The minimum contiguous area for any land zoned in accordance with the L-1 District shall be ten (10) acres.

2. Sanitary Sewer and Potable Water: All uses shall be connected to and maintain potable water supply and sanitary sewer facilities at the expense of the owner and/or developer of the property.

3. Refuse Screening Enclosures Required: All refuse shall be stored in appropriate containers and completely screened so as to not be visible to any street or public right of way. Such screening shall be solid and six feet to eight feet (6' to 8') in height.

4. Enclosure of Uses: All uses within the Light Industrial District shall be conducted wholly within enclosed buildings except otherwise permitted by this Chapter. All outdoor storage facilities for fuel, raw material and products shall be effectively screened and enclosed by a solid wall or fence at least eight feet (8') in height; provided, that if such materials are in excess of eight feet (8') in height, then landscape screening shall be provided in addition to the fence or wall, equal or exceeding the height of the fence and materials to be stored outdoors. Such outside storage must be located behind the front of any building facing a public street.

5. Lighting: All exterior lighting, building and parking lot lights and landscape lighting shall be directed away from adjacent highways, streets and properties. A lighting plan shall be prepared and be reviewed and approved by the Building Commissioner.

6. Processes and equipment employed, and goods processed or sold, shall be limited to those which are not objectionable by reason of odor, dust, cinders, gas, noise, vibrations, particulate matter, or water carried waste.

7. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the Village. Such materials shall include, but shall not be confined to: all primary explosives such as lead azide, lead styphnate, fulminates, and tetrocene; all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof such as nitro-cellulose, black powder, boron dydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles, perchloric acid, parchlorates, chlorates, hydrogen peroxide in concentration greater than thirty five percent (35%); and nuclear fuels, fissionable materials, and products and reactor elements such as Uranium 235 and Plutonium 239.

8. Any use established in the L-1 Light Industrial District shall be operated in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, or vibration, glare or heat. No use already established on the effective date of this Title shall be

so altered or modified as to conflict with such applicable performance standards. The application for a building permit for a new establishment or change of use, when requested by the Village Administrator, must be accompanied by a verification from a recognized testing laboratory that all performance standards contained herein will be reasonably met.

9. Signs: All signs shall conform to the applicable requirements set forth in Title 9A, Chapter 8 and the approved site plan.

9A-7A-2: USE, LOT AND BULK REGULATIONS:

Use, lot and bulk regulations applying specifically to the L-I Light Industrial District are set forth in the sections which follow. Section 9A-1-4, Intensity of Use of Lot; Setback Lines, does not apply to this District.

9A-7A-3: PERMITTED USES:

Uses of land or buildings, as hereinafter listed, shall be permitted in accordance with the conditions specified. Unless otherwise specifically set forth, wherever a permitted use is named as a major category, it shall be deemed to include only those itemized uses listed under the said category. No building or structure shall be erected, altered, enlarged or occupied in the L-1 District except for a permitted use in the L-1 District unless otherwise specifically allowed by this Chapter.

The following uses are permitted in the L-1 District:

Animal clinics and hospitals.

Assembly firms, without fabrication of parts.

Automobile sales and rental.

Bakeries, wholesale.

Beverage distributors.

Bottled gas dealers.

Bottled works.

Contractors' offices, shops, yards and showrooms, including cement, building, heating, ventilating, air conditioning, electrical, masonry, painting, plumbing, roofing, glazing and ornamental and structural steel and iron.

Dairy products manufacturing.

Driving schools, automobile.

Equipment rental and leasing services.

Furniture cleaning, refinishing repair and upholstering.

Garage display and sales.

Highway maintenance firms and contractors.

Landscape maintenance firms and contractors.

Lawnmower sales and services.

Linen, towel, diaper and other similar supply services.

Machine shops.

Medical and dental laboratories and research facilities.

Motor vehicle sales and service, including that of automobiles, campers and recreational vehicles, motorcycles, snowmobiles, trailers, trucks and mobile homes.

Newspaper distribution agencies.

Nurseries and greenhouses.

Packaging and crating plants.

Parcel delivery service.

Personnel training centers.

Pharmaceutical industries.

Post office substations.

Printing, photostating, blueprinting, publishing, photography or lithography establishments.

Radio, television and microwave towers.

Sewer and septic tank cleaning and rodding services.

Sign contractors.

Studios and stations for radio or television.

Swimming pool sales and service.

Taxidermists.

Tennis, racquetball or handball courts and clubs.

Tombstone and monument sales and production.

Towing services.

Trade and vocational schools.

Tree removal services.

Warehouses and storage facilities.

Water softener services.

Welding shops.

Wholesale establishments.

Window cleaning firms.

Uses lawfully established on the effective date of this Chapter will be deemed permitted.

9A-7A-4: SPECIAL USES:

Special uses, as hereinafter listed, may be allowed subject to the issuance of special use permits, in accordance with the provisions of Section 9A-1-5.

The following uses are special uses in the L-1 District:

Automotive services, including, but not limited to, painting, muffler shops, repair shops, service stations, storage facilities and vehicle repair.

Biological or genetic research or manufacturing facilities.

Car washes and motor vehicle laundries.

Chemical processing and packing (excluding petroleum refining).

Garages, public.

Laundry and dry cleaning plants, serving more than one retail outlet.

Planned unit developments.

Racetracks, automobile.

Radio, television and microwave antennas and towers.

Railroad "piggy back" yards, railroad switch yards; railroad maintenance facilities.

Recreation centers, such as polo fields, fishing ponds, conservation clubs, archery ranges, picnic and camping grounds, par-three (3) golf courses, golf driving ranges and miniature golf courses.

Sewage treatment plants

Stadiums, auditoriums, arenas and armories

Structures with building heights in excess of thirty five feet (35')

Water filtration plant, water pumping stations and reservoirs

Wireless Telecommunication Antenna (Ord. 2014-O-18)

Wireless Telecommunication Tower (Ord. 2014-O-18)

Woodworking and wood products productions

Utility installations, including electric and telephone substations

One permanent dwelling unit, not exceeding seven hundred fifty (750) square feet per zoning lot, justified by a need for on-site security and occupied by an employee of the business located on the property whose responsibility includes security. Under no circumstances shall more than two (2) people, or any person under the age of eighteen (18) be permitted to reside in such a residence.

9A-7A-5: ACCESSORY USES:

Accessory uses, buildings or other structures customarily incidental and commonly associated with a permitted or special use may be permitted, provided they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structures or structural features inconsistent with the permitted use, are structured to the principle use and do not involve the conduct of any separate business, profession, trade or industry.

Accessory uses may include the following:

Garages, carports or other off-street parking spaces. Truck parking shall be limited to vehicles of not over one and one-half (1 1/2) tons' capacity when located within one hundred fifty feet (150') of a residence district boundary line.

Offices, incidental to a permitted or special use.

Outdoor bulk chemical storage tanks and related plumbing.

Outlet stores, retail, personal service uses, showroom and sales areas, accessory to a manufacturing or wholesale establishment provided that such uses not occupy more than fifteen percent (15%) of the total floor area of the use.

Railroad spur tracks.

Signs, as regulated in Chapter 9A-8.

Tool houses, sheds, and other similar buildings for the storage of supplies and equipment.

Water retention and detention areas.

Water systems, individual.

9A-7A-6: PROHIBITED USE:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited:

The following, and uses similar to the following, illustrate prohibited uses:

Air motor and freight terminals.

Asphalt plants.

Automotive salvage yards.

Concrete batching and recycling plants.

Creosote treatment or manufacturing.

Fertilizer manufacturing.

Incinerators.

Junk yards.

Landfills, dumps.

Manufacturing and industrial activities involving the storage, utilization or manufacture of materials or products which decompose by deterioration and/or hazardous substance or matter of any kind whatsoever. For purposes of this Title, "hazardous substance or matter" means and

includes: (a) any hazardous, toxic or dangerous waste, substance or material defined as such in (or for the purposes of) the Comprehensive Environmental Response, Compensation and Liability Act, as amended, any so-called superfund or superlien law, or any other Federal, State or local statute, law, ordinance, code, rule, regulation, order or decree regulation, relating to or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material as now or any time hereafter in effect, and (b) any other chemical, material or substance, exposure to which is prohibited, limited or regulated by any Federal, State or local governmental authority pursuant to any environmental, health and safety or similar law, code, ordinance, rule, regulation, order or decree and which may or could pose a hazard to the health and safety of occupants or users of the property or any part thereof, any adjoining property or cause damage to the environment.

Ore reduction.

Paint factories.

Petroleum refining.

Residential uses.

Rubber manufacturing or treatment.

Salvage material yards.

Soap manufacturing.

Stockyards or slaughter houses.

Storage of uncontained bulk materials outdoors.

Tanning operations, including storage of raw hides or skins.

Truck terminals.

9A-7A-7: GENERAL BULK AND AREA STANDARDS:

Uses in the L-1 Light Industrial District shall conform to the following requirements:

A. Minimum Lot Area: An area of not less than twenty thousand (20,000) square feet shall be designated, provided and continuously maintained for each permitted or special use.

B. Minimum Lot Width: A minimum lot width of one hundred feet (100') shall be provided for each lot used for a permitted or special use.

C. Required Yards: Required yards shall be provided and maintained in the L-1 Light Industrial District as described below. Special uses may require yards greater in depth than described when specified by the Village Board.

1. Required Front Yard: A required front yard shall be provided and maintained with a depth of thirty five feet (35').

All structures in excess of thirty five feet (35') in height shall require front yards of thirty five feet (35') plus one foot (1') for each one foot (1') by which the building or structure exceeds thirty five feet (35') in height.

2. Required Side Yards: Required side yards of thirty five feet (35') shall be provided and maintained.

On a corner side yard, a required side yard shall be provided and maintained equal in depth to the required front yard.

All structures in excess of thirty five feet (35') in height shall require interior side yards of thirty five feet (35') plus one foot (1') for each one foot (1') by which the building or structure exceeds thirty five feet (35') in height.

Where a side lot line coincides with a side or rear lot line in an adjacent business, commercial or residence district, a required side yard shall be provided along such side lot line not less than fifty feet (50') in depth.

3. Required Rear Yard: A required rear yard of thirty feet (30') shall be provided and maintained.

Where a rear lot line coincides with a side lot line in an adjacent business, commercial or residence district, a yard shall be required along such rear lot line of not less than fifty feet (50') in depth.

Where a rear lot line coincides with a rear lot line in an adjacent business, commercial or residence district, a yard shall be required along such rear lot line of not less than fifty feet (50') in depth.

D. Maximum Building Height: No structure or portion thereof, excluding mechanical penthouse structure, shall exceed a height of thirty five feet (35'). However, taller structures may be permitted as special uses by the Village Board.

E. Floor Area Ratio: The maximum floor area ratio for structures in this District shall be 0.5.

F. Required Screening And Landscaped Open Space: The minimum area on each lot or zoning to be devoted to open space and landscaping shall be not less than twenty five percent (25%) of the gross area of the lot. Such landscaping shall conform to the requirements of Title 8, Chapter 10, Landscape Requirements, of this Code.

All open spaces between and about buildings, structures, off-street parking or loading areas or areas for outdoor storage and along exterior or interior streets within industrial areas shall be landscaped with trees and shrubs and seeded or sodded. All landscaping shall be properly maintained by the owner and/or tenant of the subject property.

Wherever a side or rear lot line abuts a residential district, a solid screen a minimum of six feet (6') in height, constructed of wood, stone or masonry or natural vegetation shall be provided and maintained along such lot line.

A landscaped buffer at least twenty feet (20') in depth shall be required along the front yard of all L-1 Light Industrial District properties. (Ord. 90-0-3, 2-26-1990)

9A-7A-8: SITE PLAN REVIEW:

An approved site plan shall be required prior to the issuance of a building permit or prior to the granting of any special use permit within the L-1 Light Industrial District. These provisions, however, do not apply to minor interior modifications, such as tenant spaces in shopping centers which do not affect the intensity of use, nature of use, or significant features of the site. Site plan requirements are contained in Section 9A-1-9 of this Title. (Ord. 96-0-8, 6-13-1996)

9A-7A 9: PERFORMANCE STANDARDS:

All permitted or special uses in this District shall comply with the performance standards set forth hereinafter:

A. Noise: Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed; provided, that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Title, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noise incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. At no point on a lot line shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in the following table:

Maximum Permitted Sound Level (Decibel)

Octave Band

(Frequency Cycles Per Second)	Along Residence District Boundaries	Along Other Lot Lines

0 to 75	72	75
75 to 150	67	70
150 to 300	59	63
300 to 600	52	57
600 to 1,200	46	52
1,200 to 2,400	40	45
2,400 to 4,800	34	40
Above 4,800	32	38

B. Smoke and Particulate Matter: The emission of smoke or particulate matter in such manner quantity as to endanger or to be detrimental to the public health, comfort or welfare is hereby declared to be a public nuisance and shall be unlawful. For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter. The emission from a source within any lot area of particulate matter containing more than ten percent (10%) by weight of particles, having a particle diameter larger than forty four (44) microns is prohibited. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries, shall be kept at a minimum by appropriate landscaping, paving, oiling, fencing or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitation hereinafter specified is prohibited. The emission of more than eight (8) smoke units per hour per stack is prohibited, including smoke of a density in excess of No. 2 on the Ringelmann Chart. During one one-hour period in each twenty four (24) hour day, however, each stack may emit up to sixteen (16) smoke units when blowing soot or cleaning fires. Only during fire cleaning periods, however, shall smoke of Ringelmann Chart No. 3 be permitted, and then for not more than three (3) minutes.

C. Toxic or Noxious Matter: No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

D. Odors: The emission of odorous matter in such quantity as to be readily detectable at any point along a lot line or as to produce a public nuisance or hazard beyond a lot line is prohibited.

E. Fire and Explosion Hazard: The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided the following condition is met: said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic re-extinguishing system.

The storage, utilization or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gasses, shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted:

Total Capacity of Flammable Materials Permitted

(In Gallons)

Industries Engaged in Storage Only	Above Ground	Under Ground
Materials having a closed cup flash point over 187° Fahrenheit	Prohibited	100,000
From and including 105° Fahrenheit to and including 187° Fahrenheit	Prohibited	100,000
Materials having a closed cup flash point of less than 105° Fahrenheit	Prohibited	100,000
Industries Engaged in Utilization and Manufacture of Flammable Materials		
Materials having a closed cup flash point over 187° Fahrenheit	50,000	100,000
From and including 105° Fahrenheit and including 187° Fahrenheit	20,000	100,000
Materials having a closed cup flash point of less than 105° Fahrenheit	5,000	100,000

* When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed three hundred (300) times the quantities as listed above.

F. Glare and Heat: In the L-1 Light Industrial District any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to illuminate other property.

G. Vibration: No industrial operation or activity shall cause at any time ground transmitted vibrations in excess of limits set forth below. Vibration (the periodic displacement, measured

in inches, of earth) shall be measured at any point along a lot line with a three (3) component measuring instrument and shall be expressed in inches as follows:

Frequency (cycles per second)	Maximum Permitted Displacement Along Lot Lines (in inches)
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and above	.0001

H. Radiation Hazards; Release Outside Property Lines: The release of radioactive materials or emission of ionizing radiation outside of property lines shall be in accordance with the rules and regulations of the State of Illinois. (Ord. 90-0-3, 2-26-90)

9A-7A-10: OFF-STREET PARKING AND LOADING:

The requirements of Chapter 9A-9 shall be applicable with regard to standards and requirements for off-street parking and loading. (Ord. 90-0-18, 8-9-90)

9A-7A-11: OFF-STREET LOADING:

The provisions of this Section shall apply and govern the L-1 District. Off-street loading space shall be required and maintained according to these standards set forth in this Section.

A. General Requirements:

1. The duty to provide the off-street loading space herein required shall be the joint and/or separate responsibility of the operator and owner of the structure or structures for which off-street loading space is required to be provided.

2. An absence or deficiency of required loading facilities for any use that is otherwise in conformance with this Chapter at the effective date of its adoption shall not be construed to render that use a nonconforming use; provided:

a. The use was in conformance with the loading requirement in effect at the time of the establishment of the use.

b. If the use is abandoned or is destroyed or damaged by any means out of the control of the owner to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of restoration of the entire structure, it shall not be restored unless said structure and the use thereof shall conform to all the regulations of this Title.

If such land, structures or uses are enlarged, expanded or changed, there shall be provided and maintained, for the increment of expansion only, at least the amount of off-street loading space that would be required hereunder, if the increment were a separate land, structure or use established or placed into operation after the effective date of this Title.

3. For all uses established or placed into operation after the effective date of this Section, there shall be constructed, provided, preserved and maintained the amount of off-street parking space hereinafter required.

4. All off-street loading space, whether provided in accordance with the provisions of this Section or in accordance with the provisions of any former ordinance, shall be maintained as hereinafter required.

5. Loading spaces for all types of uses may be provided either in garages or open parking areas conforming with the provisions of this Title.

B. Location:

1. Off-street loading space shall be located on the same lot as the structure for which it is provided.

2. Off-street loading space may be located in any required yard, other than the front yard or corner side yard, provided it conforms with all applicable requirements for screening and setbacks.

3. Setbacks: All loading areas shall conform to the applicable requirements for setbacks from lot lines.

4. No permitted or required loading berth shall be located within thirty five feet (35') of the nearest point of intersection of any two (2) streets.

5. Trucks: The parking of trucks as an accessory use, when used in the conduct of a permitted use shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within one hundred fifty feet (150') of a residence district boundary line.

C. Design, Improvement And Maintenance: Every parcel of land hereafter used for off-street loading space shall be designed, developed and maintained in accordance with the following requirements.

1. No loading area shall be used for the repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

2. Each loading area shall be graded for proper drainage and provided with an impervious surfacing material capable of bearing a line load of two hundred (200) pounds per square foot and shall be maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

3. Off-street loading spaces that adjoin or are across the street from property zoned for any residential use shall be screened so as not to be visible from such residential property.

4. Each loading space shall be provided with entrances and exits not less than twelve feet (12') in width and so designed and located as to minimize traffic congestion.

5. Each loading berth shall be so located that no portion of a vehicle shall project into a street or alley while being loaded or unloaded.

6. Unless otherwise specified, a required off-street loading berth shall be at least twelve feet (12') in width by at least thirty feet (30') in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen feet (14').

7. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

8. Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive or open space on the same zoning lot.

D. Spaces Required: At least the following amounts of off-set loading space shall be provided, plus an area or means adequate for maneuvering, ingress and egress.

1. Auditoriums; Banks; Business And Professional Offices; Public Administration Buildings; Bowling Alleys; Hospitals, Schools, Colleges, Sanitariums, And Other Similar Institutional Uses; Hotels, Or Private Clubs And Lodges: For such a building containing ten thousand (10,000) to one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one loading space. For each additional one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one additional loading space.

2. Manufacturing; Production Or Processing; Warehousing; Storing; Cleaning; Servicing; Testing; And Repairing Establishments: For such a building containing five thousand (5,000) to forty thousand (40,000) square feet of floor area, one loading space. For such a building containing forty thousand (40,000) to one hundred thousand (100,000) square feet of floor area, two (2) loading spaces plus one additional loading space for each additional one hundred thousand (100,000) square feet of floor area or fraction thereof.

3. Establishments Engaged In Retail Or Wholesale Trade And Establishments Handling The Sale And Consumption Of Food On The Premises: Loading spaces in accordance with the following schedule:

Square Feet Of Floor Area	Minimum Number
5,000 to 10,000	1
10,000 to 25,000	2

25,000 to 40,000	3
40,000 to 100,000	4

For each additional one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one additional loading berth.

E. Other Uses: Off-street loading spaces shall be provided in accordance with requirements determined by the Board of Trustees based upon requirements heretofore set forth for the most similar cases. (Ord. 90-0-3, 2-26-1990)

9A-7A-12: ENFORCEMENT; PENALTY:

A. Penalty: Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this Title shall upon conviction be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00), or the maximum allowable under state law for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

B. Enforcement: In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Title, the Building Commissioner or Director of Code Enforcement or any owner or tenant of real property in the same contiguous zoning district as the building, structure or land in question, in addition to other remedies, may institute any appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; 2) to prevent the occupancy of the building, structure or land; 3) to prevent any illegal act, conduct, business or use in or about the premises; or 4) to restrain, correct, or abate the violation. (Ord. 96-0-8, 6-13-1996, Ord. 2014-O-18)

CHAPTER 7B
HEAVY INDUSTRIAL DISTRICT

9A-7B-1: INTENT AND GENERAL CONDITIONS

The I Heavy Industrial District is intended to control the development of lands to be used by industrial firms that have high standards of performance and that cannot locate in proximity to residential and business uses without creating nuisances. The District regulations are designed to permit the operations of manufacturing, wholesaling and warehousing activities with adequate protection to adjacent district uses and sufficient control of external effects to protect one industry from another and particularly where such heavy industrial uses adjoining uses in other than industrial zoning districts. In this District, outdoor storage must be completely screened and all industrial operations must be in an enclosed building.

A. General Conditions:

1. Minimum Contiguous District Area: The minimum contiguous area for any land zoned in accordance with the I Heavy Industrial District shall be ten (10) acres.

2. Sanitary Sewer and Potable Water: All uses shall be connected to and maintain potable water supply and sanitary sewer facilities at the expense of the owner and/or developer of the property.

3. Refuse Screening Enclosures Required: All refuse shall be stored in appropriate containers and completely screened so as lo not be visible to any street or public right of way. Such screening shall be solid and six feet to eight feet (6' to 8') in height.

4. Enclosure of Uses: All uses within the Heavy Industrial District shall be conducted wholly within enclosed buildings except otherwise permitted by this Chapter. All outdoor storage facilities for fuel, raw material and products shall be effectively screened and enclosed by a solid wall or fence at least eight feet (8') in height; provided, that if such materials are in excess of eight feet (8') in height, then landscape screening shall be provided in addition to the fence or wall, equal or exceeding the height of the fence and materials to be stored outdoors. Such outside storage must be located behind the front of any building facing a public street.

5. Lighting: All exterior lighting, building and parking lot lights and landscape lighting shall be directed away from adjacent highways, streets and properties. A lighting plan shall be prepared and be reviewed and approved by the Building Commissioner.

6. Processes and equipment employed, and goods processed or sold, shall be limited to those which are not objectionable by reason of odor, dust, cinders, gas, noise, vibrations, particulate matter, or water carried waste.

7. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the Village. Such materials shall include, but shall not be confined to: all primary explosives such as lead azide, lead styphnate, fulminates, and tetrocene; all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof such as nitro-cellulose, black powder, boron dydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds such as acetylides, tetrazoles, perchloric acid, parcl I lorates, chlorates, hydrogen peroxide in concentration greater than thirty five percent (35%); and nuclear fuels, fissionable materials, and products and reactor elements such as Uranium 235 and Plutonium 239.

8. Any use established in the I Heavy Industrial District shall be operated in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, or vibration, glare or heat. No use already established on the effective date of this Title shall be so altered or modified as to conflict with such applicable performance standards. The

application for a building permit for a new establishment or change of use, when requested by the Village

Administrator, must be accompanied by a verification from a recognized testing laboratory that all performance standards contained herein will be reasonably met.

9. Signs: All signs shall conform to the applicable requirements set forth in Title 9A, Chapter 8 and the approved site plan. (Ord. 2014-O-18)

9A-7B-2: USE, LOT AND BULK REGULATIONS:

Use, lot and bulk regulations applying specifically to the I Heavy Industrial District are set forth in the sections which follow. Section 9A-1-4, Intensity of Use of Lot; Setback Lines, does not apply to this District. (Ord. 2014-O-18)

9A-7B-3: PERMITTED USES:

Uses of land or buildings, as hereinafter listed, shall be permitted in accordance with the conditions specified. Unless otherwise specifically set forth, wherever a permitted use is named as a major category, it shall be deemed to include only those itemized uses listed under the said category. No building or structure shall be erected, altered, enlarged or occupied in the I District except for a permitted use in the I District unless otherwise specifically allowed by this Chapter.

The following uses are permitted in the I Heavy Industrial District:

Any use permitted in the L-I Light Industrial District.

Boat and Barge Service Repair

Concrete Mixing Plant

Concrete /Rock Crushing, Washing and Grading

Contractors and Construction Office

Construction and Demolition Debris Recycling (State EPA Licensed)

Equipment Rental and Leasing

Self Storage Facilities

Warehouses

Waste Transfer Station

Wireless Telecommunication Antenna

Wireless Telecommunication Tower

Uses lawfully established on the effective date of this Chapter will be deemed permitted.

(Ord. 2014-O-18)

9A-7B-4: SPECIAL USES:

Special uses, as hereinafter listed, may be allowed subject to the issuance of special use permits, in accordance with the provisions of Section 9A-1-5.

The following uses are special uses in the I District:

Automotive services, including, but not limited to, painting, muffler shops, repair shops, service stations, storage facilities and vehicle repair.

Biological or genetic research or manufacturing facilities.

Car washes and motor vehicle laundries.

Chemical processing and packing (excluding petroleum refining).

Garages, public.

Laundry and dry cleaning plants, serving more than one retail outlet.

Planned unit developments.

Racetracks, automobile.

Radio, television and microwave antennas and towers.

Railroad "piggy back" yards, railroad switch yards; railroad maintenance facilities.

Recreation centers, such as polo fields, fishing ponds, conservation clubs, archery ranges, picnic and camping grounds, par-three (3) golf courses, golf driving ranges and miniature golf courses.

Sewage treatment plants.

Stadiums, auditoriums, arenas and armories.

Structures with building heights in excess of thirty five feet (35').

Water filtration plant, water pumping stations and reservoirs.

Woodworking and wood products productions.

Utility installations, including electric and telephone substations.

One permanent dwelling unit, not exceeding seven hundred fifty (750) square feet per zoning lot, justified by a need for on-site security and occupied by an employee of the business located on the property whose responsibility includes security. Under no circumstances shall more than two (2) people, or any person under the age of eighteen (18) be permitted to reside in such a residence.

9A-7B-5: ACCESSORY USES:

Accessory uses, buildings or other structures customarily incidental and commonly associated with a permitted or special use may be permitted, provided they are operated and maintained under the same ownership and on the same lot as the permitted use, do not include structures or structural features inconsistent with the permitted use, are structured to the principle use and do not involve the conduct of any separate business, profession, trade or industry.

Accessory uses may include the following:

Garages, carports, parking lots or other off-street parking spaces. Truck parking shall be limited to vehicles of not over one and one-half (1 1/2) tons' capacity when located within one hundred fifty feet (150') of a residence district boundary line. (Ord. 2014-O-18)

Offices, incidental to a permitted or special use.

Outdoor bulk chemical storage tanks and related plumbing.

Outdoor aboveground fuel storage

Outlet stores, retail, personal service uses, showroom and sales areas, accessory to a manufacturing or wholesale establishment provided that such uses not occupy more than fifteen percent (15%) of the total floor area of the use.

Railroad spur tracks. Signs, as regulated in Chapter 9A-8.

Temporary buildings with sanitary facilities

Tool houses, sheds, and other similar buildings for the storage of supplies and equipment.

Water retention and detention areas.

Water systems, individual.

9A-7B-6: PROHIBITED USE:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited:

The following, and uses similar to the following, illustrate prohibited uses:

Air motor and freight terminals.

Automotive salvage yards.

Creosote treatment or manufacturing.

Fertilizer manufacturing.

Incinerators.

Junk yards.

Landfills, dumps.

Manufacturing and industrial activities involving the storage, utilization or manufacture of materials or products which decompose by deterioration and/or hazardous substance or matter of any kind whatsoever. For purposes of this Title, "hazardous substance or matter" means and includes: (a) any hazardous, toxic or dangerous waste, substance or material defined as such in (or for the purposes of) the Comprehensive Environmental Response, Compensation and Liability Act, as amended, any so-called superfund or superlien law, or any other Federal, State or local statute, law, ordinance, code, rule, regulation, order or decree regulation, relating to or imposing liability or standards of conduct concerning any hazardous, toxic or dangerous waste, substance or material as now or any time hereafter in effect, and (b) any other chemical, material or substance, exposure to which is prohibited, limited or regulated by any Federal, State or local governmental authority pursuant to any environmental, health and safety or similar law, code, ordinance, rule, regulation, order or decree and which may or could pose a hazard to the health and safety of occupants or users of the property or any part thereof, any adjoining property or cause damage to the environment.

Ore reduction.

Paint factories.

Petroleum refining.

Residential uses.

Rubber manufacturing or treatment.

Salvage material yards.

Soap manufacturing.

Stockyards or slaughter houses.

Storage of uncontained bulk materials outdoors.

Tanning operations, including storage of raw hides or skins.

Truck terminals.

(Ord. 2014-O-18)

9A-7B-7: GENERAL BULK AND AREA STANDARDS:

Uses in the I Heavy Industrial District shall conform to the following requirements:

A. Minimum Lot Area: An area of not less than twenty thousand (20,000) square feet shall be designated, provided and continuously maintained for each permitted or special use.

B. Minimum Lot Width: A minimum lot width of one hundred feet (100') shall be provided for each lot used for a permitted or special use.

C. Required Yards: Required yards shall be provided and maintained in the I Heavy Industrial District as described below. Special uses may require yards greater in depth than described when specified by the Village Board.

1. Required Front Yard: A required front yard shall be provided and maintained with a depth of thirty five feet (35').

All structures in excess of thirty five feet (35') in height shall require front yards of thirty five feet (35') plus one foot (I') for each one foot (1') by which the building or structure exceeds thirty five feet (35') in height.

2. Required Side Yards: Required side yards of thirty five feet (35') shall be provided and maintained.

On a corner side yard, a required side yard shall be provided and maintained equal in depth to the required front yard.

All structures in excess of thirty five feet (35') in height shall require interior side yards of thirty five feet (35') plus one foot (1') for each one foot (1') by which the building or structure exceeds thirty five feet (35') in height.

Where a side lot line coincides with a side or rear lot line in an adjacent business, commercial or residence district, a required side yard shall be provided along such side lot line not less than fifty feet (50') in depth.

3. Required Rear Yard: A required rear yard of thirty feet (30') shall be provided and maintained.

Where a rear lot line coincides with a side lot line in an adjacent business, commercial or residence district, a yard shall be required along such rear lot line of not less than fifty feet (50') in depth.

Where a rear lot line coincides with a rear lot line in an adjacent business, commercial or residence district, a yard shall be required along such rear lot line of not less than fifty feet (50') in depth.

D. Maximum Building Height: No structure or portion thereof, excluding mechanical penthouse structure, shall exceed a height of thirty five feet (35'). However, taller structures may be permitted as special uses by the Village Board.

E. Floor Area Ratio: The maximum floor area ratio for structures in this District shall be 0.5.

F. Required Screening And Landscaped Open Space: The minimum area on each lot or zoning to be devoted to open space and landscaping shall be not less than twenty five percent (25%) of the gross area of the lot. Such landscaping shall conform to the requirements of Title 8, Chapter 10, Landscape Requirements, of this Code.

All open spaces between and about buildings, structures, off-street parking or loading areas or areas for outdoor storage and along exterior or interior streets within industrial areas shall be landscaped with trees and shrubs and seeded or sodded. All landscaping shall be properly maintained by the owner and/or tenant of the subject property.

Wherever a side or rear lot line abuts a residential district, a solid screen a minimum of six feet (6') in height, constructed of wood, stone or masonry or natural vegetation shall be provided and maintained along such lot line.

A landscaped buffer at least twenty feet (20') in depth shall be required along the front yard of all I Heavy Industrial District properties.

(Ord. 2014-O-18)

9A-7B-8: SITE PLAN REVIEW:

An approved site plan shall be required prior to the issuance of a building permit or prior to the granting of any special use permit within the I Heavy Industrial District. These provisions, however, do not apply to minor interior modifications, such as tenant spaces in shopping centers which do not affect the intensity of use, nature of use, or significant features of the site. Site plan requirements are contained in Section 9A-1-9 of this Title.(Ord. 2014-O-18)

9A-7B-9: PERFORMANCE STANDARDS:

All permitted or special uses in this District shall comply with the performance standards set forth hereinafter:

A. Noise: Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed; provided, that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Title, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noise incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. At no point on a lot line shall the sound intensity level of any

Frequency (per second)	**Alone Residence District Boundaries**	**Along Other Lot Lines**

individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in tile following table:

Maximum Permitted Sound Level (Decibel)

Octave Band

0 to 75	72	75
75 to 150	67	70
150 to 300	59	63
300 to 600	52	57
600 to 1,200	46	52
1,200 to 2,400	40	45
2,400 to 4,800	34	40
Above 4,800	32	38

B. Smoke and Particulate Matter: The emission of smoke or particulate matter in such manner quantity as to endanger or to be detrimental to the public health, comfort or welfare is hereby declared to be a public nuisance and shall be unlawful. For the purpose of grading the density of smoke, the Ringehnann Chart, published and used by the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times, except as otherwise provided hereinafter. The emission from a source within any lot area of particulate matter containing more than ten percent (10%) by weight of particles, having a particle diameter larger than forty four (44) microns is prohibited. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, road and the like within lot boundaries, shall be kept at a minimum by appropriate landscaping, paving, oiling, fencing or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitation hereinafter specified is prohibited. The emission of more than eight (8) smoke units per hour per stack is prohibited, including smoke of a density in excess of No. 2 on the Ringelmann Chart. During one one-hour period in each twenty four (24) hour day, however, each stack may emit up to sixteen (16) smoke units when blowing soot or cleaning fires. Only during fire cleaning periods, however, shall smoke of Ringelmann Chart No. 3 be permitted, and then for not more than three (3) minutes.

C. Toxic or Noxious Matter: No use shall, for any period of time, discharge across the boundaries of the lot wherein it is located toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

D. Odors: The emission of odorous matter in such quantity as to be readily detectable at any point along a lot line or as to produce a public nuisance or hazard beyond a lot line is prohibited.

E. Fire and Explosion Hazard: The storage, utilization or manufacture of solid materials or products ranging from free of active burning to intense burning is permitted, provided the following condition is met: said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic re-extinguishing system.

The storage, utilization or manufacture of flammable liquids, or materials 37 which produce flammable or explosive vapors or gasses, shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted:

Total Capacity of Flammable Materials Permitted (In Gallons)

Industries Engaged in Storage Only	**Above Ground**	**Under Ground**
Materials having a closed cup flash point over 187° Fahrenheit	Prohibited	100,000
From and Including 105° Fahrenheit to and including 187° Fahrenheit	Prohibited	100,000
Materials having a closed cup flash point of less than 150° Fahrenheit	Prohibited	100,000
Industries Engaged in Utilization and Manufacture of Flammable Materials	**Above Ground**	**Under Ground**
Materials having a closed cup flash point over 187° Fahrenheit	50,000	100,000
From and Including 105° Fahrenheit to and including 187° Fahrenheit	20,000	100,000
Materials having a closed cup flash point of less than 150° Fahrenheit	5,000	100,000

* When flammable gasses are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed three hundred (300) times the quantities as listed above.

F. Glare and Heat: In the I Heavy Industrial District any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to illuminate other property.

G. Vibration: No industrial operation or activity shall cause at any time ground transmitted vibrations in excess of limits set forth below. Vibration (the periodic displacement, measured in inches, of earth) shall be measured at any point along a lot line with a three (3) component measuring instrument and shall be expressed in inches as follows:

Frequency (cycles per second)	**Maximum Permitted Displacement Along Lot Lines (in inches)**
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and above	.0001

H. Radiation Hazards; Release Outside Property Lines: The release of radioactive materials or emission of ionizing radiation outside of property lines shall be in accordance with the rules and regulations of the State of Illinois. (Ord. 2014-O-18)

9A-7B-10: OFF-STREET PARKING AND LOADING:

The requirements of Chapter 9A-9 shall be applicable with regard to standards and requirements for off-street parking and loading. (Ord. 2014-O-18)

9A-7B-11: OFF-STREET LOADING:

The provisions of this Section shall apply and govern the I Heavy Industrial District. Off-street loading space shall be required and maintained according to these standards set forth in this Section.

A. General Requirements:

1. The duty to provide the off-street loading space herein required shall be the joint and/or separate responsibility of the operator and owner of the structure or structures for which off-street loading space is required to be provided.

2. An absence or deficiency of required loading facilities for any use that is otherwise in conformance with this Chapter at the effective date of its adoption shall not be construed to render that use a nonconforming use; provided:

a. The use was in conformance with the loading requirement in effect at the time of the establishment of the use.

b. if the use is abandoned or is destroyed or damaged by any means out of the control of the owner to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of restoration of the entire structure, it shall not be restored unless said structure and the use thereof shall conform to all the regulations of this Title.

If such land, structures or uses are enlarged, expanded or changed, there shall be provided and maintained, for the increment of expansion only, at least the amount of off-street loading space that would be required hereunder, if the increment were a separate land, structure or use established or placed into operation after the effective date of this Title.

3. For all uses established or placed into operation after the effective date of this Section, there shall be constructed, provided, preserved and maintained the amount of off-street parking space hereinafter required.

4. All off-street loading space, whether provided in accordance with the provisions of this Section or in accordance with the provisions of any former ordinance, shall be maintained as hereinafter required.

5. Loading spaces for all types of uses may be provided either in garages or open parking areas conforming with the provisions of this Title.

B. Location:

1. Off-street loading space shall be located on the same lot as the structure for which it is provided.

2. Off-street loading space may be located in any required yard, other than the front yard or corner side yard, provided it conforms with all applicable requirements for screening and setbacks.

3. Setbacks: All loading areas shall conform to the applicable requirements for setbacks from lot lines.

4. No permitted or required loading berth shall be located within thirty five feet (35') of the nearest point of intersection of any two (2) streets.

5. Trucks: The parking of trucks as an accessory use, when used in the conduct of a permitted use shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within one hundred fifty feet (150') of a residence district boundary line.

C. Design, Improvement And Maintenance: Every parcel of land hereafter used for off-street loading space shall be designed, developed and maintained in accordance with the following requirements.

1. No loading area shall be used for the repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

2. Each loading area shall be graded for proper drainage and provided with an impervious surfacing material capable of bearing a line load of two hundred (200) pounds per square foot and shall be maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

3. Off-street loading spaces that adjoin or are across the street from property zoned for any residential use shall be screened so as not to be visible from such residential property.

4. Each loading space shall be provided with entrances and exits not less than twelve feet (12') in width and so designed and located as to minimize traffic congestion.

5. Each loading berth shall be so located that no portion of a vehicle shall project into a street or alley while being loaded or unloaded.

6. Unless otherwise specified, a required off-street loading berth shall be at least twelve feet (12') in width by at least thirty feet (30') in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen feet (14').

7. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off- street parking facilities or portions thereof.

8. Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive or open space on the same zoning lot.

D. Spaces Required: At least the following amounts of off-set loading space shall be provided, plus an area or means adequate for maneuvering, ingress and egress.

1. Auditoriums; Banks; Business And Professional Offices; Public Administration Buildings; Bowling Alleys; Hospitals, Schools, Colleges, Sanitariums, And Other Similar Institutional Uses; Hotels, Or Private Clubs And Lodges: For such a building containing ten thousand (10,000) to one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one loading space. For each additional one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one additional loading space.

2. Manufacturing; Production Or Processing; Warehousing; Storing; Cleaning; Servicing; Testing; And Repairing Establishments: For such a building containing five thousand (5,000) to forty thousand (40,000) square feet of floor area, one loading space. For such a building containing forty thousand (40,000) to one hundred thousand (100,000) square feet of floor area, two (2) loading spaces plus one additional loading space for each additional one hundred thousand (100,000) square feet of floor area or fraction thereof.

3. Establishments Engaged In Retail Or Wholesale Trade And Establishments Handling The Sale And Consumption Of Food On The Premises: Loading spaces in accordance with the following schedule:

Square Feet of Floor Area	**Minimum Number**
5,000 to 10,000	1
10,000 to 25,000	2
25,000 to 40,000	3
40,000 to 100,000	4

For each additional one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one additional loading berth.

E. Other Uses: Off-street loading spaces shall be provided in accordance with requirements determined by the Board of Trustees based upon requirements heretofore set forth for the most similar cases. (Ord. 2014-O-18)

9A-7B-12: ENFORCEMENT; PENALTY:

A. Penalty: Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this Title shall upon conviction be fined not less than fifty dollars ($50.00) nor more than one thousand dollars ($ 1,00.00) or the maximum allowable under state law for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

B. Enforcement: in the event any building or structure erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Title, the Building Commissioner or Director of Code Enforcement or any owner or tenant of real property in the same contiguous zoning district as the building, structure or land in question, in addition to other remedies, may institute any appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; 2) to prevent the occupancy of the building, structure or land; 3) to prevent any illegal act, conduct, business or use in or about the premises; or 4) to restrain, correct, or abate the violation. (Ord. 2014-O-18)

CHAPTER 8
SIGN REGULATIONS

9A-8-1: DEFINITIONS:

The use in this Chapter of the phrase "any sign or other advertising device" or a similar phrase shall mean all of the signs and devices defined in this Section; the word "shall" is mandatory and nondiscretionary, as used in this Chapter, unless the context otherwise indicates.

ATTENTION-GETTING -DEVICE: Any pennant, flag, valance, banner, propeller, spinner, streamer, search light, balloon and similar device or ornamentation designed for purposed of promotion or advertising or attracting attention. (Ord. 2016-O-16)

ATTRACTION PANELS WITH CHANGEABLE LETTERS: Panels on which individual letters may be temporarily affixed in order to advertise tenants, special sales, products, or other facts non-essential to the identity of the basic business conducted on the premises. (Ord. 2016-O-16)

BANNER SIGN: Any sign printed or painted on cloth or canvass, or flags or pennants, and used for attracting the attention of the public. All banner signs shall also be considered as temporary signs.

BILLBOARD: Any sign which directs attention to a business, commodity, service or activity not necessarily conducted, sold or offered upon the premises where such sign is located.

BUILDING COMMISSIONER: The Building Commissioner of the Village of Willow Springs.

CANOPY or MARQUEE: or Any fixed hood constructed of metal or other incombustible material extending from a building.

CAR SIGN: When used in this Chapter, any sign attached to an automobile which is permanently parked for the purpose of displaying same.

ELECTRONIC READER BOARD: A sign which contains a traveling message or a message that appears to be traveling, usually in a horizontal manner. The characteristic incorporated into any message remains constant and does not change in hue or intensity or appears to change in hue or intensity as they appear to travel across or through the automatic changing copy area. Electronic Reader Boards are only mono colored. (Ord. 2016-O-16)

FLASHING SIGN: Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times. Illuminated signs which indicate the time, temperature, weather or other similar information shall not be considered "flashing signs".

FREE STANDING SIGN: Any sign supported by posts, poles, pylons, uprights, braces or other supports placed upon the ground, and not attached to any building.

IDENTIFICATION SIGNS: Any sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such sign is located.

ILLUMINATED SIGN: Any sign which is illuminated by electric lights or luminous devices as part of the sign proper.

ILLUMINATED TRAFFIC SIGNAL: Any official traffic control device or sign which is illuminated by electric lights or luminous devices.

INCOMBUSTIBLE MATERIAL: Any material which will not ignite at or below a temperature of one thousand two hundred degrees (1,200°) Fahrenheit and will not continue to burn or glow at the temperature.

LOT: Any property, improved or unimproved.

MOVING SIGN: Any sign that has any external or visible part or parts that move, rotate or spin.

PENNANT: A long, narrow, relatively small flag, often triangular, used for signaling or identification. (Ord 2016-O-16)

PERMITTEE: Any person, firm or corporation holding a permit pursuant to this Chapter.

PERSON: Any person, firm or partnership, association, corporation or organization of any type or kind.

PORTABLE SIGN: Any sign designed to be moved from place to place and not exceeding ten (10) square feet in area.

POSTER: Any advertising device not covered by the definition of "Sign" and "Billboard".

PREMISE: Any property, improved or unimproved.

PROJECTING SIGN: Any sign which is attached directly to the building wall and which extends more than eighteen inches (18") from the face of the wall.

ROOF SIGN: Any sign erected, constructed or maintained wholly or partially upon or above the facia or parapet line of any building.

SIGN: Any device, including exterior clocks, temperature indicators, marquees, canopies, placards or other representations containing words, letters, printing, pictures, designs or combinations thereof used in the nature of advertisement, announcement, or directions calculated to attract the attention of the public.

SHOPPING CENTERS: More than one individual business on the same zoning lot whether in the same building or in more than one building.

STREAMER: A long, narrow flag, banner or pennant. (Ord 2016-O-16)

SURFACE AREA OF SIGN: The entire area within a single continuous perimeter enclosing the extreme limits of the sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. All sides of a multiple faced sign structure shall be used in computing total surface area except where specific provision is made to the contrary.

TEMPORARY SIGN: Any sign constructed of a light temporary material, with or without a structural frame, intended for a period of display of thirty (30) days or less. Temporary Signs are prohibited from being constructed out of cloth. (Ord 2016-O-16).

UNIMPROVED LOT: Any platted lot or tract of land used as a whole which is completely unoccupied by a building or structure and upon which no building or structure has been commenced.

WALL SIGN: Any sign which is attached directly to the building wall or fixed canopy or marquee and which does not extend more than eighteen inches (18") from the face of the wall or canopy or marquee.

ZONING ORDINANCE: The Zoning Ordinance of the Village of Willow Springs.

9A-8-2: EXCEPTIONS; SPECIAL PROVISIONS:

A. Real Estate Signs: The provisions of this Chapter shall not apply to signs not exceeding ten (10) square feet in surface area which advertise the sale or lease of the premises on which they are located.

1. Restrictions: No person shall construct, place, maintain or install more than one "For Sale" sign or "Sold" sign on premises located in the residential districts as defined in the Zoning Code, such sign to be no larger than two feet by three feet (2' x 3') and such sign to be removed within forty eight (48) hours after the sale. (Ord. 75-22, 9-11-75)

2. Definitions: The "signs" above mentioned are hereby defined to mean any structure, and all parts composing the same, together with the frame, background or any statuary, sculpture, molding or casting used for advertising or display purposes, or any flags, bunting or material used for display or advertising purposes, including, but not limited to, placards, cards, structures or areas carrying the following or similar words: "For Sale", "Sold", "Open House", "New House", "Home Inspection", "Visitors Invited", "Installed by", or "Built by". (Ord. 72-1, 2-10-72)

B. Nonconforming Signs: Any sign lawfully existing or under construction on the adoption date of this Chapter which does not conform to the provisions contained herein, may be continued or maintained, but may not be replaced, structurally altered, re-established (if discontinued) or continued if destroyed or damaged to the extent of fifty percent (50%) or more of its value.

9A-8-3: GENERAL PROVISIONS AND RESTRICTIONS APPLYING TO ALL DISTRICTS:

A. Illuminated Signs:

1. Illuminated signs with revolving or rotating beams or beacons shall not be permitted in any district.

2. All illuminated signs shall be wired in accordance with regulations as prescribed by the village electrical code currently in force. Gooseneck reflectors and lights shall be permitted on freestanding signs and wall signs, provided, however, that any lights be installed only in such manner that the direct rays of such lights be concentrated on the sign and be prevented from causing a glare on, or striking, the street or nearby property or the reflector shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare on the street or nearby property.

3. Illuminated signs located on a lot adjacent to, across the street from, or in the next use district to any residential district or apartment district, shall be turned off and not operated between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. unless the premises on which or for which the sign is specifically operating is engaged in the operation of the business; in which event, the sign shall not be operated past the hour of one o'clock (1:00) A.M.

4. No illuminated sign shall be placed within one hundred feet (100') of an illuminated traffic signal if, in the opinion of the chief of police, the same shall interfere with, confuse or distract driver compliance with said illuminated traffic signal. Appeals from rulings of the chief of police may be made to the president and board of trustees.

5. Flashing signs and devices are prohibited.

6. Exposed neon tubing shall be prohibited on freestanding signs.

B. Signs On Building Walls: Signs painted on building walls are prohibited.

C. Sign Obstructions Prohibited: No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.

D. Construction Of Signs: All signs shall be so constructed, erected and maintained that all danger to persons or property shall be eliminated and no sign shall be erected or maintained so as to obstruct traffic sightlines or traffic-control signals at street intersections, or traffic sight lines or signals at railroad grade crossings. Signs visible from a street shall not contain an arrow or the words "stop" or "danger" or otherwise resemble or simulate official traffic-control signs.

E. Roof Signs: No roof signs shall be permitted to be erected in the village. However, signs painted flat upon the roof surface that can be seen only from the air are permitted in all commercial and industrial zones.

F. Materials To Construct Signs: All signs shall be constructed of metal, incombustible or approved combustible material or materials approved for signs by the village electrical code currently in force in the village.

G. Freestanding Signs: The post or standard supporting a freestanding sign must be securely anchored to a concrete base.

H. Wind Pressure Construction: All signs shall be constructed to withstand a wind pressure of thirty (30) pounds per square foot, except where the requirements set forth herein are different.

I. Responsible Party: Every sign shall be plainly marked with the name of the person, firm or corporation erecting and maintaining same; such person, firm or corporation and/or the owner of the premises on which the sign is located shall be the responsible party for the purpose of receiving notice under any section of this chapter.

J. Car Signs: Car signs as defined herein are prohibited.

K. Glass Signs: Any glass forming a part of any sign shall be safety glass. In case any single piece or pane of glass has an area exceeding three (3) square feet it shall be wire glass. (Ord. 79-24, 11-27-1979; amd. 1983 Code)

L. Political Campaign Signs:

1. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto shall be permitted in all districts up to a total sign area not to exceed sixteen (16) square feet for each zoning lot. Said signs shall be confined within private property and shall be set back at least fifteen feet (15') from the nearest edge of any street right-of-way line and at least fifty feet (50') from the nearest intersection of any streets or roads. No such signs shall be placed in any state, county, township or village right of way, or within any private or public utility, drainage or other easement area. Said signs shall not be displayed more than thirty (30) days prior to or five (5) days after the election for which the sign is intended.

2. No permit fee shall be charged for political campaign signs and the "Permit Provisions" requirements of section 9A-8-6 of this chapter shall not apply to political campaign signs.

3. Signs advertising the offices of the political candidate or political party shall not be deemed "political campaign signs" subject to the restrictions of this subsection L, but shall be subject to all other applicable regulations, including permit fees, of this chapter. (Ord. 26-O-2000, 9-14-2000)

M. Pennants and Streamer Signs are prohibited

N. Moving Signs which move or have moving parts, which movement is changed by wind or mechanically are prohibited.

O. Signs hung across any street; alley or public right of way.

P. Attention Getting Signs are prohibited.

Q. Signs painted on windows are prohibited.

R. Attraction Panels with Changeable Letters (except when used by a movie theater, hotel or gas station). (Ord. 2016-O-16)

9A-8-4: DISTRICT REGULATIONS; PERMITTED SIGNS:

Signs shall be classified and permitted in accordance with the regulations set forth in this chapter, and only those signs specifically permitted by the text of this chapter shall be permitted and no others. The classification for signs hereinafter set forth shall be in accordance with the various use districts designated now or hereafter established in the zoning ordinance.

A. Signs In Residential Use Districts: In residential use districts, no sign shall be erected except the following nonflashing signs and, with the exceptions of those signs permitted in subsection A5 of this section, nonilluminated signs:

1. A name sign identifying the owner or occupant of a building or dwelling unit provided the surface area does not exceed two feet (2').

2. A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed ten (10) square feet in surface area. If more than one sign is erected, the combined areas of all signs shall not exceed ten (10) square feet.

3. Temporary signs subject to the obtaining of permission from the president and board of trustees of the village.

4. One sign only identifying an engineer, architect or contractor engaged in the construction of a building, provided such sign shall not exceed thirty two (32) square feet in surface area, is no more than ten feet (10') nor less than three feet (3') aboveground and is removed within thirty (30) days following occupancy of the building.

5. One identification sign, not to exceed forty five (45) square feet in area, for the following uses: church, library, park, recreation building, school, hospital and home for aged or similar institution. Such sign shall be solely for the purpose of displaying the name of the institution and/or its activities or services and may be illuminated.

6. Permitted signs in residential use districts may be located in any required yard but not less than five feet (5') from any side property line nor less than five feet (5') from any lot line adjacent to any street. In the case of corner lots permitted signs shall not be erected closer than ten feet (10') from any lot line adjacent to a street.

B. Signs In Business District And Commercial District: In the business and commercial districts the following signs shall be permitted to be erected under the conditions specified and none other.

1. Wall Signs: One (1) wall sign provided the same does not exceed three (3) square feet for each linear foot of store frontage, nor extend above the fascia or parapet line. Any portion of a store fronting or facing toward a street shall be computed as store frontage. (Ord 2016-O-16)

2. Freestanding Signs (Shopping Centers): Freestanding signs advertising a shopping center as a whole, provided the said sign or any portion thereof does not exceed eighteen feet (18') in height and maintains a clearance of ten feet (10') from the ground to the bottom of the sign and:

Are placed not closer than three hundred feet (300') apart.

Observe a setback of five feet (5') from any portion of any street or road right of way line as shown on the official village map developed from the master street plan and be placed not closer than ten feet (10') from any side property line.

Does not exceed one hundred ninety two (192) square feet in area if the sign is multifaced and ninety six (96) square feet in area if the sign is single faced.

Signs designating entrances and exits of shopping centers, providing they do not exceed eight (8) square feet in area and ten feet (10') in height from the ground to the top of the sign and meet the setback requirements of this subsection.

3. Freestanding Identification Signs (Other Than Shopping Centers): No more than one freestanding identification sign shall be erected upon any lot except corner lots, in which case one facing each street is allowed:

No freestanding sign shall exceed forty five (45) square feet in area for single faced signs nor ninety (90) square feet in the case of multifaced signs.

All freestanding signs shall maintain a distance of ten feet (10') from ground to the bottom of the sign and shall in no case exceed a total height of eighteen feet (18') from the ground to the top of the sign.

Observe a setback of five feet (5') from any portion of any street or road right of way line as shown on the official village map developed from the master street plan and be placed not closer than ten feet (10') from any side property line.

4. Projecting Identification Signs: One (1) projecting identification sign, in lieu of a wall sign or canopy or marquee sign, provided the same shall not extend more than thirty six inches (36") from the building nor above the fascia or parapet line. (Ord. 2016-O-16)

5. Canopy Or Marquee Signs: One (1) canopy or marquee sign permitted, in lieu of a wall sign or projecting identification sign, provided the same does not extend more than eighteen inches (18") from the face of the canopy or marquee and not higher than the fascia or parapet line of the building to which the canopy or marquee is attached. (Ord. 2016-O-16)

6. Temporary Freestanding Signs (Shopping Centers): Temporary freestanding signs advertising the construction and opening of a shopping center and subject to restrictions imposed by the board of trustees upon the grant of a special permit.

C. Signs In Light and Heavy Industrial District: Within the light and heavy industrial district the following shall be permitted subject to the following regulations and none others.

1. Identification Signs: The total surface of all identification signs, either one (1) wall or one (1) freestanding sign, shall not exceed three (3) square feet for each linear foot of building fronting on a street. Any portion of a building fronting or facing toward a street shall be computed as building frontage. (Ord 2016-O-16)

The height and setback provisions of business and commercial districts shall apply to all identification signs.

2. Billboards: Billboards shall be permitted on unimproved lots only, in which case they shall be limited to not more than one for a lot of six hundred foot (600') frontage or less and to only one additional sign for each six hundred feet (600') apart. Billboards may be set back one thousand two hundred feet (1,200') apart. Billboards shall be limited to twenty five feet (25') in length and height and three hundred (300) square feet in surface area. No billboard shall be erected within fifty feet (50') of an adjoining residential use district if designed to face into and be visible from such district. All billboards shall be set back twenty five feet (25') from any portion of a street or road right of way line as shown on the official village map developed from the master street plan and be placed not closer than ten feet (10') from any side property line.

3. Projecting Identification Signs: In lieu of a Wall or Freestanding sign, one (1) Projecting identification sign is permitted, provided the same does not project more than thirty six inches (36") from any building nor above the fascia or parapet line. (Ord 2016-O-16)

4. Signs On Water Reservoirs: Painted billboards and village identification signs on water reservoirs.

5. Directory Signs: Directory signs listing the names of property owners or tenants limited to a maximum of forty five (45) square feet in area on one side and subject to the height and setback provisions of the business and commercial districts and limited to street corners only. One (1) sign per zoning lot is permitted. (Ord. 2016-O-16)

6. "Help Wanted" Signs: One sign on each occupied lot advertising "help wanted" limited to ten (10) square feet per face and meeting the height and setback provisions of the business and commercial districts. (Ord. 79-24, 11-27-1979; amd. 1983 Code)

D. Electronic Reader Board; Changeable Copy Signs: Electronic reader board or electronic changeable copy signs may be allowed in a commercial, industrial or planned development district zoned property by obtaining a special use permit. The zoning district sign requirements in regards to bulk standards and design standards shall be met and not varied. (Ord. 2-O-2006, 2-23-2006)

9A-8-5: INSPECTION AND REMOVAL OF CERTAIN SIGNS:

A. If the building commissioner shall find any sign regulated herein is unsafe or insecure, or has been constructed or erected in violation of the provisions of this chapter, its authorized representative shall give written notice to the permittee thereof. If the permittee fails to remove, relocate or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, such sign may be removed by the building commissioner at the expense of the permittee or owner of the property upon which it is located. The building commissioner shall refuse to issue a permit to any permittee or owner who refuses to pay

costs so assessed. The building commissioner may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

B. Any sign now or hereafter existing which has been abandoned, fallen into disuse, or which no longer advertises a bona fide business conducted, product sold, or service rendered, shall be removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign is located within ten (10) days after written notification from the building department. Upon failure to comply with such notice within the time specified in such order, the building department is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure or lot upon which such sign is located. (Ord. 79-24, 11-27-1979; amd. 1983 Code)

9A-8-6: PERMIT PROVISIONS:

A. Required: No person shall hereafter erect, construct, relocate, structurally alter, repaint, or maintain any sign, "billboard", "poster" or other advertising device, as defined herein, within the village, without having obtained a permit as provided in this chapter.

No person shall hereafter erect, construct, relocate, structurally alter, repaint, or maintain any sign, "billboard", "poster", or advertising device, as defined herein, on or over public property without first having obtained prior permission from the president and board of trustees of the village.

B. Application For Erection Permit: Application for erection permits under this chapter shall be made upon forms provided by the village clerk. The application form shall be filed with the village clerk who shall forward same to the building commissioner for review. The application shall contain the following:

1. Name, address and telephone number of the owner of the premises and sign.

2. Location of building, structure or lot to which or upon which the sign or other advertising device is to be attached or erected.

3. A plot plan of the property involved showing accurate placement thereon of the proposed sign.

4. Blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground.

5. For signs over forty (40) square feet a copy of stress sheets and calculations prepared by or approved by a registered professional engineer licensed by the state of Illinois showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this chapter.

6. Name of person, firm or corporation erecting the sign.

7. Such other information as the building commissioner shall require to show full compliance with this and all other laws and ordinances of the village.

C. Permit Fees: Except as provided herein, every applicant, before being granted an original permit hereunder, shall pay to the village the permit fee for each sign structure as follows:

Billboards	$500.00
Illuminated signs	200.00
All other signs	100.00

No permit fee shall be charged for temporary signs or for nameplates or other nonilluminated identification signs permitted to be placed in residential use district of this chapter.

D. Issuance: It shall be the duty of the building commissioner, after examination of an application for a sign erection permit, to report to the president of the board of trustees whether the application is in good form and complies with all requirements as set forth in this chapter and other village ordinances. If the work authorized under said permit has not been completed within one year after date of issuance the said permit shall be null and void. (Ord. 79-24, 11-27-1979; amd. 1983 Code)

9A-8-7: BOND REQUIREMENTS:

A person engaged in the business of constructing and erecting billboards or signs shall file with the building department a bond in the penal sum of twenty thousand dollars ($20,000.00) with a responsible surety company as surety thereon, said bond to be approved as to form by the village attorney. Said bond shall indemnify the village and its officials, for the full period of time provided for by the statute of limitations of the state of Illinois, for any and all loss, cost, expense or liability of any kind or nature whatsoever, which said village or its officials may suffer or be put to, or which may be recovered from it or them by reason of the issuance of such permit. This requirement shall not apply to an individual or business or corporation constructing and erecting a sign for his or their own personal use. (Ord. 79-24, 11-27-1979; amd. 1983 Code)

9A-8-8: ANNUAL INSPECTION FEES:

The building commissioner shall inspect annually, or more frequently as he shall deem necessary, each sign regulated by this chapter and for which a permit is required, for the purpose of ascertaining whether the same is secure or insecure and whether it is in need of removal or repair. To meet the expense of such inspection, the permittee or owner thereof shall pay to the village the sum of one-half (1/2) of the then required permit fee for each sign regulated by this chapter. Provided, however, that the owner or permittee of any sign which is in violation of the provisions of this chapter who fails to remove the sign within thirty (30) days following receipt of a notice of violation, shall be required to pay the annual inspection fee required herein in order to reimburse the village for its inspection of the offending sign. Provided further, however, that the payment of such annual inspection fee for a sign in violation of this chapter, which is not removed as aforesaid, shall not grant the owner or permittee of such sign any rights to the

continued use and maintenance of the sign for any period of time, nor shall it diminish the village's right to enforce the provisions of this chapter against such offending signs. No inspection fee as required by this chapter shall be charged during the fiscal year in which the sign or other advertising device is erected so long as the owner or permittee thereof has paid the permit fee required in this chapter upon the initial construction of the sign. (Ord. 93-0-18, 11-11-1993)

9A-8-9: VARIATIONS:

All requests for variations in requirements herein set forth or appeals from any rulings of any officer of the village shall be directed in writing to the president and board of trustees of the village, who shall conduct a hearing within a reasonable time. A hearing fee of two hundred fifty dollars ($250.00) shall be deposited with the village clerk at the time a request for variation is filed. (Ord. 79-24, 11-27-1979; amd. 1983 Code)

CHAPTER 9
OFF-STREET PARKING AND LOADING

9A-9-1: GENERAL REQUIREMENTS:

A. The duty to provide and maintain off-street parking spaces shall be the joint and/or separate responsibility of the operator and/or owner of the use and/or land for which such off-street parking space is required to be provided and maintained.

B. An absence or deficiency of required parking facilities for any use that is otherwise in conformance with this Chapter at the effective date, August 9, 1990, of its adoption shall not be construed to render that use a nonconforming use; provided:

1. The use was in conformance with the parking requirements in effect at the time of the establishment of the use.

2. If the use is abandoned or is destroyed or damaged by any means out of the control of the owner to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of restoration of the entire structure new, it shall not be restored unless said structure and the use thereof shall conform to all the regulations of this Title.

3. If such land, structures or uses are enlarged, expanded or changed, there shall be provided and maintained, for the increment of expansion only at least the amount of off-street parking space that would be required hereunder if the increment were a separate land, structure or use established or placed into operation after August 9, 1990.

C. For all uses, established or placed into operation after August 9, 1990, there shall be constructed, provided and maintained the amount of off-street parking space hereinafter set forth.

D. All off-street parking spaces, whether provided in accordance with the provisions of this Chapter or in accordance with the provisions of any former ordinance, shall be maintained as hereinafter required.

E. Parking and loading spaces for certain types of uses may be provided either in garages or open parking areas conforming with the provisions of this Title.

F. Municipal parking may be with or without charge.

9A-9-2: LOCATION:

The following standards shall govern with respect to the location of off-street parking spaces:

A. Same lot: Off-street parking shall be located on the same lot as the use for which it is provided, except as otherwise set forth herein.

B. Structure: Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.

C. In Yards: Off-street parking may be located in required yards, except in the following locations:

1. Residence Districts: Required off-street parking spaces shall not be constructed in required front yards nor in corner side yards.

2. Business Districts: Not within the first ten feet (10') of any required yard which either abuts a residential district or lies across a street from a residential district.

3. Industrial Districts: Not within the first twenty feet (20') of a required front yard or corner side yard nor within the first fifteen feet (15') of a required rear or interior side yard; and not within any required yard which either abuts a residential district or lies across a street from a residential district.

4. Parkway: No parking shall be permitted between the property line and the curb line or edge of the pavement.

5. Trucks, Trailers, Boats and Recreational Vehicles: The parking of trucks, trailers, boats and recreational vehicles shall conform to any and all applicable requirements of this district.

6. Within the B-1 Community Shopping District and the B-2 Commercial and Business Service District accessory parking to any principal use may be permitted to be located on a lot other than the principal zoning lot not to exceed a distance of two hundred feet (200') from the principal use measured from the closest lot line of the principal use to the closest point of the off-street parking area. This shall, however, not be interpreted to permit such off-street accessory parking within any other zoning district except the B-1 and B-2 Districts. The use of a remote lot or zoning lot for parking purposes shall be deemed to become part of

the zoning lot for the principal use. Appropriate covenants and restrictions shall be prepared, subject to the approval of the Village Board, precluding a change of use of such parking lot, and parcel unless released by the Village Board based upon a finding that adequate off-street parking has otherwise been provided.

9A-9-3: SEPARATE OR COMBINED SPACE:

A. Where off-street parking spaces are combined and used jointly by two (2) or more uses having different parking space standards, for purposes of determining the total amount of off-street parking spaces required, parking spaces shall be adequate in number to meet the requirements of each individual use.

B. Where off-street parking space is combined and used jointly by two (2) or more uses having the same standards for determining the amount of off-street parking space required, all such uses, for the purposes of this Section, shall be considered a single unit and the net floor area of all such uses in all structures on the same lot or the number of employees of all such uses in all structures on the same lot as fixed by the applicable standard, shall be taken as a single total for the purpose of determining the amount of off-street parking space required.

9A-9-4: DESIGN, IMPROVEMENT AND MAINTENANCE:

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, and also automobile, vehicle or trailer sales lots, shall be designed, developed and maintained in accordance with the following requirements:

A. No parking area shall be used for the repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

B. All parking areas shall be graded for proper drainage and provided with an impervious surface maintained at all times in a manner as to prevent the release of dust and to be free of dust, trash and debris.

C. All parking areas shall be so designed that each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.

D. All parking areas shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.

E. All parking areas shall be provided with entrances and exits not less than twelve feet (12') in width and not more than thirty five feet (35') in width.

F. All parking areas shall be provided with wheel guards or bumper guards so located that no parked vehicle will extend beyond the parking space.

G. Where hazards exist which can be eliminated or lessened by lighting, the Village Board may require lighting at such hours and in such a manner as deemed necessary in the interest of public safety and security. Such lighting facilities shall be arranged and operated so that they neither unreasonably disturb occupants of adjacent properties nor interfere with traffic.

H. Each parking area may have not more than one attendant shelter building conforming to all setback requirements for structures in the district in which it is located.

I. Each off-street parking space shall have an area of not less than one hundred and eighty (180) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Such space shall have a vertical clearance of at least seven feet (7') and a minimum width of at least nine feet (9').

J. Drive-Through Facilities: All drive-through facilities shall be provided with an eight foot (8') queuing lane for each drive through facility with a minimum stacking capacity of eighty feet (80') for each lane. Queuing lanes shall be independent of other access drives and parking areas for the drive through facility.

9A-9-5: UNITS OF MEASUREMENT:

For purposes of this Section, the following units of measurement shall apply:

A. Fractions: When units of measurement result in the requirement of a fractional space, any fraction shall require one parking space.

9A-9-6: SPACES REQUIRED:

Off-street parking spaces shall be provided in accordance with the requirements as hereinafter set forth:

A. Residential Uses, as follows:

Single-Family Dwellings and Two-Family Dwellings: Two (2) parking spaces for each dwelling unit. No required parking shall be allowed in the required front yard.

2. Multiple-Family Dwellings (including Apartment-Hotels): Two and one-half (2 1/2) parking spaces for every dwelling unit. For lodging rooms located in an apartment hotel, one parking space for each lodging room.

3. Housing for the Elderly: One parking space for each two (2) dwelling units, plus one space for each employee. At least ten percent (10%) of all spaces shall be for handicapped and disabled drivers.

4. Motels and Hotels: One parking space for each guest room, sleeping room or suite, plus one additional space for each employee, plus spaces as applicable for accessory uses such as restaurants, theatres, and similar uses.

5. Lodging, Rooming and Boarding Houses: One parking space for each lodging room, plus one space for the owner or manager and each employee.

B. Retail and Service Uses as follows:

1. Retail Stores: Five (5) parking spaces for each one thousand (1,000) square feet of gross floor area.

2. Banks and Other Financial Institutions: Four (4) parking spaces for each one thousand (1,000) square feet of gross floor area.

3. Automobile Laundry (Car Wash): One parking space for each two (2) employees plus one parking space for each manager. Reservoir stacking spaces for wash racks shall be determined by the Plan Commission, subject to the approval of the Village Board of Trustees.

4. Bowling Alleys: Five (5) parking spaces for each alley, plus additional spaces as may be required herein for affiliated uses-bars, restaurants and the like.

5. Eating and Drinking Establishments:

a. Fast Food Restaurant: Twenty five (25) parking spaces for each one thousand (1,000) square feet of gross floor area.

b. Fast Food Restaurant with Drive-through Facilities: Twenty (20) parking spaces for each one thousand (1,000) square feet of gross floor area. Reservoir stacking spaces for drive-through facilities shall be determined by the Plan Commission, subject to the approval of the Village Board of Trustees.

c. Conventional Sit-Down Restaurant: Sixteen (16) parking spaces for each one thousand (1,000) square feet of gross floor area

d. Carry-out Restaurant: Six (6) spaces per one thousand square feet of gross floor area.

6. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops: Two and one-half (2 1/2) parking spaces for each one thousand (1,000) square feet of gross floor area.

7. Shopping Center: According to the following:

Gross Leasable Area (GLA)	Spaces per 1,000 sq. ft. GLA
400,000 square feet or less	4.0
4000,001 to 600,000 sq. ft.	4.5
6,000,001 sq. ft. or more	5.0

8. Motor Vehicle Repair: Five (5) parking spaces for each one thousand (1,000) square feet of gross floor area. All storage, including overnight storage of motor vehicles in operable condition and motor vehicles in inoperable condition, shall be within completely enclosed buildings or effectively screened with a solid wall or fence not less than six feet (6') nor more than eight feet (8') in height.

9. Open Sales Lots: The Plan Commission shall determine the specific parking requirements.

10. Theaters (Indoor): One parking space for each two and one-half (2 1/2) seats based on rated design capacity.

11. Undertaking Establishments, Funeral Parlors: Four (4) parking spaces for each one thousand (1,000) square feet of gross floor area, plus one parking space for each funeral vehicle maintained on the premises.

C. Offices; Business, Professional and Governmental and Office/Research: Four (4) parking spaces for each one thousand (1,000) square feet of gross floor area.

D. Medical or Dental Clinics or Offices: Five (5) parking spaces for each one thousand (1,000) square feet of gross floor area.

E. Wholesale Establishments (but not including Warehouses and Storage Buildings other than Accessory): Three (3) parking spaces per each one thousand (1,000) square feet of gross floor area up to four thousand (4,000) square feet. One parking space for each six hundred (600) square feet of gross floor area in excess of four thousand (4,000) square feet.

F. Manufacturing Uses or Any Establishments Engaged in Production; Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods or Products: One space for each one thousand (1,000) square feet of gross floor area.

G. Warehouses and Storage Buildings: One space for each one thousand (1,000) square feet of gross floor.

H. Community Service Uses:

1. Church, School, College, and Other Institutional Auditoriums: One parking space for each three (3) auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.

2. Business, Professional and Trade Schools: One parking space for each employee and one parking space for each two (2) students based on the minimum number of students attending classes on the premises at any one time during any twenty four (24) hour period.

3. Health Centers, Government Operated: Five (5) parking spaces for each staff and visiting doctor plus one parking space for each employee.

4. Hospitals: One parking space for each two (2) hospital beds, plus one parking space for each two (2) employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.

5. Libraries, Art Galleries and Museums-Public: Two (2) parking spaces for each one thousand (1,000) square feet of gross floor area.

6. Municipal or Privately Owned Recreation Buildings or Community Centers: One parking space for each employee, plus spaces adequate in number, as determined by the Plan Commission, to serve the visiting public.

7. Public Utility and Public Service Uses: One parking space for each employee on the shift with the maximum work force, plus spaces adequate in number, as determined by the Plan Commission to service the public.

8. Schools; Elementary, Junior High, and High:

Elementary and Junior High: One parking space for each employee, plus one parking space for each ten (10) students based on the design capacity of the facility.

Junior Schools: One parking space for each employee, plus one parking space for each five (5) students based on the design capacity of the facility.

I. Places of Assembly, as follows:

1. Stadiums, Arenas, Auditoriums (Other than Church, College, or Institutional Schools) Convention Halls, Dance Halls, Exhibition Halls, Skating Rinks, and Other Similar Places of Assembly: Parking spaces equal in number to thirty three percent (33%) of the capacity in persons. The Plan Commission shall determine the specific parking spaces for any one of these above uses.

J. Miscellaneous Uses, as follows:

1. Fraternities, Sororities and Dormitories: Five (5) parking spaces shall be provided per each one thousand (1,000) square feet of gross floor area.

2. Private Clubs and Lodges (without sleeping facilities for guests): Parking spaces equal in number to fifty percent (50%) of the membership in persons shall be provided.

3. Rest Homes, Nursing Homes, Institutions for the Care of the Insane or Feeble-Minded, Sanitariums, Convalescent Homes, or Institutions for the Aged or for Children. One parking space for each four (4) beds, plus one space for each employee (other than staff doctors) based on the largest shift, plus one parking space for each doctor assigned to the staff.

4. For the following uses, parking spaces shall be provided in adequate number, as determined by the Plan Commission, to serve persons employed or residing on the premises, as well as the visiting public:

Airports or aircraft landing fields; and heliports.

Convents and monasteries.

Crematories or Mausoleums.

Fraternal or religious institutions.

Outdoor amusement establishments-fairgrounds, permanent carnivals kiddie parks, and other similar amusement centers.

Rectories and parish houses.

Swimming pools.

K. Other Uses: For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed uses, or as determined by the Plan Commission.

9A-9-7: OFF-STREET LOADING:

The provisions of this Section shall apply in all zoning districts as appropriate. Off-street loading space shall be required and maintained according to these standards set forth in this Section.

A. General Requirements:

1. The duty to provide the off-street loading space herein required shall be the joint and/or separate responsibility of the operator and owner of the structure or structures for which off-street loading space is required to be provided.

2. An absence or deficiency of required loading facilities for any use that is otherwise in conformance with this Chapter at the effective date of its adoptions shall not be construed to render that use a nonconforming use; provided:

a. The use was in conformance with the loading requirement in effect at the time of the establishment of the use.

b. If the use is abandoned or is destroyed or damaged by any means out of the control of the owner to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of restoration of the entire structure, it shall not be restored unless said structure and the use thereof shall conform to all the regulations of this Title. If such land, structures or uses are expanded or changed,

there shall be provided and maintained, for the increment of expansion only, at least the amount of off-street loading space that would be required hereunder, if the increment were a separate land, structure or use established or placed into operation after the effective date of this Title.

3. For all uses established or placed into operation after the effective date of this Section, there shall be constructed, provided, preserved and maintained the amount of off-street loading space hereinafter required.

4. All off-street loading space, whether provided in accordance with the provisions of this Section or in accordance with the provisions of any former ordinance, shall be maintained as hereinafter required.

5. Loading spaces for all types of uses may be provided either in garages or open parking areas conforming with the provisions of this Title.

B. Location:

1. Off-street loading space shall be located on the same lot as the structure for which it is provided.

2. Off-street loading space may be located in any required yard, other than the front yard or corner side yard, provided it conforms with all applicable requirements for screening and setbacks.

3. Setbacks: All loading areas shall conform to the applicable requirements for setbacks from lot lines.

4. No permitted or required loading berth shall be located within thirty five feet (35') of the nearest point of intersection of any two (2) streets.

5. Trucks: The parking of trucks as an accessory use, when used in the conduct of a permitted use shall be limited to vehicles of not over one and one-half (1 1/2) tons capacity when located within one hundred fifty feet (150') of a residence district boundary line.

C. Design, Improvement and Maintenance: Every parcel of land hereafter used for off-street loading space shall be designed, developed and maintained in accordance with the following requirements:

1. No loading area shall be used for the repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

2. Each loading area shall be graded for proper drainage and provided with an impervious surfacing material capable of bearing a line load of two hundred (200) pounds per square foot and shall be maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

3. Off-street loading spaces that adjoin or are across the street from property zoned for any residential used shall be screened so as not to be visible from such residential property.

4. Each loading space shall be provided with entrances and exits not less than twelve feet (12') in width and so designed and located as to minimize traffic congestion.

5. Each loading berth shall be so located that no portion of a vehicle shall project into a street or alley while being loaded or unloaded.

6. Unless otherwise specified, a required off-street loading berth shall be at least twelve feet (12') in width by at least thirty feet (30') in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen feet (14').

7. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

8. Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle, from any adjacent alley, service drive or open space on the same zoning lot.

D. Spaces Required: At least the following amounts of off-set loading space shall be provided, plus an area or means adequate for maneuvering, ingress and egress.

1. Auditoriums, Banks, Business and Professional Offices, Public Administration Buildings, Bowling Alleys, Hospitals, Schools, College, Sanitariums, and Other Similar Institutional Uses, Hotels, or Private Clubs and Lodges: For such a building containing ten thousand (10,000) to one million (1,000,000) square feet of floor area or fraction thereof in such a building, one loading space. For each additional one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one additional loading space.

2. Manufacturing, Production or Processing, Warehousing, Storing, Cleaning, Servicing, Testing, and Repairing Establishments: For such a building containing five thousand (5,000) to forty thousand (40,000) square feet of floor area, one loading space. For such a building containing forty thousand (40,000) to one million (1,000,000) square feet of floor area, two (2) loading spaces plus one additional loading space for each additional one hundred thousand (100,000) square feet of floor area or fraction thereof.

3. Establishments Engaged in Retail or Wholesale Trade and Establishments Handling the Sale and Consumption of Food on the Premises: Loading Spaces in accordance with the following schedule:

Square Feet of Floor Area	Minimum No.
5,000 to 10,000	1
10,000 to 25,000	2

25,000 to 40,000	3
40,000 to 100,000	4

For each additional one hundred thousand (100,000) square feet of floor area or fraction thereof in such a building, one additional loading berth.

E. Other Uses: Off-street loading spaces shall be provided in accordance with requirements determined by the Board of Trustees based upon requirements heretofore set forth for the most similar cases. (90-0-18, 8-9-90)

CHAPTER 10
VC-PD VILLAGE CENTER-PLANNED DEVELOPMENT DISTRICT

9A-10-1: INTENT AND GENERAL CONDITIONS:

A. Purpose: The VC-PD District is established to provide for the development of a compatible mixture of commercial, cultural, institutional, governmental, and residential uses in compact, pedestrian-oriented, traditional village centers consistent with the Village's Comprehensive Plan. Specific land uses, designs, and densities allowed in the VC-PD District shall adhere to the principles and guidelines described in the "Comprehensive Plan Amendment for the Village Center" adopted by the Village Board on November 24, 1998, by Ordinance 98-0-26. The procedures and standards that govern the VC-PD District are set forth in subsection 9A-1-5-1G3 of this Title.

B. Size, Location And Services: The VC-PD District, when mapped, shall be no less than thirty (30) acres nor more than sixty (60) acres in size located in accordance with the Village's Comprehensive Plan, and shall be served by major arterials with capacity to handle the traffic generated. The VC-PD District shall be located only in areas served by public water and sewer. (Ord. 99-0-6, 3-11-1999)

9A-10-2: PERMITTED USES:

The following uses may be permitted in the VC-PD District subject to approval as part of an approved Village Center-Planned Development pursuant to subsection 9A-1-5G3 of this Title:

Art gallery.

Bank or financial institution.

Bed and breakfast and country inn.

Bicycle sales, rental and repair shop.

Business and personal service establishments.

Community center.

Condominium housing, freestanding and above-the-ground floor of nonresidential uses.

Convenience and specialty food store.

Cultural, educational and instructional facility.

Food store.

Health and fitness center.

Mass transit facility and station.

Municipal facilities.

Offices, general, including medical, dental and other professional services.

Park.

Pharmacy.

Post office, drop-off and pickup.

Restaurant, sit-down with table service.

Retail, general, but not exceeding twenty thousand (20,000) square feet per establishment.

Senior and assisted-living residential facility.

Service business establishment.

Single-family attachment dwellings. (Ord. 99-0-6, 3-11-1999)

9A-10-3: PERMITTED USES, WITH CONDITIONS:

The following uses are permitted in the VC-PD District, subject to conditions:

Childcare center.

Commuter parking lot.

Drive-thru facilities accessory to a permitted business, unless specifically prohibited herein.

Fast-food and carry-out food service establishments, without drive-thru facilities.

Nightclubs, music clubs, bars, and similar entertainment facilities, in combination with restaurant uses, not freestanding.

Off-street parking facility, freestanding.

Parking structure.

Self-service gas station, with or without accessory convenience retail.

Theater, indoor. (Ord. 99-0-6, 3-11-1999)

9A-10-4: PROHIBITED USES:

The following, and similar uses, are prohibited uses in the VC-PD District:

Automobile and truck laundries.

Automobile sales.

Automotive service station, including service and minor repair.

Industrial and warehouse uses.

Truck terminals, cartage operations and similar uses.

Any other use which, as determined by the Village Board upon recommendation of the Plan Commission, produces an impact which would adversely affect the overall character of the Village Center, or adjacent property. (Ord. 99-0-6, 3-11-1999)

CHAPTER 11

ARCHER AVENUE OVERLAY DISTRICT

9A-11-1: ARCHER AVENUE OVERLAY DISTRICT

A. Purpose. The Archer Avenue Overlay District is established to provide specific development standards and guidelines for commercial, multi-family residential and mixed land uses within its boundaries. The Archer Avenue corridor is one of the primary ways through which individuals enter and traverse Willow Springs. Specific land uses and design controls should adhere to the principles and guidelines described in the "Comprehensive Plan Amendment for the Archer Avenue Zoning Study." The procedures and standards that govern the Archer Avenue Overlay are set forth in 9A-1-9. Site Plan Review. Consistent with 9A-1-9, properties

classified as R-1 are excluded from the regulations of the Archer Avenue Overlay District. The Archer Avenue Overlay District is established to:

1. Maintain and create an environment that is distinct from the village center and other vicinities within the Village;

2. Create an environment that is appealing, economically viable, pedestrian friendly, and generously landscaped;

3. Improve the quality of both existing and future uses;

4. To promote safe and efficient travel for all modes of transportation within the District; and

5. To promote innovative development and redevelopment projects and set high standards for landscaping, public space, and open space.

B. Boundaries. The Archer Avenue Overlay District shall be established on the Official Zoning Map of the Village of Willow Springs and are illustrated in Illustration I below:

C. General Requirements. All uses shall be subject to the use limitation set forth in the underlying zoning districts.

D. Uses. Permitted and special uses within the Archer Avenue Overlay District shall be the same as the underlying zoning.

E. The following standards for the Archer Avenue Overlay District shall be applicable to all new structures, all major remodeling, and the use of all land within the Archer Avenue Overlay District as described in 9A-1-9: Site Plan Review, in lieu of comparable or similar standards set forth elsewhere in this Chapter. The use of the word "shall" or "must" in the standards indicates required compliance with the standard. The use of the word "should" indicates that the incorporation of the standard is desired, but compliance is not required.

1. General Design and Architectural Guidelines are applicable to all uses and are described in Table 1 on the following page.

F. Additional Guidance. Additional design and architectural guidelines that the Village may adopt from time to time shall provide further guidance for and clarification of issues pertaining to the development and redevelopment of land within the Archer Avenue Overlay

G. Parking, Vehicle and Pedestrian Circulation Standards. Parking requirements, vehicle and pedestrian circulation shall be in accordance with the provisions of §9A-1-9 and 9A-9 of the Village Zoning Regulations. Within the Archer Avenue Overlay District the following additional standards shall apply:

1. Off-street parking in between the building and the street is discouraged; where necessary, it shall be limited to two parallel rows of parking spaces. The preferred locations for off-street parking are behind or to the sides of the building.

2. When appropriate cross-access easements and the use of shared curb cuts are required between development sites.

3. Pedestrian circulation systems, such as sidewalks, paths, marked crosswalks, or other connecting outdoor spaces such as plazas, courtyards, squares or gardens, shall be provided within parking lots. These systems shall connect all portions of the site to each of the establishments.

4. The on-site pedestrian circulation system shall connect with, or make provisions for future pedestrian connection with adjacent properties.

5. When possible, it is preferable that sidewalks and other pedestrian paved open areas located in front of or adjacent to principal building facades incorporate decorative brick or stone paving.

6. Landscaped areas, including landscaped parking islands, shall be separated from vehicular and, pedestrian encroachment by curbs, and raised planting surfaces.

7. The use of permeable paving systems or other innovative storm water management systems is encouraged.

Table 1 - Building Standards for the Archer Avenue Corridor Overlay District

i. Building Orientation and Setbacks

Building Orientation	Buildings shall be oriented so that their primary facade faces Archer Avenue.
Setbacks	Setbacks shall be in accordance with the provisions for the underlying zoning district. 1. Rear Yard Setback in the B-1 District shall not be less than 10 feet. 2. For properties with parking located adjacent to Archer Avenue and between the street and the principal building, a 30' landscape buffer shall be required. For properties with no parking located between Archer Avenue and the principal building, a 10' landscape buffer shall be required.
Maximum Impervious Coverage	60%
Maximum Building Coverage	50%

ii. Building, Bulk and Appearance

Building Height	Building height shall be in accordance with the provisions for the underlying zoning district. Building height shall not exceed 35' in the B-1 classification and 35' in the R-2 classification. The building height of new construction should relate to surrounding structures.
Building and Site Details	Pedestrian-scale elements should be included in the facade or any building elevation fronting a public right-of-way. Examples of such pedestrian-scale elements include decorative lighting, planters, benches, front porches, and awnings.
Building Mechanicals	Building mechanicals shall be screened from public view. This screening can be achieved by a parapet, when the equipment is on the roof, or by landscaping or decorative walls or fencing when the items are on the ground or mounted on the elevations. Where possible, building mechanicals shall be located at the rear of the building.
Elevations	Blank, uninterrupted facades or street-facing elevations of more than 100 feet are prohibited. Building facades and elevations facing, a public street shall articulate the line between the ground and upper levels with a cornice, balcony, arcade, or other feature. Facades and street-facing elevations shall incorporate such elements as projections, recesses, and offsets in order to divide flat expanses of buildings.
Roofs	Uninterrupted roof lines of more than 50 feet are prohibited. Roof lines shall provide visual interest such as clerestories, gables, or other variation.
Shutters	Shutters, if used, shall be sized and mounted appropriately for the window, and shall be operable.
Windows	For commercial and office buildings, the

	front elevation shall provide a minimum of 60 percent window transparency at the ground level. One side elevation shall provide at least 30% transparency. Transparency on other elevations is optional. Transparency is measured in a lineal manner; for example a 100 foot long building shall have at least 60 feet in length of windows.
Main Entrances	Main entrances shall be located on the façade fronting the main thoroughfare and accessed from the front sidewalk. Secondary entrances may be accessed from a rear parking area.
Rear Entrance	Secondary entrances shall provide adequate lighting for security, pedestrian safety and decorative purposes. Planters, awnings, and landscaping should be used to identify rear entrances.
Building Materials	A minimum of seventy percent of each elevation (not including windows) shall be brick, limestone, wood, or other native stone.

H. Utilities. Where feasible, all utilities shall be located underground or in the alley behind a building. If not feasible, the developer shall pay a fee in lieu of locating utilities below ground or in rear alleys.

I. Landscaping Standards. Landscaping and the submission of landscape plans shall be in accordance with the provisions of 8-10-1 through 8-10-10 and 9A-1-9 of Title 9A. Within the Archer Avenue Overlay District the following additional standards shall apply:

1. Required landscape buffers along Archer Avenue shall be densely planted with a mix of shade trees, evergreens, and ornamental trees. The following standards shall apply to 30' landscape buffers, as required in Table 1 (i.) Setbacks:

J. Sign Standards. The purpose of sign regulations for the Archer Avenue Overlay District is to: Facilitate visual communication, reaching both vehicle passengers and pedestrians, while avoiding visual clutter that is potentially detrimental to the Corridor's aesthetic and dangerous to circulation; and Promote continuity between signs and building design;

Signs within the Archer Avenue Overlay District shall comply with the specific provisions of Chapter 9A-8 – Sign Regulations and the following standards:

1. Prohibited Signs in the Archer Avenue Overlay District
   a. All signs prohibited by 9A-8-1 of this chapter; and

b. Freestanding Pole Signs

2. Permitted signs in the Archer Avenue Overlay District. Permitted signs shall be in accordance with Chapter 9A-8 and are summarized in Table 2 below.

Table 2 – Permitted Signs and Sign Standards in the Archer Avenue Overlay District

Type of Sign	**Number**	**Maximum Area**	**Maximum Height**	**Location**
Wall Sign	One wall sign per establishment	In accordance with 9A-8-4 B.1	In accordance with 9A-8-4 B.1	In accordance with 9A-8-4 B.1
Free-standing Monument Sign	One wall sign per establishment	45 square feet (single-sided); 90 square feet (double-sided)	Shall not exceed 8 feet	In accordance with 9A-8-4 B.2
Project Sign	In accordance with 9A-8-4 B.4			
Temporary Sign	In accordance with 9A-8-4 B.6			
Canopy or Marquee Sign	In accordance with 9A-8-4 B.5			
Window Sign	In accordance with 9A-8-4 B			

3. Shopping centers or multi-tenant buildings. For shopping centers or multi-tenant buildings, one freestanding sign per street frontage shall be permitted. Such signs shall accommodate all individual tenants and the maximum display area shall be ninety square feet (single-sided) or one hundred eighty (double-sided). The maximum height may be twelve feet.

a. Master Sign Plan. A. master sign plan shall be required for the development of shopping centers or multi-tenant buildings. The purpose of a master sign plan is to develop a design theme and unity with the overall character of the shopping center or multi-tenant building.

b. Contents. The master sign plan shall include plans detailing the size, color, location, illumination, lettering, and landscape design. Signs shall have good scale and proportion and be compatible with the architecture of the shopping center or buildings.

H. Nonconforming Signs. Signs within the Archer Avenue Overlay District that are made nonconforming by this Section shall be allowed to exist for a maximum period of seven years from December 20, 2005. If during that time, a nonconforming sign is removed or replaced, it must conform to the Archer Avenue Overlay Standards. At the conclusion of the seven-year period, nonconforming signs must be replaced or removed. The Village may adopt incentives to encourage the removal of nonconforming signs.

A special use permit may be granted for signs that do not meet the required standards of this Section, but are not necessarily out of character with the intent of the district. The

Village may choose to grant a special use permit to allow the continuation of such signs. The Plan Commission must first find that the Nonconforming Sign meets the following requirements: (1) the sign is considered historic and important to the character of the district; (2) it has been adequately maintained and is not in disrepair; (3) it does not create a traffic hazard or problem with visibility; (4) it meets setback requirements of the zoning ordinance; (5) the sign compliments the architecture of the associated building. (Ord. 2006-O-04)

CHAPTER 12
NORTH WILLOW SPRINGS ROAD CORRIDOR - PLANNED DEVELOPMENT (NWSRC-PD) DISTRICT:

SECTION:

9A-12-1: Purpose; Location and Services

9A-12-2: Permitted Uses

9A-12-3: Prohibited Uses

9A-12-4: Applicability

9A-12-5: Definitions

9A-12-1: PURPOSE; LOCATION AND SERVICES:

A. Purpose: The NWSRC-PD District is established to provide for the development of a compatible mixture of open-space, commercial, single-family residential, and senior-oriented residential uses. Specific land uses, designs, and densities allowed in the NWSRC-PD District shall adhere to the principles and guidelines described in the Comprehensive Plan and amendment for the North Willow Springs Road Corridor, adopted by the Village Board on December 12, 2002 by Ord. No. 26-0-2002. The procedures and standards that govern the NWSRC-PD District are set forth in Section 9A -1-5-1: Planned Unit Developments, unless otherwise noted in this Chapter.

B. Location and Services: The NWSRC-PD District is intended to be applied to lands north of German Church Road, having substantial frontage along the west side of Willow Springs Road, north to the Village's northern boundary. The District shall contain approximately eighty (80) acres, in accordance with the Village's Comprehensive Plan, 1990, as amended, and shall be served by public water and sewer.

9A-12-2: PERMITTED USES:

A. The following uses shall be permitted, subject to compliance with the Site Plan Review standards and process contained in Section 9A-1-9: secondary schools, public and not-for-profit .

B. The following uses may be permitted in the NWSRC-PD District, subject to approval as part of an approved planned development in accordance with the requirements of this ordinance:

Retail and all other uses allowed in the B-1 Community Shopping District, unless otherwise restricted.

Single family residential housing at a minimum of SR-3 (30,000 ft^2) or higher

Senior Residential Housing.

C. Any other use authorized in a Special Use Planned Development Ordinance approved by the Village Board for individual developments in accordance with the procedures and standards of Sections 9A-1-5-1 and 9A-5-1G-4.

9A-12-3: PROHIBITED USES:

Any use that is not authorized pursuant to Section 9A-12-2 shall not be allowed, and in addition the following uses shall be specifically prohibited, in the NWSRC-PD District:

- Automotive fueling and/or service station, including service and minor repair
- Automobile and truck laundries

- Used automobile dealerships
- Auto wrecking/salvage yards
- Animal kennels
- Mini warehouses/self-service and personal storage facilities
- Industrial and warehouse uses
- Wholesale establishments
- Any other use the Village Board believes would be detrimental to the health, welfare, and safety of Willow Springs residents.

9A-12-4: APPLICABILITY:

A. Secondary schools, not requiring planned development special use approval, shall be subject to the regulations and procedures for Site Plan review in Section 9A-1-9.

B. All other uses permitted in Section 9A-12-2, and requiring a planned development special use, shall be subject to the procedures and standards of Sections 9A-1-5-1 and 9A-1-5-1 G.4

9A-12-5: DEFINITIONS:

SENIOR RESIDENTIAL HOUSING: A for-profit, continuing care residential community under single ownership and management in which (i) all living units are restricted to use by persons 55 years of age and older in accordance with the federal Fair Housing Act, (ii) use restrictions in a form satisfactory to the Village have been recorded against the property occupied by the Senior Residential Housing use, and (iii) there shall be a mix of the following component uses, as long as a majority of the Senior Residential Housing is Independent Housing:

A. Independent Housing. Housing that provides a living arrangement of self-contained living units (each containing a full kitchen and bath) that integrates shelter, food services and other services for independent adults who do not require 24-hour oversight. [Services shall include meals, laundry, transportation, and housekeeping.] The Village strongly encourages the construction of villa style homes to be used as independent Housing.

B. Minimal Care Housing. Housing that provides a living arrangement consisting of a special combination of living units and personalized services designed to respond to the scheduled and unscheduled needs of seniors who may need help with activities of daily living. Services shall include meals, laundry, transportation, and housekeeping. Minimal care housing may include, but need not be limited to, assisted living establishments licensed by the State of Illinois pursuant to 77Ill. Admin. Code 295, or any successor previsions.

C. Intermediate Care Housing. A residential facility, licensed by the State of Illinois as an "Intermediate Care Facility" pursuant to 17 Ill. Admin. Code 300, or any successor provisions.

D. Skilled Care Housing. A residential facility licensed by the State of Illinois as an "Skilled Nursing Facility" pursuant to 77 Ill. Admin. Code 300, or any successor provisions.

LIVING UNITS: Either: (i) living space for occupancy of individuals within a Senior Residential Housing facility (with or without kitchen facilities); or (ii) a dwelling unit located within a Senior Residential Housing facility. (Ord. 2007-O-31)

TITLE 9B
LAND SUBDIVISION REGULATIONS

CHAPTER 1
TITLE, PURPOSE AND JURISDICTION

9B-1-1: SHORT TITLE:

This Title shall hereafter be known, cited and referred to as the "Land Subdivision Regulations" of the Village of Willow Springs, and is adopted pursuant to the authorization of chapter 24 of the Illinois Revised Statutes.

9B-1-2: PURPOSE:

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine to a large degree the conditions of health, safety, economy and amenity that prevail in the urban area. Piecemeal planning of land subdivisions, without correlation to the Village's Zoning Ordinance, could bring about a disastrous disconnected patchwork of plats resulting in poor circulation of traffic and unattractive neighborhoods and communities. Therefore, these regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open space, drainage, transportation, public utilities and other needs, to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources.

These regulations are designed, intended and should be administered in a manner:

To implement the Zoning Ordinance.

To promote the public health, safety and general welfare.

To harmoniously relate the development of various tracts of land to the existing community and facilitate the future development of adjoining tracts.

To avoid undue concentration of population and overcrowding of land.

To lessen congestion in the streets and highways.

To provide for adequate light and air.

To facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements and to reconcile any differences of interest.

To provide for proper ingress and egress.

To insure proper legal description, and proper monumenting of subdivided land to establish and maintain adequate and accurate records of all land subdivisions.

These regulations are established with reasonable consideration for the character of the Village with a view toward conserving the value of buildings upon the land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development standards contained in the Building Codes [40] , Official Map Regulations and the Zoning Ordinance [41] of the Village.

9B-1-3: JURISDICTION:

The Willow Springs Land Subdivision Regulations shall apply to all subdivisions of land, as defined herein, located within the Village and within one and one-half (1 1/2) miles of the corporate limits of the Village, in accordance with chapter 24 of the Illinois Revised Statutes.

9B-1-4: INTERPRETATION:

A. In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

B. Where the conditions imposed by any provisions of this Title upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Title or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

C. This Title is not intended to abrogate any easement, covenant or other private agreement, provided that where the regulations of this Title are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this Title shall govern.

D. No subdivision of land which was not lawfully existing at the time of the adoption of this Title shall be made lawful solely by reason of the adoption of this Title, and to the extent that said subdivision of land is in conflict in any manner with the requirements of this Title, said subdivision of land remains unlawful hereunder.

9B-1-5: APPLICATION OF REGULATIONS:

A. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the Board of Trustees in accordance with the provisions of this Title, and filed with the Recorder of Deeds of Cook County, Illinois.

B. The subdivision of any lot or any parcel of land by the use of metes and bounds for the purpose of sale, transfer or lease with the intent of evading this Title will not be permitted. All such described subdivisions shall be subject to all of the requirements and regulations contained in this Title.

C. No building or repair permit shall be issued for the construction or repair of any building or structure located on a lot or plot subdivided or sold in violation of the regulations of this Title.

D. No plat of subdivision shall be approved which does not comply with all the provisions of this Title. (Ord. 76-1, 1-8-76)

CHAPTER 2
RULES AND DEFINITIONS

9B-2-1: RULES OF CONSTRUCTION:

In the construction of this Title, the rules and definitions contained in this Chapter shall be observed and applied, except when the context clearly indicates otherwise.

A. Words used in the present tense shall include the future, the words used in the singular number shall include the plural number, and the plural the singular.

B. The word "shall" is mandatory and not discretionary.

C. The word "may" is permissive.

D. The masculine gender includes the feminine and neuter.

9B-2-2: DEFINITIONS:

ALLEY: A public or private right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other thoroughfare.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways or boundary lines of the Village of Willow Springs.

BOARD OF TRUSTEES The President and Board of Trustees of the Village of Willow Springs.

BUILDING: Any structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind.

BUILDING COMMISSIONER: The officer and assistants thereof designated by the President and Village Board of Trustees of Willow Springs as the officer responsible for administering and enforcing all of the requirements and provisions of the Willow Springs Land Sub-division Regulations.

CENTRAL SEWAGE DISPOSAL SYSTEM: A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision outside the Village but within one and one-half (1 1/2) miles of the corporate limits.

CENTRAL WATER SYSTEM: A private water company founded by the developer to serve a new subdivision. Such a system shall include water treatment and distribution facilities.

COMPREHENSIVE PLAN: The plan made and adopted by the Plan Commission and approved by the Village Board of Trustees and all subsequent amendments and supplements thereto, indicating the general locations recommended for the principal streets, parks, public buildings, zoning districts, character and extent of community development and other physical aspects of urban planning on file in the office of the Village Clerk of the Village of Willow Springs, Illinois, and in the office of the Recorder of Deeds of Cook County, Illinois.

CONTOUR MAP: A map on which irregularities of the land surface are shown by lines connecting points of equal elevations. Contour intervals is the vertical height between contour lines.

CUL-DE-SAC A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

EASEMENT: A grant by a property owner of the use of land for a specific purpose.

FINAL PLAT: The map or plan of record of a subdivision, and any accompanying material, as described in Chapter 6 hereof.

FRONTAGE: The length of the front property line of the lot, tracts or tract of land abutting a public street, road, highway or rural right of way.

GRADE: The slope of a road, street or other public way, specified in percent (%).

GRADE, LANDING: The grade required on streets entering major thoroughfares, at points of intersection, as specified herein.

IMPROVEMENT, PUBLIC: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrianway, planting strip, off-street parking area, or other facility for which the Village of Willow Springs may ultimately assume the responsibility for maintenance and operation.

LARGE-SCALE DEVELOPMENT: A proposed planned development or neighborhood unit which, due to its magnitude, comprehensiveness and design warrants special consideration by the Plan Commission.

LIMITED ACCESS EXPRESSWAY or HIGHWAY: A trafficway, including toll roads, for through traffic; in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

LOT: A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

LOT, BUTT: A lot at the end of a block and located between two (2) corner lots.

LOT, CORNER: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty five degrees (135).

LOT LINE: A property boundary line of any subdivided lot of any parcel of land held in separate ownership; except that where any portion of the lot extends into the abutting street or alley, such portion of the lot line thereof shall be deemed to be the street or alley line.

LOT, THROUGH (DOUBLE FRONTAGE): A lot which has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

LOT WIDTH: The horizontal distance between the side lot lines of a lot, measured at the front building setback line.

METES AND BOUNDS: A method of property description whereby properties are described by means of their direction and distances from an easily identifiable location or point.

OUTLOT: A parcel of land within a subdivision and which has been included on a preliminary or final plat but not designated as a buildable lot due to insufficient size and/or frontage or peculiar siting or topographical problems.

OWNER: Any person, group of persons, firm or firms, corporate or corporations, or any other legal entity having legal title to the land sought to be subdivided under this Title.

PEDESTRIANWAY or CROSSWALK: A right of way across or within a block, for use by pedestrian traffic whether designated as a pedestrianway, crosswalk or however otherwise designated, and may include utilities where necessary.

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

PLANNED DEVELOPMENT: A parcel of land or contiguous parcels of land; of a size sufficient to create its own environment; controlled by a single landowner or by a group of landowners in common agreement as to control; to be developed as a single entity, the environment of which is compatible with adjacent parcels and the intent of the zoning district or districts in which such land area is located. The developer or developers may be granted relief from specific land use regulations and design standards, and may be awarded certain premiums, in return for assurance of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole and which would not otherwise be required by the Zoning Ordinance [42] .

PLAN COMMISSION: The Plan Commission or other body authorized to consider matters relative to planning, zoning and subdivision platting, and make recommendations to the Village Board of Trustees.

PRE-APPLICATION: A preliminary consultation between the developer and administrative officials of the Village, in order to discuss the developers intent to subdivide land. The pre-application procedure is designed to provide direction for the developer and to eliminate needless costs.

PRELIMINARY PLAT: A map showing the salient features of a proposed subdivision, submitted to the Plan Commission for purposes of preliminary consideration.

PRIVATE SERVICE SUBDIVISION: A subdivision which is located outside the area capable of being served by the existing or proposed utilities; (public water and public sanitary sewage disposal services) and being an area where there is no interest to serve within a reasonable period of time, as determined by the Village Board.

RIGHT OF WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad line, electric trans-mission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right of way" for land platting purposes in Willow Springs shall mean that every right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right of way, and not included within the dimensions of areas of such lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established.

ROADWAY: A paved portion of a street available for vehicular traffic.

SERVICE DRIVE: A public street, generally paralleling and contiguous to a main-traveled way primarily designed to promote safety by eliminating promiscuous ingress and egress to the right of way, and providing safe and properly spaced points of access.

SEWAGE DISPOSAL SYSTEM, INDIVIDUAL: A septic tank seepage tile sewage disposal system or any other sewage treatment device approved by the Village Engineer as being in accordance with the rules of the State Department of Public Health and/or Cook County Health provisions, and servicing only one lot.

SIDEWALK: That portion of a street or crosswalk, paved or otherwise surfaced, intended for pedestrian use only.

STREET: A public or private right of way which affords a primary means of vehicular access to abutting properties, whether designed as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designed, but excepting driveways to buildings.

STREET, COLLECTOR: A street which carries traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and the principal circulating streets within a development.

STREET, HALF: A street bordering one or more property lines of a tract of land in which the subdivider has allocated but part of the ultimate right of way width.

STREET, MAJOR: A street designated as such in the Zoning Ordinance or Official Map for Willow Springs or by action of the Village Board of Trustees which is intended to serve a relatively large volume of traffic not originating or terminating in the particular neighborhood.

STREET, MARGINAL ACCESS: A minor street which is parallel and adjacent to a major street or highway, and which provides access to abutting properties and protection from through traffic.

STREET, MINOR: A street of limited continuity used primarily for access to abutting properties and serving local needs of a neighborhood.

SUBDIVIDER: Any person or corporation or duly authorized agent who undertakes the subdivision of land as defined herein.

SUBDIVISION: A described tract of land which is to be, or has been divided into two (2) or more lots or parcels, any of which is less than five (5) acres in area. The term subdivision includes resubdivision and, where it is appropriate to the context, relates to the process of subdividing or to the land subdivided. For the purpose of this Title, however, the following situations shall not constitute "sub-division".

The division of lots or blocks of less than one acre in any recorded subdivision which meets the minimum size required by the Zoning Ordinance, and which does not involve any new streets or easements of access.

The sale or exchange of parcels of land between owners of adjoining and contiguous land.

The conveyance of parcels of land or interests therein for use as rights of way for railroads or other public utility facilities and other pipe lines, which does not involve any new streets or easements of access.

The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.

The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.

Conveyances made to correct descriptions in prior conveyances.

The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel or tract of land existing on October 16, 1965, and not involving any new streets or easements of access.

SUBDIVISION, MINOR (LOT SPLIT): Any subdivision of a parcel of land; along an existing public street; not involving the opening, widening or extension of any street or road; and involving no more than ten (10) lots.

SUBDIVISION DESIGN STANDARDS: The basic land planning standards established as guides for the preparation of preliminary plats.

THOROUGHFARE: A street with a high degree of continuity, including collectors, major arterials and limited access highways.

WATER SUPPLY, INDIVIDUAL: A well and appurtenances supplying only one lot, and subject to the approval of the Village Engineer as being in accordance with the rules of the State Department of Public Health.

ZONING ORDINANCE: The Village of Willow Springs Zoning Ordinance, as amended, being Title 9A of this Code. (Ord. 76-1, 1-8-76)

CHAPTER 3
ADMINISTRATION AND ENFORCEMENT

9B-3-1: ADMINISTRATIVE OFFICES AND OFFICIALS:

The following offices of the government of the Village are concerned with the administration of this Title.

A. The Village Board of Trustees. The Village Board of Trustees is vested with the following responsibilities in regard to subdivision control:

1. Approval or disapproval of all preliminary and final plats referred to it by the Plan Commission.

2. Approval or disapproval of all variations and exceptions recommended by the Plan Commission.

3. Amendment of the regulations of this Title when found necessary and desirable, as hereinafter provided.

4. Initiation of appropriate proceedings to enforce the provisions of this Title.

B. The Plan Commission shall administer the provisions of this Title, and in furtherance of said authority, shall:

1. Maintain permanent and current records of this Title, including amendments thereto.

2. Receive and file all preliminary plats and final plats (together with applications).

3. Forward copies of the preliminary plat to other appropriate offices and agencies for their recommendations and report.

4. Forward, with recommendations, to the Village Board of Trustees, all preliminary plats.

5. Receive and file all final plats, and check their compliance with the preliminary plat.

6. Forward, with recommendations, to the Village Board of Trustees, all final plats.

7. Make all other determinations required by the regulations herein.

C. The Village Engineer: The Village Engineer shall review all preliminary subdivision plats and make determinations in the areas of design standards and engineering specifications, as stipulated herein. When necessary, he shall cause copies of the preliminary plat to be forwarded to appropriate government agencies.

D. Administrative Officer [43] : It shall be the duty of the Administrative Officer to enforce this Title and bring any violations or lack of compliance herewith to the attention of the Village Attorney.

9B-3-2: VARIATIONS AND EXCEPTIONS:

A. Hardships: Where the Plan Commission finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may recommend variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Title; and further provided the Plan Commission shall not recommend variations or exceptions to the regulations of this Title unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

B. Large-Scale Developments: The standards and requirements of these regulations may be modified in the case of large-scale developments when the Plan Commission finds that a plan and program for a new neighborhood unit provides adequate public spaces and improvements for the circulation, recreation, light, air and public utilities service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.

Alternative construction methods, design standards and required improvements may be approved by the Plan Commission and Board of Trustees if such methods, improvements and design features are proven to be comparable to the requirements of this Title in every respect. For the purpose of securing professional advice and additional reaction to such requested exceptions, the Plan Commission may forward copies to appropriate government agencies.

C. Conditions: In recommending variations and exceptions, the Plan Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of the Village Land Subdivision Regulations.

D. Procedure for Variance: A petition for any such variance shall be submitted in writing by the subdivider at the time the preliminary plat is filed for consideration by the Plan

Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

E. Recommendations: Such variations and exceptions as may be recommended by the Plan Commission shall be forwarded to the Board of Trustees in writing, substantiating the recommended variations and/or exceptions. The Board of Trustees may approve such variations or exceptions from the requirements of this Title in specific cases as listed on the final plat, which in its opinion do not adversely affect the Zoning Ordinance for the Village or the intent and purposes of this Title.

9B-3-3: APPEALS:

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom within sixty (60) days of notification of such objection or rejection of the plat, by presenting to a court of record a petition for a writ of certiorari directed to the Board of Trustees. The court shall direct that the plat be approved if it finds that the action of the Village Board of Trustees is arbitrary, unreasonable or discriminatory.

9B-3-4: AMENDMENTS:

For the purpose of promoting the public health, safety, general welfare, the Village Board of Trustees may from time to time amend the regulations imposed by this Title. The Plan Commission shall hold a public hearing on proposed amendments and make recommendations thereon to the Board of Trustees.

9B-3-5: FEES:

A. Required Payment: In order to cover the costs of plan examinations, incidental to the approval of a subdivision, the subdivider shall pay a fee at the time of application for approval of a preliminary plat. Such fee shall be based on the projected number of lots to be created. (At the time of application for approval of the final plat, the required fee will be recalculated on the basis of the actual number of lots created, based on this calculation, the subdivider is to pay an additional amount or to receive a refund.) There shall be no refund of any portion of the fee if the subdivider fails to apply for final approval of the subdivision within the time limit prescribed by these regulations. (Ord. 76-1, 1-8-76)

B. Amount of Fees:

Number of Lots	Fee
1 to 5	$250.00
6 and over	$275.00 plus $25.00 for each lot in excess of 6

In addition to the above fees, the subdivider will be responsible for the payment of all professional fees and costs incurred by the Village in connection with approval of the subdivision prior to final approval of the subdivision as set forth in subparagraphs C and D of this Section. (Ord. 81-WS-13, 10-22-81)

C. Engineering and Inspection: To defray the engineering and inspection expenses incurred by the Village in preparation or checking of preliminary and final cost estimates, working drawings, specifications, in checking the final plat (prepared by others), and in executing inspection responsibilities, the subdivider shall be required to reimburse the Village as follows: (These are separate and distinct charges from the fee paid at the time of submission of the preliminary layout.)

1. If the subdivider elects to have working drawings and specifications prepared by the Village, the procedure shall be:

a. He shall make a request for preparation of a preliminary estimate of construction costs for improvements. This request shall be in writing to the Village Board of Trustees and shall be accompanied by a certified check in the amount of two hundred fifty dollars ($250.00) to be receipted for by the Village Clerk. The deposit is to guarantee the expenses of preparation of the preliminary estimate by the Engineer for the Village.

b. When notified of the amount of the preliminary estimate of construction costs, the subdivider shall make a further written request to the Village Board of Trustees for preparation by the Engineer for the Village of a final estimate of construction costs, working drawings and specifications to be employed in the construction and inspection of the improvements. In making this request, the subdivider shall pay over to the Village Clerk an engineering fee equal to one hundred percent (100%) of the Engineer's quoted charge to the Village.

c. Upon payment of the engineering fee, the two hundred fifty dollars ($250.00) bond shall be refunded. The two hundred fifty dollars ($250.00) bond shall be forfeited if the engineering fee is not paid within six (6) months after notification of the amount of the preliminary estimate of construction cost and new bond shall be posted with a new request for preliminary estimate. There shall be no refund of the engineering fee if the project is abandoned or if approval of the final plat is denied. Any revision of work drawings, for whatever reason, shall be subject to an additional engineering fee paid for in advance, in an amount quoted by the Village Engineer.

d. The engineering fee is intended to cover the cost of preparing final work drawings, cost estimates and specifications but is not intended to cover the cost of staking out the project and inspecting the work once construction is begun.

2. If the subdivider elects to have working drawings, specifications and cost estimates for improvements prepared by the Engineer retained by himself, the procedure shall be:

a. He shall apply in writing to the Village Board of Trustees making a request that such drawings, specifications and estimates be checked by the Engineer for the Village. The application shall be accompanied by two (2) sets of construction prints, specifications and estimates.

b. The Village Board of Trustees shall inform the subdivider of the amount of the Engineer's charge to the Village for his service. Checking shall proceed after the subdivider has paid over this fee to the Village Clerk. Additional fees shall be paid for rechecking of drawings, specifications and estimates arising from revisions made by or required by the subdivider. There shall be no refund of engineering fees if the project is abandoned for any reason whatsoever.

c. The engineering fee is intended to cover the cost of checking the construction drawings, specifications and cost estimates, but is not intended to cover the cost of staking out the proposed work and inspecting said work once construction begins.

3. Inspection Requirements:

a. All improvements shall be subject to inspection by a duly authorized and qualified Village inspector both during the course of construction and after construction is completed. The inspector shall have authority over materials of construction, methods of construction and workmanship to insure compliance with working drawings and specifications. The contractor shall provide for reasonable tests and proof of quality of materials as requested by the inspector. Upon due cause the inspector may require that work be suspended, and due cause shall include weather conditions, questionable materials of construction, methods of construction, workmanship or nonadherence to specifications and drawings.

b. Approval by the inspector or absence of inspection shall in no way relieve the subdivider of full responsibility for adherence by his contractors to specifications and working drawings nor for high standards of materials, methods and workmanship.

c. Approval by the inspector shall not be deemed acceptance of the improvement by the Village. Acceptance shall be only by action of the President and Board of Trustees, and acceptance shall be contingent upon a favorable inspection report.

d. It shall be the responsibility of the subdivider or his contractor to notify the Village Clerk's office when work is to be started and to request assignment of an inspector. During construction, when certain phases of construction are started and completed and when final construction is completed, it shall be the responsibility

of the owner and/or subdivider or his agents to have proper inspections made by the Village inspector before proceeding.

e. Before grading or construction of improvements is started the subdivider or his contractor shall deposit with the Village Clerk a cash sum in an amount agreed upon between the Engineer for the Village and the subdivider or contractor as being sufficient to provide for inspection charges at current rates. From this sum shall be deducted the inspection expense incurred by the Village. Any excess of the sum deposited over total inspection charges will be refunded to the depositor and any overdraft for inspection shall be provided for immediately by the contractor to insure continuity of inspection.

f. The inspection charges shall be equal to one hundred percent (100%) of the Engineer's quoted charge to the Village.

If inspection is performed by an inspector on the Village's payroll, the charge shall be one hundred twenty five percent (125%) of the regular salary paid to the inspector computed to an hourly basis. There shall be not less than a four (4) hour charge for the time spent in any one working day.

D. Legal Expenses: The subdivider shall reimburse the Village for any legal expenses incurred by it in connection with the processing of the subdivision for approval. This shall include the cost of preparing or examining agreements, guarantees, escrows and the furnishing of opinion required, the preparation of deeds or any other instruments or conveyance that may be required, and any other legal expense incurred by the Village in connection with qualifying the subdivision.

The President and Board of Trustees may, in their discretion, obtain an estimate from the Village Attorney of the cost of any such legal expense and require a deposit from the subdivider in the amount of such estimate before incurring the legal expense involved. (Ord. 76-1, 1-8-76)

E. Filing Fees: Any and all fees incurred by the village for copying the plat and recording same with the Recorder of Deeds or Registrar of Titles shall be paid by the applicant for each subdivision approved by the Board. This fee shall be paid prior to the recording of said Plat of Subdivision. (Ord. 87-0-17, 8-13-87)

CHAPTER 4
PROCEDURES FOR APPROVAL; PLATS

9B-4-1: OUTLINE FOR PROCEDURES:

A. Preliminary Proposal:

1. The subdivider submits a letter of intent, sketch plan and other proposed improvements to the Village President and Board of Trustees. The Board of Trustees by motion refers proposal to the Plan Commission.

2. The Plan Commission Chairman, after checking the proposal, advises the subdivider as to the apparent adequacy of the proposed plan and schedules a preliminary plat hearing before the Plan Commission Board.

B. Preliminary Plat:

1. The subdivider prepares a preliminary plat three (3) copies, including preliminary engineering plans and specifications and intended dedication or reservation of public lands and presents the proposal to the Plan Commission. The preliminary plat shall be prepared in accordance with the requirements set forth in Section 9B-4-2, Preliminary Plat.

2. The Plan Commission shall discuss with the subdivider, the proposed subdivision and advise him of any Village plans which may affect the proposed subdivision; the procedural steps, design and improvement standards; and the general plat requirements. The Plan Commission may obtain the required recommendations from the Village Engineer or other Village officers by transmitting preliminary plat copies concerning matters within their jurisdiction.

3. The Plan Commission after applying provisions of this Title shall:

a. Approve the preliminary plat.

b. Approve the preliminary plat subject to modification.

c. Reject the preliminary plat, in which case findings are reported to the subdivider in writing.

C. Final Plat:

1. Within six (6) months of the date of approval of the preliminary plat, the subdivider prepares and presents to the Plan Commission a final plat incorporating all required modifications together with final engineering plans and specifications to the

preliminary plat. The final plat is prepared in accordance with requirements set forth in Section 9B-4-3 hereof.

2. The Plan Commission determines whether or not the final plat is in conformance with the approved preliminary plat and shall accept by motion, sign and forward the plat, with recommendations to the Village Board of Trustees.

3. The Village Board of Trustees shall review the plat, either approving or rejecting, within sixty (60) days after receiving from the Plan Commission.

4. Upon receipt of a certified copy of the approved final plat, the Village Clerk shall file a copy of the approved plat with the Recorder of Deeds of Cook County.

9B-4-2: PRELIMINARY PLAT:

In planning and developing a subdivision either within the corporate limits or within one and one-half (1 1/2) miles of the limits of the Village, the subdivider shall respect the following procedure:

A. Filing of Preliminary Plat: The subdivider shall prepare a preliminary plat of the proposed subdivision, along with preliminary engineering plans and specifications, in accordance with the requirements of Chapter 5 of this Title and shall present this to the Plan Commission for discussion and tentative approval. The preliminary plat shall consist of three (3) black and white prints or other acceptable reproduction.

B. Review and Recommendations: The preliminary plat shall be reviewed by the Plan Commission to determine its conformity to this Title and all other ordinances and regulations in force which affect subdivisions. Copies of such preliminary plat shall be transmitted to the President and Board of Trustees, Village Engineer and other Village officers as the Plan Commission shall deem necessary for their recommendations concerning matters within their jurisdiction. Their recommendations in respect thereto shall be transmitted to the Plan Commission not later than two (2) weeks from the date the plat is filed.

C. Disposition of Preliminary Plat: The Plan Commission shall, within forty five (45) days from the date of application or the filing by the applicant of the last item of required supporting data, whichever date is later, unless such time is extended by mutual consent, tentatively approve or disapprove the plat, or approve it with modifications, noting thereon any changes that will be required. One copy shall be returned to the subdivider with the date of the tentative approval or disapproval, and the reasons therefor accompanying the plat.

D. Required Improvements: The subdivider shall install street and utility improvements, and other improvements indicated on the plat, as hereinafter provided. If such improvements are not installed as required at the time the final plat is submitted for approval, the subdivider shall, before the recording of his plat, enter into a contract

with the Village of Willow Springs, agreeing to install the required improvements. The subdivider shall file, with said contract, a bond meeting the approval of the Village Attorney and the Village Treasurer or deposit moneys in escrow with a bank approved by the Village in an amount equal to one hundred twenty five percent (125%) of the estimated cost of improvements prepared by the Village Engineer. Such bond or moneys in escrow shall constitute a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat, and that repairs necessitated by defects in material or workmanship will be made during the period not to exceed one year from and after final acceptance of such improvements by the Village Board of Trustees.

If the improvements are not completed or repairs are not made within the specified time period, the Board of Trustees may use the bond or the check or any necessary portions thereof to complete or repair same. The Village Board may, after conferring with the Village Engineer allow an extension in completion of improvement.

Upon completion of the required improvements guaranteed by the bond or certified check, and to insure that such improvements have been installed "as-built" survey plat of the subdivision, including location, dimensions, construction materials, and other information required by the Plan Commission, shall be submitted to the Plan Commission by the developer of the subdivision.

Governmental units to which these bond and contract provisions apply may file in lieu of said contract or bond, a letter from the officers authorized to act in their behalf, agreeing to comply with the provisions of this Chapter.

Where a subdivision is located in the path of urban development, as indicated by the Comprehensive Plan for Willow Springs, improvements may be required of a size and capacity necessary to adequately serve adjacent growth. When such "oversized" improvements are required, the Village shall, in conformance with the schedule represented by its capital improvement program and/or utility extension master plan, reimburse the subdivider for any construction in excess of what is necessary to serve only his subdivision. Maximum requirements for subdivision improvements shall be determined by the Plan Commission and Village Engineer with final approval by the Village Board of Trustees.

1. Water Facilities:

   a. Where a public water main is accessible, subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications and inspection of the Village Engineer and Fire Chief, the cost of engineering and inspection to be charged to the developer. The location of the fire hydrants shall first be approved by the Village Engineer and Fire Chief.

   b. Water main extensions shall be approved by the Environmental Protection Agency or their officially designated agent. If a public utility water system is not

available, individual wells may be used provided the provisions of Section 9B-8-5B hereof are met, and water samples are submitted to and approved by the Village and/or County Health Officer. Such an order of approval shall be submitted to the Plan Commission.

c. If a connection to a public water main will be provided eventually, as recommended by the Village Engineer, the Plan Commission and determined by the Board of Trustees, the developer shall make arrangements for future public water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

2. Sewer Facilities:

a. Where a public sanitary sewer is accessible, the subdivider shall install adequate sanitary sewer facilities (including the installation of laterals to the right of way), subject to the specifications and inspection of the Village Engineer, Department of Public Works of the Village of Willow Springs and the Metropolitan Sanitary District, hereinafter called the Department, the cost of inspection, determined on the basis of time devoted to the project at the Village Engineer's wage scale, to be charged to the developer. All construction work in connection with sanitary sewer extension shall be approved by the Environmental Protection Agency, or their official designated agent.

b. If public sewage facilities are not available and the developer intends to utilize a central sanitary sewage system to service the subdivision, such system shall be subject to approval of the Village of Willow Springs upon favorable recommendation from the Village Engineer. All such approved systems shall include a sewer layout so designed as to be compatible with and facilitate any future extension of the Metropolitan Sanitary District.

c. If public sewage facilities are not available and the developer does not intend to use a central sanitary sewage system to service the subdivision, minimum lot areas shall conform to the requirements of Section 9B-8-5B of this Title and percolation tests or test holes shall be made as directed by the Village and County Health Officer and the results submitted to the Cook County Health Department.

d. Private disposal systems shall comply with all requirements of the Environmental Protection Agency and/or the Cook County Health Department. An order from the Village and/or County Health Officer shall be submitted to the Plan Commission approving the sanitation facilities proposed by the developer. This approval shall be predicated upon written recommendation from the Village Engineer. If a connection to a public sanitary sewer will be provided eventually, as recommended by the Village Engineer, and the Plan Commission and determined by the Board of Trustees, the developer shall make arrangements for future sewage disposal by a public utility system at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance. In the future, if a

public sanitary sewer is accessible and sanitary sewer is placed in a street or alley, abutting upon property, the owner thereof shall be required to connect to said sewer for the purpose of disposing of waste and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

3. Storm Water: Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications and inspection of the Village Engineer, the cost of engineering and inspection determined on the basis of time devoted to the project at Village wage scales, to be charged to the developer.

If a connection to a public storm sewer will be provided eventually, as recommended by the Village Engineer and the Plan Commission and determined by the Board of Trustees, the developer shall make arrangements for future storm water disposal by a public utility system at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

4. Street Grading: The subdivider shall furnish drawings which indicate the existing and proposed grades of streets shown on the plat, and, after completion of engineering work on the streets by the Village Engineer and approval of street grades by the Plan Commission shall grade or cause to be graded the full width of the right of way of the streets proposed to be dedicated. The bed for the roadways in the street rights of way shall be graded to subgrade. The cost of engineering and inspection, determined on the basis of time devoted to the project at Village wage scales, shall be charged to the developer. The Village Engineer shall approve the work prior to the time the Plan Commission recommends approval of the final plat.

5. Street and Sidewalk Surfacing: After sewer and water utilities have been installed by the developer, the subdivider shall construct concrete combination curbs and gutters where required and shall surface or cause to be surfaced roadways to the widths prescribed in Chapter 8 of this Title and as indicated on the Official Map of the Village of Willow Springs. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. On all streets construction shall be as follows:

Surfacing: Bituminous Concrete Surface Course Class (2 1/2" thick).

Base: Gravel or Crushed Stone Base Course CA-6 (9" thick).

Alternates: BAM Base Course (6" thick).

All designated surface treatments shall meet the specifications of the Village Engineer of Willow Springs. Adequate provision shall also be made for culverts, drains and bridges. Dedicated walkways shall be improved by the subdivider with a

standard Willow Springs sidewalk to a grade established by the Village Engineer. Such work shall be done in accordance with plans prepared or approved by the Village Engineer. The work shall be inspected by the Village Engineer, with engineering and inspection costs (determined on the basis of time devoted to the project at Village wage scales) to be charged to the developer.

6. Monuments: The subdivider shall place permanent reference monuments in the subdivision as required herein and as approved by the Village Engineer.

The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than thirty inches (30") in length, not less than four inches (4") square or five inches (5") in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes at least thirty inches (30") long and two inches (2") in diameter. These monuments shall be placed not more than one thousand four hundred feet (1,400') apart in any straight line and at all subdivision corners, at each end of all curves, at the point where a curve changes its radius, and at all angle points in any line, and at all angle points along the meander line. Said meander points to be not less than twenty feet (20') back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed on the side line of the street and so referenced.

All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by iron rods or pipes at least thirty inches (30") long and two inches (2") in diameter. These monuments shall be placed at all block corners, at each end of all curves, at a point where a curve changes its radius, and at all angle points in any line.

All lot corners shall be monumented in the field by iron pipes at least twenty four inches (24") long and one inch (1") in diameter; or by round or square iron bars at least twenty four inches (24") long.

The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least thirty inches (30") long and one inch (1") in diameter, or by round or square iron bars at least thirty inches (30") long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than twenty feet (20') back from the bank of the river or stream.

All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost.

All monuments shall be properly set in the ground by a registered Illinois Land Surveyor and approved by the Village Engineer prior to the time the Plan Commission recommends approval of the final plat.

7. Street Trees: Street trees having a trunk diameter (measured 12 inches above the ground level) of not less than two inches (2") shall be planted along all residential streets, where trees do not already exist, no less than thirty feet (30') nor more than seventy five feet (75') apart. Only oak, honey locust, hard maples, ginkgo, or other long-lived shade trees, acceptable to the Village Engineer and Plan Commission shall be planted.

8. Street Lights: Street lights shall be installed to illuminate all roadways and sidewalk surfaces in accordance with design and specifications standards approved by the Village Engineer.

9. Street Names: Street signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Village Engineer. No street names shall be used which will duplicate or be confused with the names of existing streets. New streets which are extensions of or obviously in alignment with existing streets shall bear the name of the existing streets. Street names shall be subject to the approval of the Plan Commission.

10. Other Improvements: It is also desirable to install other improvements such as electric lines, gas mains, and similar facilities in any subdivision. Whenever the Plan Commission and the Board of Trustees deem it necessary, they may require that any such improvements shall be installed before the plat is approved. When reasonably possible, the Plan Commission shall require that all utilities and service facilities be placed underground.

11. Topsoil. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches (6") of cover on the lots and between sidewalks and curbs, and shall be stabilized by seeding or planting.

9B-4-3: FINAL PLAT:

After approval of the preliminary plat, the subdivider shall prepare and submit to the Plan Commission the final plat incorporating all required modifications to the preliminary plat. During the final plat stage, the following actions shall be taken:

A. Filing of Final Plat: After he has entered into a contract, guaranteed by a bond, by which he agrees to provide utilities and improvements herein required, or after completion of such utilities and improvements to the satisfaction of the Village Engineer and Plan Commission, the subdivider shall file with the Village Clerk, within six (6) months of the date of approval or tentative approval of the preliminary plat, unless such six (6) month period is extended by the Plan Commission, the final plat and four (4) reproductions thereof which shall conform to the requirements of Chapter 6 of this Title. The Village Clerk shall forthwith transmit all copies of the final plat to the Plan Commission.

B. Action by the Board of Trustees: Upon receipt thereof, the Plan Commission shall examine the final plat and all necessary certificates to determine its conformance to the preliminary plat and the requirements established in this Title, and shall within thirty (30) days of its submission, unless the time is extended by the Board of Trustees, either approve or disapprove said final plat.

If the Plan Commission approves the final plat, such approval and the date thereof shall be noted on the plat over the signature of both the Chairman and Secretary of the Commission and the plat shall be transmitted to the Board of Trustees for the necessary action on the final approval of the plat and for approval of all proposed dedications.

The Board of Trustees shall approve or disapprove the final plat and accept or reject the areas preserved for or dedicated to the public within sixty (60) days of its submission to the Plan Commission unless the subdivider is notified of objections to the plat or the time is extended by agreement with the subdivider.

After the final plat shall have been approved by the Board of Trustees, the Village Clerk shall cause a certified copy of the resolution approving such plat to be attached to the plat and returned to the subdivider. Copies of the resolution and plat shall also be transmitted to the Plan Commission and the Village Engineer, and the Village Clerk shall retain one copy for his file. The Village Clerk shall promptly file a reproducible copy of the subdivision plat in the Recorder of Deed's office of Cook County.

C. Subdivision Plat Lying Outside the Corporate Limits of Willow Springs and Being Within the Review Jurisdiction of Willow Springs: For the subdivision platting of any land lying outside the corporate boundaries of the Village of Willow Springs, but within one and one-half (1 1/2) miles thereof, the procedure hereinbefore set forth shall apply except for the following modifications:

1. Tentative Approval of Preliminary Plat: After approval and recommendation of a subdivision plat by the Willow Springs Plan Commission, such plat shall be referred to the Village Board of Trustees for forwarding to the legislative body of Cook County for final (tentative) approval.

2. Final Plat Approval: After approval and recommendation of a final plat of subdivision by the Willow Springs Plan Commission, such plat shall be referred to the Village Board of Trustees for forwarding to the legislative body of Cook County for approval.

3. Other Required Approvals: Any other approval, certificate, review, inspection, bond, or guarantee required herein shall be handled pursuant to Cook County requirements for land subdivision. (Ord. 76-1, 1-8-76)

CHAPTER 5
PRELIMINARY PLATS

9B-5-1: PRELIMINARY PLAT REQUIRED:

Every proposed subdivision shall be submitted to the Plan Commission for tentative or conditional approval in the form of a preliminary plat prior to the submission of a final record plat. The preliminary plat is not intended to be a final record plat and must be prepared in such form as not to be confused with a final record plat. Its purpose is to show graphically all facts needed to enable the Plan Commission and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall be prepared by a qualified professional, trained and experienced in the layout of subdivisions.

The following graphic and descriptive items are normally required to be shown on the preliminary plat and the accompanying application for approval. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

9B-5-2: PRELIMINARY PLAT CONTENTS:

The owner or his agent shall provide the Plan Commission with a preliminary plat and it shall contain the following information:

A. Name for File Identification:

1. Name of subdivision if property is within an existing subdivision.

2. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Cook County.

3. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

B. Location and Description of Property: Location of property by government lot, section, township, range and county.

C. Basic Facts and Proposals Pertaining to the Property:

1. Size of tract in acres or of existing lots, if any, in square feet.

2. Existing zoning classification of property and any rezoning proposed to be requested.

3. Number of lots proposed in subdivision.

4. Area of lots proposed; showing total square feet per proposed lot and dimensions per lot in square feet.

5. Proposed type of water and sewer facilities.

6. Any other proposals, such as parcels of land intended to be dedicated, conveyed or reserved for public use, and the conditions proposed for such disposal and use. (Ord. 76-1, 1-8-76)

7. All existing public utility easements and existing sanitary sewer and water lines. (Ord. 87-0-16, 8-13-87)

D. Information as to Ownership, Preparation of Plat, and Submission thereof.

1. Name and address, including telephone number, of legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.

2. Citation of any existing legal rights of way or easements affecting the property.

3. Existing covenants on the property, if any.

4. Name and address, including telephone number, of the professional responsible for the subdivision design shall be shown on the preliminary plat as submitted -- Registered Professional Engineer of Illinois, responsible for the design of public improvements, and Registered Illinois Land Surveyor, responsible for surveys. (Ord. 76-1, 1-8-76)

E. The preliminary plat shall be submitted to the Village Engineer for his review and approval. He shall submit a written report to the Plan Commission detailing his findings and recommendations. All fees charged by the Engineer shall be billed by the Village Clerk to the applicant.

F. Upon request of the Village Engineer, a topographical survey shall be provided at applicant's expense. Said survey shall be prepared by a registered professional engineer or registered surveyor. (Ord. 87-0-16, 8-13-87)

9B-5-3: DRAWING STANDARDS:

The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of not more than one hundred feet to the inch (100' = 1"), and shall show correctly on its face the following information:

A. Date, scale and north point.

B. The proposed subdivision name (must be the same as that specified in the application).

C. The name and address of the owner, the subdivider and the surveyor preparing the plat.

D. Location of the subdivision by government lot, quarter section, section, township, range and county.

E. A vicinity sketch or small-scale drawing of the section or area within which the subdivision lies, with the location of the subdivision indicated thereon.

F. The exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot.

G. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

H. Zoning on and adjacent to the subdivision.

I. Location, width and names of all existing and platted streets, alleys and other public ways and easements, railroad and utility rights of way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the Plan Commission.

J. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the Village of Willow Springs datum plane.

K. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high-water mark of such waterways.

L. Provisions for layout, width and grades of all new streets and rights of way, including alleys, highways, easements for sewers and water mains, and other public utilities. Provisions for all utilities shall be underground.

M. Existing sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary and storm sewers are to be indicated in a general way upon the preliminary plat.

N. Plans of proposed utility layouts (water, sewers and storm drains) showing connections to any existing or proposed utility system.

O. Approximate dimensions and areas of lots.

P. Approximate radii of all curves, length of tangents, and central angles on all streets.

Q. Approximate location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision, with the conditions, if any, of such dedication or reservation.

R. Contours at vertical intervals of not more than two feet (2') or at more frequent intervals if required by the Plan Commission for land with unusual topography.

S. Street profile plans for all existing and proposed streets, containing information specified by the Plan Commission. (Ord. 76-1, 1-8-76)

CHAPTER 6
FINAL PLATS

9B-6-1: FINAL PLAT MAY CONSTITUTE PORTION OF APPROVED PRELIMINARY PLAT:

A final plat may constitute only a portion of the area contained in the approved preliminary plat, provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety and convenience of the proposed residents herein and for adequate access to contiguous areas.

9B-6-2: FINAL PLAT CONTENTS:

The owner or his agent shall furnish the Plan Commission a final plat and it shall contain the following information:

A. Name of subdivision (which is subject to approval by the Village Board of Trustees and should be cleared with the Plan Commission prior to submission of the plat) and description of blocks and lots included on plat.

B. Location of subdivision by government lot, section, township, range and county.

C. Name, date of approval and file number of the preliminary plat upon which the final plat is based.

D. Zoning classification of the property.

E. Total number of lots and/or parcels included on the plat.

F. Total area shown on the plat including streets and total area dedicated to public use, if any.

G. Existing or proposed covenants, if any reference shall be made to any private restrictions and plats shall contain proper acknowledgements of owners and mortgagees accepting said platting and restrictions.

H. Name and address, including telephone number, of the owner or his agent and the surveyor who prepared the plat.

I. Submission of final engineering plans and specification for all water systems, sanitary sewage disposal systems and all storm drainage facilities, showing connection to any existing or proposed utility system.

J. Final engineering drawings showing street profile plans for all existing and proposed streets, containing all information required by the Village Engineer and the Plan Commission.

9B-6-3: DRAWING STANDARDS:

The final plat shall be drawn with waterproof nonfading black ink, at a scale of not more than one hundred feet to the inch (100' = 1"), on muslin-backed white paper or four (4) mil transparent Mylar, twenty two inches wide by thirty one and one-fourth inches long (22" x 31 1/4"), or in a form deemed acceptable by the Plan Commission. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the plat and showing the relation of that sheet to the other sheets, and each sheet shall bear the name of the subdivision. Each plat shall show correctly on its face the following information:

A. Map and Engineering Information:

1. Date, scale and north point.

2. The exterior boundaries of the land surveyed and divided.

3. All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monument.

4. The exact length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines, except that when the lines in any tier of lots are parallel, it shall be sufficient to mark the bearings of the outer lines on one tier thereof. Easements shall be shown by center line and width when lines are parallel to a boundary, otherwise boundary bearings and distances shall be shown. Where the exterior boundary lines show bearings or lengths which vary from those recorded in abutting plats or certified surveys, there shall be the following note placed along such lines, "recorded as (show recorded bearing or length or both)".

5. Blocks, if designated, shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivision bearing the same name shall be numbered or lettered consecutively through the several additions.

6. All lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.

7. The exact width of all easements, streets and alleys.

8. All lake or stream shore meander lines established by the surveyor in accordance with Section 9B-4-2D6 of this Title, the distances and bearings thereof, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high-water mark.

9. The center line of all streets.

10. The number of degrees and minutes in all exterior boundary and block angles. When such angles are between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve; when between curves of different radii, the angle between the main chords.

11. When a street is on a circular curve, the main chords of the right of way shall be drawn as dotted lines in their proper places; and either on them, or in an adjoining table, shall be noted their bearings and lengths, the radius of the circle of which the curve is a part, the central angle subtended and the tangent bearing at either the point of curve or point of tangency. The lot lines may be shown in the same manner or by bearings and distances. When a circular curve of thirty foot (30') radius or less is used to round off the intersection between two (2) straight lines, it shall be tangent to both straight lines; it shall be sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.

12. When strict compliance with a provision of this Section will entail undue or unnecessary difficulty or tend to render the plat more difficult to read, and when the information on the plat is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the Plan Commission, upon the recommendations of the Village Engineer, may waive such strict compliance.

B. Name, Location and Position: The name of the subdivision shall be printed on the plat in prominent letters, and the following information relating to the position and location of the subdivision shall be shown thereon:

1. The location of the subdivision by government lot, recorded private claim, quarter section, section, township, range, and county noted immediately under the name given the subdivision.

2. The exact location of the subdivision, indicated by distances and bearings with reference to a corner or corners established in the U.S. public land survey.

3. A small drawing of the section, or governmental subdivision of the section, in which the subdivision lies, with the location of the subdivision indicated thereon. This drawing shall be oriented on the sheet in the same direction as the main drawing.

4. Where provision is made for access to any lake or stream, the plat shall show the area over which access is provided to the lake or stream together with a small-scale drawing clearly indicating the location of the subdivision in relation to the lake or stream and the location of the area over which access is provided.

5. The names of adjoining streets, State highways and subdivisions shown in their proper location underscored by a dotted line.

6. Abutting street and State highway lines of adjoining plats shown in their proper location by dotted lines. The width of these streets and highways shall be given also.

C. Roads and Public Spaces:

1. The name of each road or street in the plat shall be printed thereon in prominent letters.

2. All lands dedicated to public use except roads and streets shall be clearly marked "Dedicated to the Public".

3. All roads or streets shown on the plat which are not dedicated to public use shall be clearly marked "Private Road" or "Private Street" or "Private Way".

4. Each lot within the plat must have access to a public or private street unless otherwise provided by local ordinance.

D. Site Conditions and Topography:

1. All existing buildings.

2. All watercourses, drainage ditches, and other existing features pertinent to proper subdivision.

3. The water elevations of adjoining lakes, rivers or streams at the date of the survey and the approximate high and low water elevations of such lakes, rivers and streams. All elevations shall be referred to the Village of Willow Springs datum plane.

9B-6-4: RECORDING OF FINAL PLAT:

To entitle a final plat to be entered in the proper record books in the office of the Recorder of Deeds of Cook County, the following certificates, together with the certificate of approval of the Village Board of Trustees, shall accompany it. These certificates shall be lettered or printed legibly with black durable ink or typed.

A. Acknowledgement: The following shall be submitted with each plat:

1. A correct description of the land or parcel of land to be subdivided.

2. A notarized statement to the effect that the subdivision as it appears on the plat is with the free consent and in accordance with the desire of the proprietor, signed and acknowledged by such proprietor and his spouse, if any, acknowledging the adoption of the plat and the dedication of streets and other public areas, and granting a release of mortgage on such area as dedicated for public use.

B. Certificate for Surveyor: The final plat shall be accompanied by a certificate from a Registered Illinois Land Surveyor, attesting to the fact that the plat represents a survey made by him and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct, and that he has complied with all the rules contained herein governing plats, and noting exceptions, if any.

C. County Treasurer's Certificate: The final plat shall be accompanied by a certificate from the County Treasurer, attesting to the fact that all taxes are paid for the current year and all prior years, or that the required statutory security has been deposited in the office of the County Treasurer, guaranteeing payment thereof.

D. Village Collector's Certificate: The final plat shall be accompanied by a certificate from the Village Collector, attesting to the fact that all local taxes are paid for the current year and all prior years.

E. Plan Commission Certificate: The final plat shall contain a statement that the Village Plan Commission has approved the final plat, which statement shall be signed by the chairman and attested by the secretary.

F. Village Engineer's Certificate: The final plat shall contain a statement certifying that the Village Engineer has approved the final plat and all additional required information. (Ord. 76-1, 1-8-76)

CHAPTER 7
GENERAL REQUIREMENTS AND PRINCIPLES

9B-7-1: GENERAL REQUIREMENTS:

A. The plan commission, in the examination of subdivision plats for approval, and in the application of this title, shall take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to width and location of streets, suitability of sanitary utilities, surface drainage, lot sizes and arrangements, as well as local requirements such as parks and playgrounds, schools and recreation sites, and other public uses.

B. The plan commission shall especially require that all subdivisions conform to the provisions and conditions of the zoning ordinance for future development of the village. Plat approval may be withheld if a subdivision does not conform to the provisions of the zoning ordinance.

C. The plan commission shall not recommend for approval by the board of trustees any plat of subdivision which does not make adequate provision for storm or flood water runoff channels or basins.

D. In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical and similar features. (Ord. 76-1, 1-8-1976)

9B-7-2: UNSUITABLE LAND:

No land shall be subdivided for residential use which is held by the plan commission, after investigation by the village engineer, to be unsuitable for such use by reason of flooding or bad drainage, adverse earth or rock formation or topography, or any other feature likely to be harmful to the health, safety or welfare of the future residents, in the proposed subdivision or of the community. (Ord. 76-1, 1-8-1976)

9B-7-3: DEDICATION OF LAND FOR PUBLIC USE; GENERAL PROVISIONS:

A. When a final plat of a subdivision has been approved by the village board of trustees as required approvals are obtained and the plat is recorded, such approval by the board of trustees shall constitute acceptance for the purpose(s) designated on the plat of all land shown on the plat as dedicated to or reserved for the public use, including street dedications.

B. Whenever a preliminary plat includes a proposed dedication of land for public use and the plan commission finds that such land is not required and/or is not suitable for public use, the plan commission may either refuse to approve such dedication in the location shown, or require the rearrangement of lot lines in the proposed subdivision to include such land therein.

C. In determining how much land shall be dedicated to public recreation uses as hereinafter set forth, the following land areas shall not be included in such calculations:

1. Any land area zoned for business or industrial development.

2. Any land area required for development of arterial streets, expressways, freeways, state highways, or any other required public right of way which exceeds eighty feet (80') in width. (Ord. 76-1, 1-8-1976)

D. All subdividers shall be required to dedicate land for public use, not to exceed twelve percent (12%) of the total gross acreage developable for residential users. (Ord. 86-0-1, 2-13-1986)

9B-7-4: DEDICATION AND RESERVATION OF PARK AND RECREATIONAL AREAS:

A. Specific Requirements: Where a proposed park, playground, community center or other recreational site or facility or police or fire station or any other proposed public use, included in the zoning ordinance is located in whole or in part in the area being subdivided, the subdivider shall dedicate such land to the proper public agency or agencies as a part of the final subdivision plat; provided, however, that in no case shall the amount of land required to be dedicated, other than required streets and alleys, exceed twelve percent (12%) of the total gross acreage developable for residential uses; and provided further, that any part of such land in excess of twelve percent (12%) of the total gross land area developable for residential uses shall also be shown on all subdivision plats (differentiated by symbol from land to be dedicated) and the acquisition of such additional land needed to parks, playgrounds, community centers or other recreational facilities, other than required streets and alleys, may be acquired by the proper governing bodies, or arrangements may be made for the acquisition of such area from the subdivider at the cost of unimproved land. Land reserved in excess of twelve percent (12%) of the total gross land area developable for residential uses shall be so reserved for a period of not to exceed one year from the date of approval of the final subdivision plat. (Ord. 76-1, 1-8-1976)

B. Cash In Lieu Of Dedication: In subdivisions or planned unit developments where no land area requirements for parks or recreational uses are shown on the village's comprehensive plan, or where less then twelve percent (12%) of the total gross and area developable for residential uses is required for such parks, open space, passive recreational areas, bike and/or walking paths, playgrounds, community centers or other recreational facilities, the subdivider or developer shall dedicate such area as is required and, in addition, shall pay to the village clerk for the "park and recreation fund", of the village, a sum of money such that, either the dedication or the dedication plus the cash payment in lieu thereof shall equal twelve percent (12%) of the appraised value of the unimproved land area developable for residential purposes. *For development or annexation less than two acres a 25% discount will be given to the*

total calculated fee. The value of the subject land shall be established by negotiation, and if negotiations fail, by appraisal made by three (3) qualified appraisers, one of whom shall be appointed by the board of trustees and one of whom shall be mutually agreed upon by the two appraisers aforenamed, who shall make the actual appraisal. A subdivider or developer and the board of trustees may agree on an installment method of payment, not to exceed two (2) years, based on the sale of lots or units. Any monies received by the "park and recreation funds" shall be used either for: (1) the purchase of parks, open space, passive recreational areas, bike and/or walking paths, playgrounds, community centers or other recreational facilities in accordance with the village's comprehensive plan and after receipt of a recommendation from the plan commission as to the location of such site or facility; or (2) the purchase of park and/or recreational equipment; or (3) the improvement and enhancement of any exiting parks or recreation areas within the village or serving the village; or (4) recreational programs and events as deemed approved by the board of trustees. (Ord. 2007-O-46)

C. Land Not Suitable For Dedication: Whenever the plan commission finds that land for parks, playgrounds, community centers or other recreational facilities are not required or are not suitable for such recreational facilities, or where the plan commission finds that the area to be subdivided is too small to warrant dedication of land, the plan commission may reject all dedications of land and require cash payments in lieu thereof, in accordance with subsection B of this section.

D. Reservation Of Other Public Spaces And Sites: The following shall apply:

1. Preliminary Plan To Accommodate Planned Public Spaces: Whenever a tract of land to be subdivided includes a proposed street, highway or parkway, or proposed site for a school, fire station or other public use as indicated on the zoning ordinance, such space shall be suitably incorporated by the developer into his subdivision plat after proper determination of its necessity by the plan commission and the appropriate village office or other public agency concerned with the acquisition, development and use of each such site.

2. Requirements For Adequate Open Space: Unless appropriate provision for dedication or donation of school, fire station and other public use spaces has been made by the village board of trustees in a previous action, such as in the case of required dedications or of a large scale development involving multiple land uses, any required school, fire station or other public use sites shall be acquired by the school district or the appropriate village, county or state agency.

3. Acquisition Of Land For Public Use: The plan commission shall consider all preliminary plans and adopted or proposed studies related thereto, to determine the need for acquisition for public use of any of the land included in the preliminary plan. Land may be acquired for: public school sites, fire stations, police stations, parks, playgrounds, municipal public utilities, or other public recreation areas, or other public purposes as provided by law.

a. Referral To Public Body: Plan commission shall refer the plat to the public body concerned with acquisition for its consideration and report. The plan commission may propose alternate areas for such acquisition and shall allow the public body or agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing generally the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

b. Notice To Property Owner: Upon receipt of an affirmative report from the specific agency, the plan commission shall notify the property owner, and the subdivider shall appropriately indicate on the preliminary plat and final plat the generalized boundary of that area proposed to be acquired by the public body.

c. Duration Of Land Reservation: The acquisition of land reserved by a public agency as shown on the final plat shall be initiated by such agency within twelve (12) months after approval of the final plat, and after proper notification, in writing, from the property owner that he intends to develop the land. Such letter of intent to develop shall be accompanied by a sketch plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for immediate development. (Ord. 76-1, 1-8-1976)

9B-7-5: VACATION OF A PLAT OF SUBDIVISION:

Any plat or any part of a plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.

Such an instrument shall be approved by the board of trustees in like manner as plats of subdivisions. The board of trustees may reject any such instrument which abridges or destroys any public rights in any of its streets or alleys. Such an instrument shall be executed, acknowledged or approved, and recorded or filed in the like manner as plats of subdivisions; and being duly recorded or filed, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.

When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing. (Ord. 76-1, 1-8-1976)

9B-7-6: LAND ABUTTING A PRIVATE WAY OUTSIDE THE VILLAGE:

No person shall sell any parcel of land of one acre or less in size, located outside the corporate limits of the village, if it abuts a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a

public road and is not required to be maintained by the county within which it is located. (Ord. 76-1, 1-8-1976)

9B-7-7: SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS:

Whenever a parcel of land is subdivided into lots containing one or more acres and there are indications that such lots will eventually be subdivided into smaller building sites, the board of trustees may require that such parcels of land be divided so as to allow for the future opening of streets and the ultimate extensions of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat. (Ord. 76-1, 1-8-1976)

9B-7-8: APPROVAL OF LAND DIVISION WITHOUT A PLAT:

Notwithstanding the general provisions set forth in sections 9B-7-1 through 9B-7-7 of this chapter, minor subdivision (normally referred to as "lot splits") shall be permitted and approved by the plan commission, without filing a subdivision plat as required by this title, in accordance with the following:

A. Purpose: The purpose of this section is to permit the subdivision of a parcel of land:

1. Along an existing dedicated or deeded public street.

2. Not involving the opening, widening or extension of any street or road.

3. Which parcel of land results in not more than four (4) lots, all of which must meet the minimum area requirements of the zoning ordinance.

B. Procedure: If the plan commission, acting through the building commissioner, is satisfied that a proposed minor subdivision (lot split) is not contrary to the herein established platting and subdividing rules and regulations and such plat is not contrary to the zoning ordinance, such plan commission shall approve same within fourteen (14) working days of the date of submission.

C. Final Disposition: After a minor subdivision (lot split) has been approved by the plan commission and the building commissioner, the plat or other graphic representation of such minor subdivision shall be stamped, "approved by the plan commission, no plat required", and shall be signed by the plan commission chairman and the building commissioner, and shall be transmitted to the board of trustees for similar action. The board of trustees shall, within fourteen (14) working days, approve or disapprove such minor subdivision.

After the minor subdivision (lot split) has been stamped approved and signed as hereinabove provided, it shall be filed and recorded for record with the recorder of deeds of Cook County.

D. Monuments: All minor subdivisions (lot splits) are required to provide permanent monuments as hereinbefore required under subsection 9B-4-2D6 of this title. (Ord. 76-1, 1-8-1976)

9B-7-9: DEDICATION OF SCHOOL LAND OR PAYMENT OF FEES IN LIEU THEREOF:

As a condition of approval of a final plat of development, a final plat of subdivision, or a final plat of or special use permit for a planned unit development, each subdivider or developer will be required to dedicate land for school purposes to serve the immediate and future needs of the residents and children of the development, or make a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the village, in accordance with the following criteria and formula:

A. Criteria For School Land Dedication:

1. Requirements And Population Ratio: The ultimate density of a proposed development, subdivision or planned unit development shall bear directly upon the amount of land required to be dedicated for school sites. The land dedication requirement shall be determined in accordance with the data for the estimated number of children entering school per type of dwelling found in the "table of estimated ultimate population per dwelling unit", 1996 edition (the "table"), prepared by Illinois School Consulting Services/Associated Municipal Consultants, Inc., Naperville, Illinois.

School classifications and size of school sites within the village shall be determined in accordance with the following criteria based upon "Recommendations For Elementary And High School Spaces" published by the office of the superintendent of public instruction (now the state of Illinois superintendent of education), state of Illinois, Springfield, Illinois:

School Classification By Grades	Maximum Number Of Students	Minimum Number Of Acres Of Land
Elementary	600	11
Junior high	900	29
Senior high	1,500	45

Provided, however, that because the senior high school districts within the village encompass a much larger area not within the corporate boundaries of the village, the village shall compute and require any land dedication or cash payment in lieu of land dedications for the senior high school districts, only, at twenty five percent (25%) of a full dedication or contribution.

2. Location: The comprehensive plan of the village, the comprehensive school plan or facility utilization plan of the school district and the standards adopted by the school district shall be considered in locating school sites. The location of dedicated school sites shall be determined with the input of the school district involved. A central location which will serve equally the entire development is most desirable. Additional guidelines which shall be considered in locating sites include, but are not limited to, size of the subdivisions, proximity of the site to other schools and municipal services, topography and shape of the site, accessibility of the site, safety and other environmental and use conditions.

B. Criteria For Requiring A Contribution In Lieu Of School Land: Where the subdivision or development is small and resulting school site is, in the opinion of the village, too small to be practical or when the available land, in the opinion of the village, after consultation with the affected school district, is inappropriate for school purposes, the village shall require the subdivider or developer to pay a cash contribution in lieu of school land dedication to the village which shall then pay said contributions to the school district to be held in trust by the school district in which the development is located to be used by the school district in accordance with this chapter. Such contributions shall be expended solely for the acquisition of land for school sites or for the improvement of existing local school land which already serves such needs which land or improvements will be available to serve the immediate or future needs of the residents of that development pursuant to subsection B2 of this section. The village shall have the right to request and receive from the affected school districts annual audit reports and any other information the village may need from time to time to ensure compliance with this section. If any portion of a cash contribution in lieu of school land dedication is not expended for the purposes set forth herein within ten (10) years from the date of receipt, the school district (or the village, if applicable) holding the funds shall refund such contribution to the owners of record of all lots, except lots dedicated pursuant to the provision of this section, in the development, subdivision or planned unit development for which such contribution was made. The refund shall be paid to the persons who are the owners of record on the day which is the tenth anniversary of the receipt of such contribution. The amount of the refund due to each lot owner shall be equal to the amount of the original contribution, together with such interest as may have been earned thereon, divided by the total number of lots in the development, subdivision or planned unit development (excluding only those lots which were dedicated pursuant to this section) for which such contribution was made.

1. Acquisition Using Cash In Lieu Of School Land Donations:

a. The term "acquisition", as used in this section, shall mean the acquiring of land by purchase, condemnation or such other means as may be appropriate.

b. The acquired land shall be used for the construction of new facilities or improvements to existing facilities per subsection B2 of this section.

2. Improvements Using Cash In Lieu Of School Land Donations: Where existing school lands will serve the needs of the development, the cash contribution in lieu of land dedication shall be used for the following types of physical improvements: expansion of existing school facilities, additions to existing facilities and additions to school grounds and environment.

3. Fair Market Value: The cash contribution in lieu of land shall be based on the sum of the fair market value of a vacant, unimproved and unsubdivided acre of land in the Village and the estimate of the Village Engineer as to the cost of improving such land with electrical utilities, water, sewer and streets, including enclosed drainage and curbs and gutters, and all other improvements required under this subdivision Regulations Ordinance. All cash contribution calculations shall be made by the Village, and the affected School Districts shall refer all developers to the Village for such calculations. It has been determined that the present fair market value of a vacant, unimproved and unsubdivided acre of land in and surrounding the Village is $100,000.00 per acre and the estimate of the Village Engineer as to the cost of improvements per acre is $50,000.00, for a total of $150,000.00, and such figure shall be used in making any calculation herein unless the subdivider, developer or the affected School District files a written objection thereto. In the event of any such objection, the developer shall, at his cost and by a Member of Appraisal Institute (M.A.I.) submit an appraisal showing the "fair market value" of the land in the development or other evidence thereof and final determination of said "fair market value" per acre of such vacant, unimproved and unsubdivided land shall be made by the Village Board based upon such information submitted by the subdivider or developer or School District and from other sources which may be submitted to the Village Board by others. The Village, on its own motion or at the request of others, may from time to time amend this provision to provide for different fair market values for parcels that are deemed by others and the Village to be of greater or lesser value. (Ord. 2007-O-11; Ord. 2007-O-46)

4. Criteria For Requiring Dedication And A Fee: There may be situations when both a land dedication and a cash contribution are necessary. These occasions may arise, among others, when:

a. If it is determined by the village that the land to be dedicated for a school site within a development contains fewer acres than the amount called for by this section, a cash contribution shall be required for the difference between the amount of land called for by this section and the amount of land which is actually to be dedicated.

b. If a major part of a local school site has already been acquired and only a small portion of land is needed from the development to complete the site, the remaining portions shall be required by dedication, and a cash contribution for the difference is required.

C. Density Formula: The table is generally indicative of current and short range projected trends in family size for a new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contribution in lieu thereof.

1. Objections To Density Formula: In the event a subdivider, developer or school district involved files a written objection to the table listed herein and submits his own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development, a final determination of the density formula to be used in such calculations shall be made by the village board based upon such demographic information as the village shall require. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in lieu thereof, as stated herein, is subject to periodic review and amendment if necessary.

2. Presumed Density Formula: In applying the table density to a subdivision for which the types of units and number of bedrooms cannot reasonably be determined from the data on file with the village at the time the application for final plat approval is complete, the following types of units and bedroom data shall be used:

Detached single-family	4 bedroom unit per lot
Attached single-family	Equal mix of 2 and 3 bedroom units at maximum unit density permitted by applicable zoning
Low density apartment	Equal units of 2 and 3 bedroom units at maximum unit density permitted by applicable zoning
High density apartment	Equal mix of 1 and 2 bedroom units at maximum unit density permitted by applicable zoning

D. Reservation Of Additional Land: Where the comprehensive plan of the village calls for a larger amount of school land in a particular proposed development, subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall, if so determined by the village board, be reserved for subsequent purchase by the village or other public body designated by the village, provided that such acquisition is made within one year from the date of approval of the final plat.

E. Combining With Adjoining Developments: Where the subdivision or planned unit development is less than forty (40) acres, school space which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable school sites without hardship on a particular developer.

F. Topography And Grading: The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites dedicated for school uses shall not differ greatly from surrounding land.

G. Improved Sites: All sites shall be dedicated fully improved with streets, water, sewer, enclosed drainage, curbs and gutters and in a condition ready for full electrical and gas service, as applicable to the location of the site, or acceptable provision made therefor.

H. Title To Sites: All sites to be dedicated shall be conveyed to the village either by warranty or trustee's deed, or such form of conveyance as the village shall require. The subdivider or developer shall be responsible for conveying good, merchantable title to such sites, and shall be responsible for payment of all real estate taxes to the date of conveyance, including any agricultural rollback taxes which might be extended or levied against such sites. In the discretion of the village, a commitment for title insurance issued by a company authorized to do business in Illinois may be required as evidence of clear title. Conveyance shall occur only after or simultaneously with the passage of a resolution by the school district in which the development is located in which it indicates that the property will be accepted by the school district for school purposes. Immediately thereafter, the village shall convey such property to the regional board of school trustees, or the trustees of school of township 38 north, range 12 east, for the use and benefit of the appropriate school district, whichever is applicable.

I. Time For Dedication Or Payment Of Fees In Lieu Thereof: The dedication of school lands or payments of fees in lieu thereof shall be made by the owner of land within ten (10) days after the land is annexed to the village or prior to or at the time of the approval of the final plat of subdivision, or a final plat of planned unit development, whichever is first to occur.

J. Expenditure Of Cash Contributions: Any school district which services the development may receive cash contributions hereunder, such contributions to be utilized in accordance with this section only at the school district's building to which children residing in the village are assigned.

K. Indemnification: Except as otherwise provided below, the affected school districts shall be required, as a condition of receiving the donations hereunder, to indemnify and hold harmless the village of Willow Springs from any loss, claims and causes of actions of every kind incurred by the village as a result, either directly or indirectly, of the passage of the ordinance codified herein, or the administration or enforcement thereof, including any so incurred as a result of a lawsuit brought or threatened by the affected school districts. If the village is sued by any subdivider or developer as a result, directly or indirectly, of the passage of the ordinance codified herein, the village may, at its option, undertake the defense, and all costs, including attorney fees, shall be immediately reimbursed by the affected school district. The village may withhold delivery of any contribution to a school district pending compliance with these indemnity provisions:

1. Where the village receives land or fees in lieu thereof and fails to convey property to the affected school district or expends funds for village use (i.e., police car, water

well) and suit is filed, the village shall defend against such suit and bear its own costs and expenses incurred for such suit, including attorney fees.

2. Where school districts improperly use funds or fail to use funds and do not return same as specified in this section, the village may sue the affected school district and shall be entitled to recover as a part of the judgment therein, or any settlement thereof, all costs and expenses, including attorney fees, incurred by the village.

3. Unless otherwise specifically provided, the above indemnification provisions shall be an implied condition of every intergovernmental contract entered into pursuant to this section.

L. Penalty: Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this section, or who shall refuse to remedy a violation of any such provisions shall, upon conviction, where no specific penalty is provided for the subsection being violated, be punished by a fine not to exceed seven hundred fifty dollars ($750.00) for any one offense. A separate offense shall be deemed committed for each day such violation shall continue. (Ord. 98-O-16, 6-25-1998)

9B-7-10 Public Safety Impact Fee:

a. As a condition of approval of a final plat of development, a final plat of subdivision, or a special use permit for a planned unit development, each subdivider or developer will be required to submit to the Village a cash contribution for a Public Safety Impact Fee, to serve the immediate and future needs of the residents of the development, in accordance with the following calculation.

b. Calculation of Fee: The fee will be $1000.00 per dwelling for detached dwellings. The fee will be $600.00 per dwelling for attached dwellings. (Ord. 2007-O-47)

9B-7-11 Transit System Impact Fee:

a. As a condition of approval of a final plat of development, a final plat of subdivision, or a special use permit for a planned unit development, each subdivider or developer will be required to submit to the Village a cash contribution for a Transit System Impact Fee, to serve the immediate and future needs of the residents of the development, in accordance with the following calculation.

b. Calculation of Fee: The fee will be $1,000.00 per dwelling for detached dwellings. The fee will be $600.00 per dwelling for attached dwellings. (Ord. 2007-O-48)

CHAPTER 8
DESIGN STANDARDS

9B-8-1: CONFORMANCE REGULATIONS:

In addition to the design standards established herein, all subdivision plats shall comply with the following laws, ordinances, rules and regulations:

A. The provisions of chapter 24, Illinois Revised Statutes.

B. The Willow Springs Zoning Ordinance and all other applicable ordinances of the appropriate jurisdiction.

C. The Zoning Ordinance, Public Utilities Plan, Official Map of the Village of Willow Springs or any portions thereof.

D. The special requirements of this Title and any rules of the Village of Willow Springs, the Environmental Protection Agency, Metropolitan Sanitary District and Cook County Public Health Department relating to lot size and lot elevation if the subdivision is not served by public water or by a public sewer and provision for one or both of these services has not been made.

E. The rules of the State Division of Highways relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts a State trunk highway or connecting street.

9B-8-2: STREETS AND ALLEYS:

A. General Considerations: Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

B. Arrangement:

1. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights of way as established on the Official Map.

2. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

3. Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient, safe access to property.

4. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

5. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

6. In business and industrial developments the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

C. Railroads and Highways: Railroad rights of way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

1. In residential districts a buffer strip at least twenty five feet (25') in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right of way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited".

2. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to insure suitable depth for commercial or industrial sites.

3. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty feet (150') from the railroad right of way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

D. Access to Major Streets: Where a subdivision borders on or contains an existing or proposed major street, the Plan Commission may require that access to such streets be limited by one of the following means:

1. The subdivision of lots so as to back onto the major street and front onto a parallel local street; no access shall be provided from the major street and screen planting shall be provided in a strip of land along the rear property line of such lots.

2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street.

3. A marginal access or service street (separated from the major street by a planting of grass strip and having access thereto at suitable points).

The number of residential streets entering a major street shall be kept to a minimum.

E. Minor and Collector Street Standards: The following minimum standards shall apply to the design of minor residential streets, including marginal access streets:

PAVEMENT WIDTH

(curb and gutter not included)

	Right-of-Way Width	Residential Lots less than 20,000 Square Feet in area	Subdivisions Lots 20,000 Square Feet or more in area	Manufac-turing or Business Subdivision	Type of Curb	Sidewalk Width	Horizontal Alignment (Minimum sight distance)	Minimum Center Line Radius	Designated Speed
	(Feet)	(Feet)	(Feet)	(Feet)		(Feet)	(Feet)	(Feet)	(MPH)
Collector Street	80	36	36	48	Vertical	5	250	350	35
Minor Street	66	27	24	30	Roll	5	200	250	30
Cul-de-Sac Street	66	27	24	30	Roll	5	200	250	30
Half Street (When permitted)	33	20	20	not permitted	Roll	5	200	250	30
Frontage Road	40	24	24	24	Roll	5	200	250	30
Alleys	24	20	20	20	None	None	N/A	N/A	N/A

NOTES:
1. Sidewalks are not required along Minor Residential Streets in low density developments.
2. Sidewalks shall be located with the inner edge one foot (1') outside of the property lot

line unless otherwise approved by the Plan Commission.
3. Cul-de-Sac Streets turn around areas shall have a minimum pavement radius of forty feet (40') measured from the center to the back of the curb or outer edge of roadway pavement.

F. Major Arterials and Nonresidential Streets: The right of way and pavement widths of all major arterials shall be that indicated on the Official Map of the Village of Willow Springs, or if no width is indicated herein, such width and all other design standards shall be determined by the Plan Commission upon recommendations of the Village Engineer. In no case shall the right-of-way width of a major arterial be less than eighty feet (80').

Design standards for minor and collector streets in nonresidential (commercial or industrial) subdivisions or parts of subdivisions shall be determined by the Plan Commission upon recommendation of the Village Engineer. In no case shall such design standards be less than the minimum standards for a low-density residential subdivision.

G. Street Grades: The grade of major streets shall not exceed six percent (6%) unless necessitated by exceptional topography and approved by the Plan Commission. The grade of all other streets shall not exceed ten percent (10%). The minimum grade of all streets shall be four-tenths of one percent (0.4%). Pedestrianways or crosswalks shall not exceed twelve percent (12%) grade unless steps of an approved design are to be constructed.

H. Vertical Curves: All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to the algebraic difference in the percent of grade times a K factor; such K factor to be derived as follows:

	K Factor	
Design Speed	Crest Curve	Sag Curve
20	10	15
25	15	20
30	30	35
35	45	45

No vertical curves shall be required on minor streets or collector streets where the algebraic difference in percent of grade is less than two percent (2%).

I. Tangents: A tangent at least one hundred feet (100') in length shall be introduced between reverse curves on major arterials and collector streets.

J. Cul-De-Sacs or Dead-End Streets:

1. A cul-de-sac or dead-end street shall not exceed five hundred feet (500') in length.

2. The diameter of the paved portion of a cul-de-sac turnaround (measured at the outside right of way) shall be not less than eighty feet (80'). Pavement diameter of a cul-de-sac turnaround shall be not less than eighty feet (80').

K. Half-Streets: Street systems in new subdivisions shall be laid out so as to eliminate or avoid half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider to meet the requirements of this Section.

L. Street Intersections:

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy five degrees (75) shall not be acceptable. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Plan Commission.

2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center line offsets of less than one hundred fifty feet (150') shall not be permitted. Where streets intersect major streets their alignment shall be continuous.

3. Minimum curb radius at the intersection of any two (2) local streets shall be at least twenty five feet (25'). Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice, to permit safe vehicular movement.

4. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than two percent (2%) grade a distance of sixty feet (60'), measured from the nearest right-of-way line of the intersecting street.

5. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right of way to the extent deemed necessary to provide an adequate sight distance.

M. Alleys:

1. Alleys may be provided in all districts, where other definite and suitable provision cannot be made for service access such as off street loading and parking, consistent

with and adequate for the uses proposed, and in accordance with the provision of the zoning ordinance.

2. The width of alleys shall be not less than twenty four feet (24').

3. Dead end alleys are prohibited except under very unusual circumstances; and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end. (Ord. 76-1, 1-8-1976)

9B-8-3: EASEMENTS:

A. Easements across lots or along rear or side lot lines shall be provided for public utilities or access where required or deemed necessary by the village engineer and building commissioner. Said easements shall be a minimum of ten feet (10') in width along rear lot lines. Where a rear lot line abuts an existing public alley, the rear yard easement requirement may be waived upon recommendation of the village engineer and building commissioner. Easements provided along a side lot line common with another side lot line in the same subdivision shall be a minimum of five feet (5') in width along each lot for a total of ten feet (10') minimum. In establishing required easement widths, consideration must be given to the size and depth of utility lines and the need for proper access, maintenance and future construction for utilities of public areas. Larger easements may be required and lot widths must be adjusted accordingly. Proper coordination shall be established between the subdivider and applicable utility companies for the establishment of utility easements. No building shed or permanent structure shall be constructed within easement areas. (Ord. 13-O-2005, 8-11-2005)

9B-8-4: BLOCKS:

A. Residential Blocks: Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed one thousand two hundred feet (1,200') in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than one thousand feet (1,000') in length.

Pedestrianways or crosswalks, not less than ten feet (10') wide, may be required by the plan commission through the center of blocks more than eight hundred feet (800') long where deemed essential to provide circulations or access to schools, playgrounds, shopping centers, transportation or other community facilities. (Ord. 76-1, 1-8-1976)

9B-8-5: LOTS:

A. In general, the size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of the zoning ordinance for the zoning district in which the subdivision is located. (Ord. 95-0-2, 1-12-1995)

B. For reasons of health and sanitation, the density of residential subdivisions shall be directly related to the availability of public water and sewer service. Residential lot sizes, regardless of jurisdictional boundary, shall meet the minimum requirements hereinafter established and shall comply with the rules and regulations of the state department of public health. The following types of subdivisions, meeting the following requirements as to: 1) minimum lot frontage, 2) maximum lot frontage, 3) minimum lot area, and 4) placement of structures shall be permitted:

Full utility subdivision: In a full utility subdivision the developer may establish zoning lots in accordance with the provisions of the zoning ordinance.

C. Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance.

D. Where residential lots fronting on major streets or highways are permitted by the plan commission, they should be platted with extra depth to permit generous distances between the buildings and such trafficways. Where lots front on major streets, the normal building setback line shall be increased by an additional twenty feet (20'). Business, commercial or industrial buildings in residential blocks shall be provided with setbacks at least equal to the setback of the residential properties in that block and shall comply with all applicable zoning requirements.

E. Every lot shall front on or about a public street. Lots with access only to private drives or streets shall be permitted only with the approval of the plan commission.

F. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed as to avoid concentration of storm drainage water from each lot to adjacent lots.

G. Lots at right angles to each other shall be avoided wherever possible, especially in residential areas.

H. Side lot lines shall be approximately at right angles or radial to street lines.

I. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

J. Lot lines shall follow municipal boundary lines whenever practicable, rather than cross them.

K. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation. (Ord. 76-1, 1-8-1976)

9B-8-6: WATER MAINS:

Water mains shall be not less than six inches (6") in diameter, with all necessary valves and appurtenances, of a design and material approved by the village engineer. (Ord. 76-1, 1-8-1976)

9B-8-7: SANITARY SEWERS:

Sanitary sewers shall be not less than eight inches (8") in diameter, together with all necessary appurtenances, of a design and material approved by the village engineer. (Ord. 76-1, 1-8-1976)

9B-8-8: STORM SEWERS:

The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers shall be designed by the rational method, and a copy of design computations shall be submitted with the plans. Surface water drainage patterns shall be shown for each and every lot and block. All storm water drainage design and material shall be subject to the approval of the village engineer. (Ord. 76-1, 1-8-1976)

CHAPTER 9
REQUIRED FORMS

9B-9-1: USE OF FORMS:

The suggested forms to be used in connection with the land subdivision regulations as set forth in this Title are on file in the Village Clerk's office. (1983 Code)

TITLE 9C
FLOOD DAMAGE PREVENTION

CHAPTER 1
FLOOD DAMAGE PREVENTION

9C-1-1: PURPOSE:

This chapter is enacted pursuant to the police powers granted to this village by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2. The purpose of this chapter is to maintain this village's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for this wise utilization of water and related land resources. This chapter is adopted in order to accomplish the following specific purposes:

A. To meet the requirements of 615 ILCS 5/18g, Rivers, Lakes and Streams Act;

B. To assure that new development does not increase the flood or drainage hazards to others, or creating unstable conditions susceptible to erosion;

C. To protect new buildings and major improvements to buildings from flood damage;

D. To protect human life and health from the hazards of flooding;

E. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;

F. To make federally subsidized flood insurance available for property in the village by fulfilling the requirements of the National Flood Insurance Program;

G. To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;

H. To protect, conserve and promote the orderly development of land and water resources; and

I. To preserve the natural characteristics and functions of watercourses and flood plains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

9C-1-2: DEFINITIONS:

For the purposes of this chapter, the following definitions are adopted:

ACT: An act in relation to the regulation of the rivers, lakes and streams of the state of Illinois, 615 Illinois Compiled Statutes 5/5 et seq.

APPLICANT: Any person, firm, corporation or agency which submits an application.

APPROPRIATE USE: Only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in section 9C-1-7 of this chapter.

BASE FLOOD: The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in section 9C-1-5 of this chapter.

BUILDING: A structure that is principally aboveground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days, unless they are fully licensed and ready for highway use.

CHANNEL: Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

CHANNEL MODIFICATION: Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bottom or banks. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross section and typically involving relocation of the existing channel (e.g., straightening).

COMPENSATORY STORAGE: An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the flood plain. The uncompensated loss of natural flood plain storage can increase off-site floodwater elevations and flows.

CONDITIONAL APPROVAL OF A DESIGNATED FLOODWAY MAP CHANGE: Preconstruction approval by IDNR/OWR and FEMA of a proposed change to the

floodway map. This preconstruction approval, pursuant to this part, gives assurances to the property owner that once an appropriate use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

CONDITIONAL LETTER OF MAP REVISION (CLOMR): A letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective flood hazard boundary map or flood insurance rate map, once the as-built plans are submitted and approved.

CONTROL STRUCTURE: A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

DAM: All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

DESIGNATED FLOODWAY: The channel, including on-stream lakes, and that portion of the flood plain adjacent to a stream or watercourse as designated by IDNR/OWR, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten percent (10%) increase in velocities.

A. The floodways are designated for Flag Creek and its tributaries; Des Plaines River; Chicago Sanitary Drainage and Ship Canal; and Illinois and Michigan Canal and its tributaries, on the following map no. 1703IC, and panels 469J, 488J, 581J, 582J, 583J, 584J and 601J, dated August 19, 2008, respectively, of the countywide flood insurance rate map for Cook County prepared by FEMA.

B. The floodways for those parts of unincorporated Cook County that are within the one and half mile extraterritorial jurisdiction of the village and may be annexed into the village are designated for Flag Creek and its tributaries; Des Plaines River; Chicago Sanitary Drainage and Ship Canal; and Illinois and Michigan Canal and its tributaries, on the following map no. 17031C, and panels 579J, 591J, 592J and 603J, dated August 19, 2008, respectively, of the countywide flood insurance rate map for Cook County prepared by FEMA.

C. To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.

DEVELOPMENT: Any manmade change to real estate, including:

A. Construction, reconstruction, repair or placement of a building or any addition to a building;

B. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days. If the travel trailer or recreational vehicle is on-site for less than one hundred eighty (180) days, it must be fully licensed and ready for highway use;

C. Drilling, mining, installing utilities, construction of roads, bridges, storage of equipment or materials, or similar projects;

D. Demolition of a structure or redevelopment of a site;

E. Clearing of land as an adjunct of construction;

F. Construction or erection of levees, walls, fences, dams or culverts; channel modification; filling, dredging, grading, excavating, paving or other nonagricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste; and

G. Any other activity of man that might change the direction, height or velocity of flood or surface water, including extensive vegetation removal.

Development does not include maintenance of existing buildings and facilities such as reroofing or resurfacing of roads when there is no increase in elevation, or gardening, plowing and similar agricultural practices that do not involve filling, grading or construction of levees.

ELEVATION CERTIFICATES: A form published by FEMA that is used to certify the elevation to which a building has been elevated.

EROSION: The general process whereby soils are moved by flowing water or wave action.

EXEMPT ORGANIZATIONS: Organizations which are exempt from this chapter per the Illinois Compiled Statutes (ILCS) including state, federal or local units of government.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 1, 1990.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal Emergency Management Agency and its regulations at 44 CFR 59-79 effective as of September 29, 1989. This incorporation does not include any later editions or amendments.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff or surface waters from any source.

FLOOD FREQUENCY: A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

FLOOD FRINGE: That portion of the flood plain outside of the designated floodway.

FLOOD INSURANCE RATE MAPS (FIRM): A map prepared by FEMA that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and flood plains and may or may not depict floodways.

FLOOD PLAIN: That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Flood plains may also include detached special flood hazard areas, ponding areas, etc. The flood plain is also known as the special flood hazard area (SFHA).

A. The flood plains are those lands within the jurisdiction of the village that are subject to inundation by the base flood or 100-year frequency flood. The SFHAs of the village are generally identified as such on the following map no. 17031C, and panels 469J, 488J, 581J, 582J, 583J, 584J and 601J, dated August 19, 2008, respectively, of the countywide flood insurance rate map for Cook County prepared by FEMA.

B. The SFHAs of those parts of unincorporated Cook County that are within the one and half mile extraterritorial jurisdiction of the village and may be annexed into the village are designated for Flag Creek and its tributaries; Des Plaines River; Chicago Sanitary Drainage and Ship Canal; and Illinois and Michigan Canal and its tributaries, on the following map no. 17031C, and panels 579J, 591J, 592J and 603J, dated August 19, 2008; respectively, of the countywide flood insurance rate map for Cook County prepared by FEMA.

FLOOD PROTECTION ELEVATION (FPE): The elevation of the base flood or 100-year frequency flood plus one foot (1') of freeboard at any given location in the SFHA.

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODPROOFING CERTIFICATE: A form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FREEBOARD: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

HISTORIC STRUCTURE: Any structure that is:

A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

C. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency; and

D. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

HYDROLOGIC AND HYDRAULIC CALCULATIONS: Engineering analyses which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

IDNR/OWR: Illinois Department of Natural Resources, Office of Water Resources.

LETTER OF MAP AMENDMENT (LOMA): Official determination by FEMA that a specific structure is not in a 100-year flood zone; amends the effective flood hazard boundary map or FIRM.

LETTER OF MAP REVISION (LOMR): Letter that revises base flood or 100-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MITIGATION: Includes those measures necessary to minimize the negative effects which flood plain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure's susceptibility to flooding.

NAVD: North American Vertical Datum of 1988. Vertical control datum established for vertical control based upon the General Adjustment of the North American Datum of 1988 [replacing the National Geodetic Vertical Datum of 1929 (NGVD 29)].

NATURAL: When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its flood plain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is reestablished. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed on or after April 23, 1992.

ORDINARY HIGH WATER MARK (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

PUBLIC BODIES OF WATER: All open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the state of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

PUBLIC FLOOD CONTROL PROJECT: A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

RECREATIONAL VEHICLE OR TRAVEL TRAILER: A vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGISTERED LAND SURVEYOR: A land surveyor registered in the state of Illinois, under the Illinois Land Surveyor Act (225 ILCS 330-1 et seq.)

REGISTERED PROFESSIONAL ENGINEER: An engineer registered in the state of Illinois, under the Illinois Professional Engineering Act 225 ILCS 325/1, et seq.

REPAIR, REMODELING OR MAINTENANCE: Development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

RETENTION/DETENTION FACILITY: A retention facility stores storm water runoff without a gravity release. A detention facility provides for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.

RIVERINE SFHA: Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on-stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow or other areas not subject to overbank flooding.

RUNOFF: The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

SEDIMENTATION: The processes that deposit soils, debris and other materials either on ground surfaces or in bodies of water or watercourses.

SPECIAL FLOOD HAZARD AREA (SFHA): Any base flood area subject to flooding from a river, creek, intermittent stream, ditch or any other identified channel or ponding and shown on a flood hazard boundary map or flood insurance rate map as zone A, AO, A1-3D, AE, A99, AR, VO, V30, VE, V, M, E, D or X.

STRUCTURE: The results of a manmade change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a

manufactured home or installing a travel trailer on a site for more than one hundred eighty (180) days, unless they are fully licensed and ready for highway use.

SUBSTANTIAL DAMAGE: A building is considered substantially damaged when it sustains damage from any cause (fire, flood, earthquake, etc.), whereby the cost of fully restoring the structure would equal or exceed fifty percent (50%) of the predamage market value of the structure, regardless of the actual repair work performed.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: a) before the improvement or repair is started; or b) if the structure has been damaged from any source, and is being restored, before the damage occurred. The term includes structures which were damaged whereby the cost of restoring the structure to its predamaged condition would equal or exceed fifty percent (50%) of the market value before the damage occurred, regardless of the actual repair work performed. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural parts of a 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 any existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or b) any alteration of an "Historic Structure"; provided that the alteration will not preclude the structure's continued designation as an "Historic Structure".

TRANSITION SECTION: Reaches of the stream or floodway where water flows from a narrow cross section to a wide cross section or vice versa.

9C-1-3: HOW TO USE THIS CHAPTER:

A. The building commissioner, in all cases, consulting with and working in conjunction with the village engineer, shall be responsible for fulfilling all of the duties listed in section 9C-1-4 of this chapter.

B. To fulfill those duties, the building commissioner and village engineer first should use the criteria listed in section 9C-1-5 base flood elevations of this chapter to determine whether the development site is located within a flood plain.

C. Once it has been determined that a site is located within a flood plain, the building commissioner and village engineer must determine whether the development site is within a flood fringe, a designated floodway or within an SFHA or flood plain for which no floodway has been identified. If the site is within a flood fringe, the building commissioner and village engineer shall require that the minimum requirements of section 9C-1-6 of this chapter be met. If the site is within a floodway, the building commissioner and village engineer shall require that the minimum requirements of section 9C-1-7 of this chapter be met. If the site is located within an SFHA or flood plain for which no detailed study has been completed and approved,

the building commissioner and village engineer shall require that the minimum requirements of section 9C-1-8 of this chapter be met.

D. In addition, the general requirements of section 9C-1-9 of this chapter shall be met for all developments meeting the requirements of section 9C-1-6, 9C-1-7 or 9C-1-8 of this chapter.

E. The building commissioner and village engineer shall assure that all subdivision proposals shall meet the requirements of section 9C-1-10 of this chapter.

F. If a variance is to be granted for a proposal, the building commissioner and village engineer shall review the requirements of section 9C-1-11 of this chapter to make sure they are met. In addition, the building commissioner and village engineer shall complete all notification requirements.

G. In order to assure that property owners obtain permits as required in this chapter, the building commissioner and village engineer may take any and all actions as outlined in section 9C-1-13 of this chapter.

9C-1-4: DUTIES OF THE ENFORCEMENT OFFICIALS:

The building commissioner, in all cases, consulting with and working in conjunction with the village engineer, shall be responsible for the general administration and enforcement of this chapter which shall include the following:

A. Determining The Flood Plain Designation: Check all new development sites to determine whether they are in a special flood hazard area (SFHA). If they are in an SFHA, determine whether they are in a floodway, flood fringe or a flood plain on which a detailed study has not been conducted which drains more than one square mile. Check whether the development is potentially within an extended SFHA (with a drainage area less than 1 square mile), indicating that the development would have adverse impacts regarding storage, conveyance, or inundation which would be the basis for the applicant being required to delineate the flood plain and floodway and be subject to the remaining sections of this chapter.

B. Professional Engineer Review: If the development site is within a floodway or in a flood plain for which a detailed study has not been conducted which drains more than one square mile, then the permit shall be referred to a registered professional engineer under the employ or contract of the village for review to ensure that the development meets the requirements of section 9C-1-7 of this chapter. In the case of an appropriate use, the PE shall state in writing that the development meets the requirements of section 9C-1-7 of this chapter.

C. Dam Safety Requirements: Ensure that an IDNR/OWR permit has been issued or a letter indicating no permit is required, if the proposed development activity includes

construction of a "dam" as defined in section 9C-1-2 of this chapter. Regulated dams may include weirs, restrictive culverts or impoundment structures.

D. Other Permit Requirements: Ensure that any and all required federal, state and local permits are received prior to the issuance of a flood plain development permit.

E. Plan Review And Permit Issuance: Ensure that all development activities within the SFHAs of the jurisdiction of the village meet the requirements of this chapter. Issue a flood plain development permit in accordance with the provisions of this chapter and other regulations of this community when the development meets the conditions of this chapter.

F. Inspection Review: Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure compliance with the provisions of this chapter.

G. Elevation And Floodproofing Certificates: Maintain permit files including: Elevation certificate certifying the elevation of the lowest floor (including basement) of a residential or nonresidential building subject to section 9C-1-9 of this chapter. The elevation to which a nonresidential building has been floodproofed, using a floodproofing certificate, for all buildings subject to section 9C-1-9 of this chapter.

H. Records For Public Inspection: Maintain for public inspection and furnish upon request base flood data, SFHA and designated floodway maps, copies of federal or state permit documents, variance documentation, conditional letter of map revision, letter of map revision, letter of map amendment and "as-built" elevation and floodproofing and/or elevation certificates for all buildings constructed subject to this chapter.

I. State Permits: Ensure that construction authorization has been granted by the IDNR/OWR, for all development projects subject to sections 9C-1-7 and 9C-1-8 of this chapter, unless enforcement responsibility has been delegated to the village. Upon acceptance of this section by IDNR/OWR and FEMA, responsibility is hereby delegated to the village as per 92 Illinois Administrative Code 708 for construction in the regulatory floodway and flood plain when floodways have not been defined in sections 9C-1-7 and 9C-1-8 of this chapter. However, the following review approvals are not delegated to the village and shall require review or permits from IDNR/OWR:

1. Organizations which are exempt from this chapter, as per the Illinois Compiled Statutes;

2. IDNR/OWR projects, dams or impoundment structures as defined in section 9C-1-2 of this chapter and all other state, federal or local units of government projects, including projects of the village and county, except for those projects meeting the requirements of section 9C-1-7 of this chapter;

3. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per section 9C-1-7 of this chapter;

4. An engineer's analysis of the flood profile due to section 9C-1-7 of this chapter;

5. Alternative transition sections and hydraulically equivalent compensatory storage as indicated in section 9C-1-7 of this chapter;

6. Permit issuance of structures within or over publicly navigable rivers, lakes and streams;

7. Any changes in the base flood elevation or floodway locations; and

8. Base flood elevation determinations where none now exist.

J. Cooperation With Other Agencies: Cooperate with state and federal flood plain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this chapter. Submit data to IDNR/OWR and FEMA for proposed revisions of a regulatory map. Submit reports as required for the National Flood Insurance Program. Notify FEMA of any proposed amendments to this chapter.

K. Promulgate Regulations: Promulgate rules and regulations as necessary to administer and enforce the provisions of this chapter, subject, however, to the review and approval of IDNR/OWR and FEMA for any chapter changes. (Ord. 32-O-2000, 10-26-2000)

9C-1-5: BASE FLOOD ELEVATION:

This chapter's protection standard is based on the flood insurance study for the village.

A. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available in the Illinois State Water Survey's Floodplain Information Repository that has been approved by IDNR/OWR and FEMA. When a party disagrees with the best available data, he/she may finance the detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA.

B. The base flood or 100-year frequency flood elevation for the SFHAs of the Flag Creek and its tributaries; Des Plaines River; Chicago Sanitary Drainage and Ship Canal; and Illinois and Michigan Canal and its tributaries, shall be as delineated on the 100-year flood profiles in the countywide flood insurance study for Cook County prepared by FEMA and dated August 19, 2008, and such amendments to such study and maps as may be prepared from time to time.

C. The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated Cook County that are within the one and half mile extraterritorial jurisdiction or that may be annexed into the village shall be as delineated on the 100-year flood profiles in the countywide flood insurance study for Cook County prepared by FEMA and dated August 19, 2008, and such amendments or revisions of such study and maps as may be prepared from time to time.

D. The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the flood insurance rate map of the village.

E. The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the flood insurance rate map of the village shall be according to the best existing data available in the Illinois State Water Survey Floodplain Information Repository. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, WSP-2, or a dynamic model such as HIP. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-1, TR-20 or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. Flood flows should be based on anticipated future land use conditions in the watershed as determined from adopted local regional land use plans. Along any watercourses draining more than one square mile, the above analyses shall be submitted to IDNR/OWR for approval. Once approved, it must be submitted to the Illinois State Water Survey Floodplain Information Repository for filing. For a nonriverine SFHA, the base flood elevation shall be the historic flood of record plus three feet (3'), unless calculated by a detailed engineering study and approved by IDNR/OWR for drainage areas greater than one square mile.

9C-1-6: OCCUPATION AND USE OF FLOOD FRINGE AREAS:

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage and other provisions of this chapter. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of section 9C-1-9 of this chapter.

A. Development Permit: No person, firm, corporation or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the building commissioner. Application for a development permit shall be made on a form provided by the village.

1. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in MSL,

1988 adj. datum or NAVD and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings.

2. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of section 9C-1-9 of this Chapter. An elevation certificate completed by a licensed engineer, architect or land surveyor shall be submitted to the Village for review.

B. Development Permit Application: Upon receipt of a development permit application, the building commissioner shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.

1. Any development located on land that can be shown to have been higher than the base flood elevation of the current flood insurance rate map which has not been filled after the date of the site's first flood insurance rate map without a permit as required by this chapter is not in the SFHA and, therefore, not subject to the requirements of this chapter.

2. The building commissioner 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.

C. Soil Erosion And Sedimentation Control Plan: A soil erosion and sediment control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

D. Copies Of Permits: The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state and local permits, approvals or permit-not-required letters that may be required for this type of activity. The building commissioner shall not issue a permit unless all other federal, state and local permits have been obtained.

E. Preventing Increased Damages: No development in the flood fringe shall create a threat to public health and safety. If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the flood plain.

F. Compensatory Storage: Whenever any portion of a flood plain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the

base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All flood plain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

G. Construction of the Lowest Floor Below the Base Flood Elevation (BFE). A person who has obtained a Letter of Map Revision Based on Fill that removes a site in the flood fringe from the floodplain due to the use of fill to elevate the site above the BFE, may apply for a permit from the Village to construct the lowest floor of a residential building below the BFE in the flood fringe. The Building Commissioner shall not issue such a permit unless the applicant has complied with all the criteria set forth in the following subsection.

1. Compensatory storage shall be provided per Section 9C-1-6F of this Chapter.

2. The elevation of the lowest opening in the basement wall (i.e., window wells, access ways) shall be at or above the Flood Protection Elevation (FPE).

3. The lowest adjacent grade to the foundation shall be at or above the FPE, for a minimum distance of ten (10) feet beyond the outside face of the structure. However, if site conditions are such that this requirement cannot be met, the Building Commissioner may waive the ten (10) foot minimum setback if an Illinois Licensed Professional Engineer certify that an alternative method to protect the building from damage due to hydrostatic pressures has been met. The certifications shall be in the form of a detailed soils and structural design analysis, which shall be submitted to the Building Commissioner for review. The Building Commissioner may require such additional documentation as necessary to prove that the proposed shorter setback distance will keep the structure reasonably safe. In no case shall the setback distance be less than four (4) feet.

4. The grade around the perimeter of the structure, measured at a distance of twenty (20) feet from the structure, shall be above the BFE. However, if site conditions are such that this re uirement cannot be obtained, the Building Commissioner may waive the twenty (20) foot minimum setback distance if an Illinois Licensed Professional Engineer certifies that an alternative method to protect the building from damages due to hydrostatic pressures have been met. A detailed soils analysis and structural design proving that a shorter setback distance will keep the structure reasonably safe from flooding, shall be submitted to the Village for review. In no case shall the setback distance be less than four (4) feet.

5. The ground around the building shall be compacted fill that meets all requirements of this subsection and is at least five (5) feet thick under the basement floor slab.

Nothing in this subsection shall be interpreted to require the removal or replacement of fill that was placed as part of a LOMR-F, if such fill consists of material including soils of similar classification and degree permeability, such as those classified as CH, CL, SC or ML according to ASTM standard D-2487, Classification of Soils for Engineering Purposes.

6. The fill material must be homogeneous and isotropic; that is, the soil must be all of one material, and the engineering priorities must be in the same direction.

7. All fill material and compaction shall be designed, certified and inspected by an Illinois Licensed Professional Engineer, as warranted by site conditions.

8. The basement floor shall be at an elevation that is no more than five (5) feet below the BFE.

9. There shall be a granular drainage laver beneath the floor slab, and minimum of one quarter (1/4) horsepower sump pump with a backup power supply shall be provided to remove seepage flow. The pump shall be rated at four (4) times the estimated seepage rate and shall discharge above the BFE and away from the building in order to prevent flooding of the basement or uplift of the floor under the effect of the seepage pressure.

10. The drainage system shall be equipped with a positive means of preventing backflow.

11. All foundation elements shall be designed to withstand hydrostatic pressure in accordance with accepted engineering practices.

12. If the applicant is unable to meet all of the requirements set forth in the preceding paragraphs of this subsection, the Building Commissioner may allow the construction of a basement below the BFE only if the applicant demonstrates that the proposed fill and structure meet the guidelines and requirements set forth in FEMA Technical Bulletin 10-01 and are reasonably safe from flooding. In order to demonstrate that the proposed structure is reasonably safe from flooding, the applicant shall submit a detailed engineering analysis of the proposed fill and foundation wall. The engineered basement study shall be completed in accordance with the latest edition of FEMA Technical Bulletin 10-01, with the analysis of the fill being prepared by an Illinois Licensed Professional Engineer.

13. In order to provide the required compensatory storage on site, in no case shall the depth of excavation in the front and side yards of the lot exceed eighteen (18) inches, as measured from the previously existing natural grade. The rear yard shall be permitted to have a greater depth of excavation, if necessary. All such excavation shall be constructed to drain freely and openly to the watercourse or storm sewer system. The use of mechanical means to drain the compensatory storage area will not be permitted.

9C-1-7: OCCUPATION AND USE OF DESIGNATED FLOODWAYS:

This section applies to proposed development, redevelopment, site modification or building modification within a designated floodway. The designated floodway for the Des Plaines River, Flag Creek and the tributary to the Illinois and Michigan Canal shall be as delineated on the designated floodway maps designated by IDNR/OWR according to and referenced in section 9C-1-2 of this chapter. Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of section 9C-1-9 of this chapter.

A. Development Permit: No person, firm, corporation or governmental body not exempted by state law shall commence any development in the floodway without first obtaining a development permit from the building commissioner and IDNR/OWR.

B. Application Information: Application for a development permit shall be made on a form provided by the village. The application shall include the following information:

1. Name and address of applicant;

2. Site location (including legal description) of the property, drawn to scale, on the designated floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;

3. Name of stream or body of water affected;

4. Description of proposed activity;

5. Statement of purpose of proposed activity;

6. Anticipated dates of initiation and completion of activity;

7. Name and mailing address of the owner of the subject property if different from the applicant;

8. Signature of applicant or the applicant's agent;

9. If the applicant is a corporation, the president or other authorized officer shall sign the application form;

10. If the applicant is a partnership, each partner shall sign the application form;

11. If the applicant is a land trust, the trust officer shall sign the name of the trustees by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein;

12. Plans of the proposed activity shall be provided which include as a minimum:

a. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;

b. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1988 adjustment) datum or NAVD, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, flood plain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross sections, north arrow, and a graphic or numerical scale;

c. Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);

d. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance; and

e. A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location.

13. Any and all other federal, state and local permits or approval letters that may be required for this type of development;

14. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of section 9C-1-7;

15. If the designated floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a letter of map revision has been approved by FEMA; and

16. The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and flood plain and floodway limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 9C-1-9 of this chapter. An elevation certificate completed by a licensed engineer, architect, or land surveyor shall be submitted to the Village for review.

C. Building Commissioner Responsibilities: The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state and local permits and approvals that may be required for this type of activity. The building commissioner shall not issue the development permit unless all required federal and state permits have been obtained. A registered professional engineer, under the employ or contract of the village shall review and approve applications reviewed under this section.

D. Preventing Increased Damages And A List Of Appropriate Uses: The only development in a floodway which will be allowed are appropriate uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter. Only those appropriate uses listed in 17 Illinois Administrative Code 3708 will be allowed. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise nonappropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined below as an appropriate use. The approved appropriate uses are as follows:

1. Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion or water quality or habitat for fish and wildlife;

2. Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;

3. Storm and sanitary sewer outfalls;

4. Underground and overhead utilities;

5. Recreational facilities such as playing fields and trail systems including any related fencing (at least 50 percent open when viewed from any one direction) built parallel to the direction of flood flows and including open air pavilions and toilet facilities (4 stall maximum) that will not block flood flows nor reduce floodway storage;

6. Detached garages, storage sheds or other nonhabitable accessory structures without toilet facilities to existing buildings that will not block flood flows, nor reduce floodway storage;

7. Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification hereto;

8. Parking lots built at or below existing grade where either:

a. The depth of flooding at the 100-year frequency flood event will not exceed 1.0 feet; or

b. The applicant of a short-term recreational use facility parking lot formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events;

9. Designated floodway regrading, without fill, to create a positive nonerosive slope toward a watercourse;

10. Flood proofing activities to protect previously existing lawful structures including the construction of watertight window wells, elevating structures or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten feet (10') away from the exterior wall of the existing structure, and which are not considered substantial improvements to the structure;

11. In the case of damaged or replacement buildings, reconstruction or repairs made to a building that are valued at less than fifty percent (50%) of the market value of the building before it was damaged or replaced, and which do not increase the outside dimensions of the building; and

12. Additions to existing buildings above the BFE that do not increase the building's footprint and are valued at less than fifty percent (50%) of the market value of the building.

E. Engineering Criteria: Within the designated floodway as identified on the floodway maps designated by IDNR/OWR, the construction of an appropriate use, will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of section 9C-1-9 of this chapter.

1. Preservation Of Flood Conveyance, So As Not To Increase Flood Stages Upstream: For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective designated floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:

a. Designated floodway conveyance,

$$`K' = \frac{1,486 \ A \ R^{2/3}}{N}$$

where "n" is Manning's roughness factor, "A" is the effective flow area of the cross section, and "R" is the ratio of the area to the wetted perimeter. (See Open Channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York.)

b. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a nonvegetative land cover.

c. Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

(1) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot (1') horizontal for every four feet (4') of the flooded stream's length;

(2) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot (1') horizontal for every one foot (1') of the flooded stream's length;

(3) When expanding or contracting flows in a vertical direction, a minimum of one foot (1') vertical transition for every ten feet (10') of stream length shall be used;

(4) Transition sections shall be provided between cross sections with rapid expansions and contractions and when meeting the designated floodway delineation on adjacent properties; and

(5) All cross sections used in the calculations shall be located perpendicular to flood flows.

2. Preservation Of Floodway Storage So As Not To Increase Downstream Flooding: Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Compensatory storage for fill or structures shall be equal to at least 1.5 times the volume of flood plain storage lost. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory designated floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All designated floodway storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year elevation. All designated floodway storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to IDNR/OWR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.

3. Preservation Of Floodway Velocities So As Not To Increase Stream Erosion Or Flood Heights: For all appropriate uses, except bridges or culverts or on-stream structures, the proposed work will not result in an increase in the average channel or designated floodway velocities. In the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of riprap or other design measures.

4. Construction Of New Bridges Or Culvert Crossings And Roadway Approaches: The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 feet when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact IDNR/OWR, Dam Safety Section for a dam safety permit or waiver.

a. The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in section 9C-1-5 of this chapter. Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of Highway Culverts. Bridges must be analyzed using the U.S. DOT/Federal Highway Administration Hydraulics of Bridge Waterways calculation procedures.

b. Lost floodway storage must be compensated for per section 9C-1-7B.

c. Velocity increases must be mitigated per section 9C-1-7C.

d. If the crossing is proposed over a public water that is used for recreational or commercial navigation, an IDNR/OWR permit must be received.

e. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required by section 9C-1-7H.

f. All excavations for the construction of the crossing shall be designed per section 9C-1-7.

F. Reconstruction Or Modification Of Existing Bridges, Culverts And Approach Roads:

1. The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.

2. If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream flood plain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

3. The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with 17 Illinois Administrative Code 3708 (Floodway Construction in Northeastern Illinois) and submitted to IDNR/OWR for review and concurrence before a permit is issued.

G. On-Stream Structures Built For The Purpose Of Backing Up Water: Any increase in upstream flood stages greater than 0.0 feet when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. A permit, or letter indicating a permit is not required, must be obtained from IDNR/OWR for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures as defined in section 9C-1-2 of this chapter shall meet the permitting requirements of 92 Illinois Administrative Code 702 (Construction and Maintenance of Dams).

H. Floodproofing Of Existing Habitable, Residential And Commercial Structures: If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than ten feet (10') from the outside of the building. Compensation of lost storage and conveyance will not be required for floodproofing activities.

I. Excavation In The Floodway: When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance or other appropriate uses, transition sections shall be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

1. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot (1') horizontal for every four feet (4') of the flooded stream's length;

2. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot (1') horizontal for every one foot (1') of the flooded stream's length;

3. When expanding or contracting flows in a vertical direction, a minimum of one foot (1') vertical transition for every ten feet (10') of stream length shall be used; and

4. Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.

J. Seeding And Stabilization Plan: For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

K. Public Flood Control Projects: For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right of way or easements for all flood events up to and including the 100-year frequency event.

L. General Criteria For Analysis Of Flood Elevations:

1. The flood profiles, flows and floodway data in the designated floodway study, referenced in section 9C-1-5 of this chapter, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

2. If the 100-year designated floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet: a) the requirements of this section for the 100-year frequency flood elevations of the designated floodway conditions; and b) conditions with the receiving stream at normal water elevations.

3. If the applicant learns from IDNR/OWR, local governments or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five (5) years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

M. Conditional Letter Of Map Revision: If the appropriate use would result in a change in the designated floodway location or the 100-year frequency flood elevation, the applicant shall submit to IDNR/OWR and FEMA all information, calculations and documents necessary to be issued a conditional designated floodway map revision and receive from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued. The final designated floodway map will not be changed by FEMA until as-built plans or record drawings of initial filling, grading, dredging, or excavating activities are submitted and accepted by FEMA and IDNR/OWR. In the case of nongovernment projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given. No filling, grading, dredging or excavating shall take place until a conditional approval is issued. After initial filling, grading, dredging or excavating, no activities shall take place until a final letter of map revision (LOMR) is issued by FEMA with concurrence from IDNR/OWR.

N. Professional Engineer's Supervision: All engineering analyses shall be performed by or under the supervision of a registered professional engineer.

O. Channel Activities: For all activities in the floodway involving construction within twenty five feet (25') of the channel, the following criteria shall be met:

1. A natural vegetation buffer strip shall be preserved within at least twenty five feet (25') of the ordinary high water mark of the channel; and

2. Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.

P. Designated Floodway Change: After receipt of conditional approval of the designated floodway change and issuance of a permit and a conditional letter of map revision, construction as necessary to change the designated floodway designation may proceed but no buildings or structures or other construction that is not an appropriate use may be placed in that area until the designated floodway map is changed and a final letter of map revision is received. The designated floodway map will be revised upon acceptance and concurrence by IDNR/OWR and FEMA of the "as-built" plans.

Q. Development Activities In Delegated Communities Requiring State Review: For those projects listed below located in a designated floodway, the following criteria shall be submitted to IDNR/OWR for their review and concurrence prior to the issuance of a permit:

1. IDNR/OWR will review an engineer's analysis of the flood profile due to a proposed bridge pursuant to section 9C-1-7D.

2. IDNR/OWR will review an engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to section 9C-1-7E.

3. The IDNR/OWR will review alternative transition sections and hydraulically equivalent storage pursuant to sections 9C-1-7A, B and H.

4. The IDNR/OWR will review and approve prior to the start of construction any department projects, dams (as defined in section 9C-1-2 of this chapter) and all other state, federal or local units of government projects, including projects of the municipality or county.

R. Other Permits: In addition to the other requirements of this chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 Illinois Compiled Statutes 5/5 et seq. No permit from IDNR/OWR shall be required if the IDNR/OWR has delegated this responsibility to the village. No correspondence from IDNR/OWR shall be required if the project meets the requirements of Regional Permit 3.

S. Permits For Dams: Any work involving the construction, modification or removal of a "dam" as defined in section 9C-1-2 of this chapter per 17 Illinois Administrative Code part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam. If the building commissioner finds a dam that does not have an IDNR/OWR permit, the building commissioner shall immediately notify the IDNR/OWR Bartlett office. If the building commissioner finds a dam which is believed to be in unsafe condition, the building commissioner shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office and the Illinois Emergency Management Agency (IEMA).

T. Activities That Do Not Require A Registered Professional Engineer's Review: The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this chapter, including the mitigation requirements.

1. Regional Permit 3 which authorizes, for example, underground and overhead utilities, storm and sanitary sewer outfalls, sidewalk, patios, athletic fields, playground equipment and streambank protection activities.

9C-1-8: OCCUPATION AND USE OF SFHA AREAS WHERE FLOODWAYS ARE NOT IDENTIFIED:

In SFHA or flood plains (including AE, AH, AO zones and unnumbered A zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevations.

A. Development Permit: No person, firm, corporation or governmental body, not exempted by state law, shall commence any development in an SFHA or flood plain without first obtaining a development permit from the building commissioner. Application for a development permit shall be made on a form provided by the village. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 9C-1-9 of this chapter.

B. Application Contents: The application for a development permit shall also include the following information:

1. A detailed description of the proposed activity, its purpose and intended use;

2. Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;

3. Anticipated dates of initiation and completion of activity;

4. Plans of the proposed activity shall be provided which include as a minimum:

a. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale and north arrow;

b. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in a mean sea level (1988 adjustment) datum or NAVD, adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), flood plain limit, location and orientation of cross sections, north arrow and a graphical or numerical scale;

c. Cross-section views of the project perpendicular to the flow of floodwater and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation and graphical or numerical scales (horizontal and vertical); and

d. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

5. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of section 9C-1-8; and

6. Any and all other federal, state and local permits or approvals that may be required for this type of development.

C. Site Elevation: Based on the best available existing data according to the Illinois State Water Survey's Floodplain Information Repository, the building commissioner shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to section 9C-1-5 of this chapter. Any development located on land that can be shown to have been higher than the base flood elevation as of the current flood insurance rate map identification is not in the SFHA and, therefore, not subject to the requirements of this chapter. The building official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

D. Building Commissioner Responsibilities: The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state and local permits, approvals or permit-not-required letters that may be required for this type of activity. The building commissioner shall not issue the development permit unless all required federal, state and local permits have been obtained.

E. Preventing Increased Damages: No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter.

F. SFHA Standards: Within all riverine SFHAs where the floodway has not been determined, the following standards shall apply:

1. Compliance With Engineering Requirements: The developer shall have a registered professional engineer state in writing and show through supporting plans, calculations and data that the project meets the engineering requirements of sections 9C-1-7A through 9C-1-7L of this chapter for the entire flood plain as calculated under the provisions of section 9C-1-5 of this chapter. As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR for acceptance as a designated floodway. Upon acceptance of their floodway by IDNR/OWR, the developer shall then demonstrate that the project meets the requirements of section 9C-1-7 of this chapter for the designated floodway. The floodway shall be defined according to the definition in section 9C-1-2 of this chapter;

2. Development Permit: A development permit shall not be issued unless the applicant first obtains a permit from IDNR/OWR or written documentation that a permit is not required from IDNR/OWR;

3. Permits For Dams: Any work involving the construction, modification or removal of a "dam" as defined in section 9C-1-2 of this chapter per 17 Illinois Administrative Code part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam. If the building commissioner finds a dam that does not have an IDNR/OWR permit, the building commissioner shall immediately notify IDNR/OWR Bartlett office. If the building commissioner finds a dam which is believed to be in unsafe condition, the building commissioner shall immediately notify the owner of the dam, IDNR/OWR Bartlett office and the Illinois Emergency Management Agency (IEMA).

G. Activities That Do Not Require A Registered Professional Engineer's Review: The following activities may be permitted without a registered professional engineer's review or calculation of a base flood elevation and designated floodway. Such activities shall still meet the other requirements of this chapter.

1. Underground and overhead utilities that:

a. Do not result in any increase in existing ground elevations;

b. Do not require the placement of aboveground structures in the floodway;

c. In the case of underground stream crossings, the top of the pipe or encasement is buried in a minimum of three feet (3') below the existing streambed;

d. Overhead utility lines shall be constructed above the estimated 100-year frequency flood elevation or attached above the low chord of an existing bridge

(with the permission of the bridge owner). No supporting towers shall be placed in the watercourse and shall be designed so as to not catch debris;

e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction;

f. A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act 415 Illinois Compiled Statutes 5 (1992 State Bar edition) shall be provided with shut-off valves on each side of the body of water to be crosses; and

g. All Illinois Commerce Commission, National Electrical Safety Codes, and federal requirements for clearance must be met.

2. Storm and sanitary sewer relief outfalls that:

a. Do not extend riverward or lakeward of the existing adjacent natural bank slope;

b. Do not result in an increase in ground elevation; and

c. Are designed so as not to cause stream bank erosion at the outfall location.

3. Construction of shoreline and streambed protection that:

a. Does not exceed one thousand feet (1,000') in length;

b. Materials are not placed higher than the existing top of bank;

c. Materials are placed so as not to reduce the cross-sectional area of the stream channel by more than ten percent (10%); and

d. Stabilization utilizing native vegetation and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or riprap are preferred materials. Artificial materials such as concrete, construction rubble and gabions should be avoided unless there are no practicable alternatives.

4. Temporary stream crossings in which:

a. The approach roads will be 0.5 (1/2) foot or less above natural grade;

b. The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert;

c. The top of the roadway fill in the channel will be at least two feet (2') below the top of the lowest bank. Any fill in the channel shall be nonerosive material, such as riprap or gravel;

d. All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction; and

e. The access road and temporary crossings will be removed within one (1) year after authorization.

5. The construction of light poles, sign posts and similar structures.

6. The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade.

7. The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions and carports built at or below existing grade that would not obstruct the flow of flood waters.

8. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten feet (10') in any one dimension (e.g., animal shelters and tool sheds).

9. Modifications to an existing building that will not increase the enclosed floor area of the building below the flood protection elevation, which does not exceed five hundred (500) square feet in size, and which will not block flood flows, including, but not limited to, fireplaces, bay windows, decks, patios, and second story additions.

10. Minor maintenance dredging of a stream channel where:

a. The affected length of stream is less than one thousand feet (1,000');

b. The work is confined to reestablishing flows in natural stream channels; or

c. The cross-sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.

H. Maintenance Of Flood-Carrying Capacity: The flood-carrying capacity within any altered or relocated watercourse shall be maintained. Whenever any portion of a flood plain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain

storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All flood plain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

9C-1-9: PERMITTING REQUIREMENTS APPLICABLE TO ALL FLOOD PLAIN AREAS:

In addition to the requirements found in sections 9C-1-7 and 9C-1-8 of this chapter for development in flood fringes, designated floodways and SFHA or flood plains where no floodways have been identified (zones A, AO, AH, AE, A1-A30, A99, VO, V1-30, VE, V, M, D or X), the following requirements shall be met:

A. Public Health Standards: No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants or other hazardous or toxic materials below the flood protection elevation (FPE). New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other aboveground openings located below the FPE are watertight.

B. Carrying Capacity And Notification: For all projects involving channel modification, fill or stream maintenance (including levees), the flood-carrying capacity of the watercourse shall be maintained. In addition, the village shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

C. Protecting Buildings: All buildings located within a 100-year flood plain also known as an SFHA, shall be protected from flood damage below the flood protection elevation. However, existing buildings located within a designated floodway shall also meet the more restrictive appropriate use standards included in section 9C-1-7 of this chapter. This building protection criteria applies to the following situations:

1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars ($1,000) or seventy (70) square feet.

2. A structural alteration to an existing building that either increases the first floor area by more than twenty percent (20%) or the building's market value by more than fifty percent (50%). This alteration shall be figured cumulatively, beginning with any alteration which has taken place subsequent to April 1, 1990;

3. Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and

4. Installing a travel trailer on a site for more than one hundred eighty (180) days.

5. This building protection requirement may be met by one (1) of the following methods.

D. Buildings On Permanent Landfill: A residential or nonresidential building, when allowed, may be constructed on permanent landfill in accordance with the following:

1. Lowest Floor: The lowest floor (including basement) shall be at or above the flood protection elevation; and

2. Fill Requirements: The fill shall be placed in layers no greater than six (6) inches deep before compaction and should extend at least ten feet (10') beyond the foundation of the building before sloping below the flood protection elevation. The top of the fill shall be above the flood protection elevation. However, the ten foot (10') minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures. The fill shall be protected against erosion and scour. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.

E. A residential or nonresidential building may be elevated in accordance with the following:

1. The building or improvements shall be elevated on crawlspace, stilts, piles, walls or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. The permanent openings shall be no more than one foot (1') above grade, and consist of a minimum of two (2) openings. The openings must have a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation;

2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris;

3. All areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air-conditioning equipment and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps and other waterproofed service facilities may be located below the flood protection elevation;

4. The areas below the flood protection elevation may only be used for the parking of vehicles, building access or storage in an area other than a basement;

5. Manufactured homes shall be anchored to resist flotation, collapse or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Illinois Administrative Code part 870. In addition, all manufactured homes shall meet the following elevation requirements:

a. In the case of manufactured homes placed or substantially improved: 1) outside of a manufactured home park or subdivision, 2) in a new manufactured home park or subdivision, 3) in an expansion to an existing manufactured home park or subdivision, or 4) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation;

b. In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least thirty six inches (36") in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.

6. Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of subsection B unless:

a. They are on-site for less than one hundred eighty (180) consecutive days; and

b. They are fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.

F. Dry Floodproofed Nonresidential Building: Only a nonresidential building may be structurally dry floodproofed (in lieu of elevation) provided that:

1. A registered professional engineer shall certify that the building has been structurally dry floodproofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood.

2. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and impacts from debris or ice.

3. Floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection).

G. A building may be constructed with a crawlspace located below the food 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; and

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 floodwaters. 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 (1) foot above grade; and

3. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade; and

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 (4) feet at any point; and

5. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and

6. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

7. Utility systems within the crawlspace must be elevated above the flood protection elevation.

H. Nonconforming Structures: Nonconforming structures located in a designated floodway may remain in use and may only be enlarged, replaced or structurally altered in accordance with section 9C-1-7 of this chapter. A nonconforming structure damaged by flood, fire, wind or natural or manmade disaster may be restored unless the damage exceeds fifty percent (50%) of its market value before it was damaged, in which case it shall conform to this chapter.

9C-1-10: OTHER DEVELOPMENT REQUIREMENTS:

The board of trustees shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and developments.

A. New subdivisions, manufactured home parks, annexation agreements and planned unit developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with sections 9C-1-6, 9C-1-7, 9C-1-8 and 9C-1-9 of this chapter and the need to minimize flood damage. Plats or plans for new subdivisions, manufactured home parks and planned unit developments (PUDs) shall include a

signed statement by a registered professional engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act 765 ILCS 205/2.

B. Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations. Where this information is not available from an existing study filed with the Illinois State Water Survey, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per section 9C-1-5 of this chapter and the floodway delineation per the definition in section 9C-1-2 of this chapter. The applicant's engineer shall submit the data to IDNR/OWR for review and approval as best available regulatory data and then send it to the State Water Survey.

C. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the flood plains shall be included within parks or other public grounds.

D. The board of trustees shall not approve any planned unit development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this chapter.

9C-1-11: VARIANCES:

A. No variances shall be granted to any development located in a "designated floodway", as defined in section 9C-1-2 of this chapter. Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the village for a variance. The building commissioner shall review the applicant's request for a variance and shall submit its recommendation to the board of trustees.

B. No variance shall be granted unless the applicant demonstrates that:

1. The development activity cannot be located outside the SFHA;

2. An exceptional hardship would result if the variance were not granted;

3. The relief required is the minimum necessary;

4. There will be no additional threat to public health and safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;

5. There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing or repairs to streambeds and banks, roads, utilities or other public facilities;

6. The provisions of sections 9C-1-6 and 9C-1-8 of this chapter shall still be met;

7. The activity is not in a designated floodway;

8. The applicant's circumstances are unique and do not represent a general problem; and

9. The granting of the variance will not alter the essential character of the area involved including existing stream uses.

C. The building commissioner shall notify an applicant in writing that a variance from the requirements of section 9C-1-9 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 amounts as high as twenty five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage;

2. Increase the risks to life and property; and

3. Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.

D. Variances requested in connection with restoration of an historic site or "historic structure" as defined in section 9C-1-2 of this chapter may be granted using criteria more permissive than the requirements of section 9C-1-11, subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and

2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

9C-1-12: DISCLAIMER OF LIABILITY:

A. The degree of flood 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.

B. Larger floods may occur or flood heights may be increased by manmade or natural cases.

C. This chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage.

D. This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder. (Ord. 32-O-2000, 10-26-2000)

9C-1-13: PENALTY:

Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation, the building commissioner may determine that a violation of the minimum standards of this chapter exist. The building commissioner shall notify the owner in writing of such violation.

A. If such owner fails after ten (10) days' notice to correct the violation:

1. The village 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 fifty dollars ($50.00) or more than one thousand dollars ($1,000.00) 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 village may record a notice of violation on the title to the property.

B. The building commissioner shall inform the owner that any such violation is considered a wilful act to increase flood damages and, therefore, may cause coverage by a standard flood insurance policy to be suspended. The village administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

C. Nothing herein shall prevent the village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Ord. 32-O-2000, 10-26-2000)

9C-1-14: ABROGATION AND GREATER RESTRICTIONS:

A. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

B. Where this chapter and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

C. This chapter is intended to repeal the original ordinance or resolution which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the village passed in order to establish initial eligibility for the program. (Ord. 32-O-2000, 10-26-2000, Ord. 2008-O-30)

TITLE 10
POLICE REGULATIONS

CHAPTER 1
GENERAL OFFENSES

10-1-1: GENERAL PROVISIONS:

A. Offenses Prohibited: It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by State law, insofar as such laws are applicable to Municipal government.

B. Aid to Offense: It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

10-1-2: OFFENSES AGAINST PUBLIC PROPERTY:

A. Expectorating on Sidewalk or in Public Buildings: It shall be unlawful for any person to expectorate or spit upon any sidewalk or upon the floor of any public building or room used for public assemblies.

B. Grade and Line Markers: It shall be unlawful for any person to purposely change or remove any stake, post or stone placed or set to designate the corner or line of any lot, street or alley, or show the grade of any street, alley or sidewalk.

C. Injurious Material on Thoroughfares, Deposits of: It shall be unlawful for any person to deposit, place or allow to remain in or upon public thoroughfare any material or substance injurious to person or property.

D. Lug Wheels Prohibited: It shall be unlawful for tractors with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets.

E. Playing Ball on Streets Prohibited: It shall be unlawful for any person to play ball or throw any ball to and fro upon any public thoroughfare in the Municipality. (1963 Code)

F. Public Ways; Occupation of: Unless properly licensed in accordance with this Village Code, no person shall erect any booth or establish or fix any stand for the sale of fruit, books or other merchandise, or any article of value whatever, within the boundary lines of any street, or so as to encumber any part or portion of any street or sidewalk. (Ord., 2-11-1897; amd. 1983 Code)

G. Water Flowing Upon Streets: It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare. (1963 Code)

H. Water Obstruction: It shall be unlawful for any person to stop or obstruct the passage of water in any street, gutter or public sewer, culvert or water pipes laid or placed by the Village. (Ord., 2-11-1897)

10-1-3: OFFENSES CONCERNING PROPERTY:

A. Junk, Keeping of Restricted: It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk adjacent to or in close proximity to any schoolhouse, church, public parks, public grounds, business buildings or residences without first providing proper and tight buildings for the storage of the same. (Ord., 2-11-1897)

B. Posting Bills: It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone or any other portion or part of any public property or sidewalk, or upon any tree, lamppost, hydrant or upon any private wall, door or gate. (Ord., 2-11-1897; amd. 1983 Code)

C. Trespassing: It shall be unlawful for any person to take down any fence or to let down any bars or to open any gate in or on the property of another without the consent of the owner, occupant or person in charge thereof. (1963 Code)

D. Vandalism: It shall be unlawful for any person to wantonly mar, injure, deface or destroy any fence, signboard or awning in any street, public or private place, or to wantonly cut, injure, mark or deface any building or grounds belonging to the Village, nor any sewer, water pipe, hydrant, telephone or electric wire, tree, grass or shrub in any part of the Village. (Ord., 2-11-1897; amd. 1983 Code)

E. Loitering Prohibited:

1. Definitions: As used in this Chapter:

LOITERING: Remaining idle in essentially one location and includes the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and also includes the colloquial expression "hanging around".

PUBLIC PLACE Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It also includes the front or immediate area of any store, shop, restaurant, tavern or other place of business, and also public grounds, sidewalks, areas or parks.

2. Prohibited Acts: It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner so as to:

a. Obstruct any public street, highway, sidewalk, alley, parkway, parking lot, park or any other public place or any building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

b. Commit in or upon any public street, highway, sidewalk, alley, parkway, parking lot, park, or any other public place or any building any act or thing which is an obstruction or interference to the free and uninterrupted use or enjoyment of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, highway, sidewalk, alley, parkway, parking lot, park, or any other public place or any building, all of which prevents the free and uninterrupted ingress and egress to and from such premises; or

c. Engage in activities, make loud noises, consume alcoholic beverages or create circumstances that afford probable cause for alarm or concern for the safety and well being of persons or for the security of public or private property in the surrounding area.

3. Police Action: When any person causes or commits any of the acts enumerated in this Section, a police officer, or any law enforcement officer, shall order that person to stop causing or committing such acts and to move on or disperse. Any person who fails or refuses to obey such orders is guilty of a violation of this Section. (Ord. 83-0-6, 5-12-83)

F. Offenses in the Park:

1. No person shall bring within, possess or control, sell or give away, or drink any alcoholic beverages as defined by state law at any time in any Village park except as permitted by the Village President and Board of Trustees.

2. No person shall bring within, possess or control, deposit or leave any glass bottle or glass container in any Village park.

3. No person shall drive or operate any motorized vehicle, including but not limited to, go-carts, mini-bikes, or other motorized vehicle whatsoever in any Village park, except as authorized by the Village President and Board of Trustees.

4. No person or his property shall remain in any Village park after sundown and before daybreak without authorization from the Village President and Board of Trustees. (Ord. 92-0-24, 8-13-92)

10-1-4: OFFENSES AGAINST THE PERSON:

A. Assault: It shall be unlawful for any person to commit assault which is hereby defined as any conduct which places another in reasonable apprehension of receiving a battery.

B. Battery: It shall be unlawful for any person to commit battery. A person commits battery if he intentionally or knowingly without legal justification and by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.

C. Cruelty: It shall be unlawful for any person to cruelly or inhumanely whip, injure, beat or mistreat his own wife, child, step-child or apprentice or other child under his care.

D. Disorderly Conduct: It shall be unlawful for any person to engage in any illegal or improper diversion or to use insulting, indecent or immoral language, or to be guilty of any indecent, insulting, or immoral conduct or behavior.

E. Malicious Injury to Another: Any person who shall unlawfully beat, bruise or wound another, attempt to commit any injury upon the person of another, shall be deemed guilty of a misdemeanor.

F. Window Sills to be Kept Clear: It shall be unlawful for any person to place or keep on any window sill, porch or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of such building, unless said articles be securely fastened or protected by screens. (1963 Code)

10-1-5: OFFENSES CONCERNING FRAUD:

A. Admission Fees, Fraudulently Avoiding Payment of: It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theatre, ballroom, lecture, concert or other place where admission fees are charged. Nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

B. False Pretenses: It shall be unlawful for any person to obtain any food, drink, goods, wares or merchandise under false pretenses, or to enter any public place and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person from whom he received the food, goods, wares and merchandise.

C. False Representation: It shall be unlawful for any person to represent falsely himself to be an officer of the Municipality or to attempt to impersonate any such officer or, without authority, to perform any official act therein on behalf of an officer.

D. Swindling: It shall be unlawful for any person, who by color, or aid of any trick or sleight of hand performance, or by fraud or by fraudulent scheme, cards, dice or device, to win for himself or for another any money or property or a representative of either. (1963 Code)

10-1-6: OFFENSES AGAINST AUTHORITY:

A. Aid in Escape; Assist Officer [47] : If any person shall resist or hinder the Chief of Police or other police officer in the discharge of his duty or shall offer or endeavor so to do, or if any person shall in any manner assist any person in custody of any such officer to escape or attempt to escape from custody, or shall rescue or attempt to rescue any person so in custody, or if any male inhabitant of this Village, over the age of sixteen (16) years, shall refuse or neglect to assist any such officer in the discharge of his duty when called on to do so, such person shall be deemed guilty of a misdemeanor. (Ord., 2-11-1897)

B. Concealing Knowledge: It shall be unlawful for any person to conceal knowledge of the commission of any offense or to conceal knowledge of any unlawful act as defined in this Code.

C. Escape, Aid In: It shall be unlawful for any person to aid or assist any person to escape from lawful confinement or to assist any person to escape from the custody of any peace officer.

D. Escape: It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.

E. Resisting an Officer: It shall be unlawful for any person to interfere wilfully with, resist, delay, obstruct, molest or threaten to molest any officer of the Municipality in the exercise of his official duties. (1963 Code)

10-1-7: OFFENSES CONCERNING ANIMALS:

A. Animals at Large: No person shall leave any horse or other animal attached to any vehicle at any place without such animal being securely fastened, nor fasten any animal to any fence, railing or tree without the consent of the owner of such fence, railing or tree.

B. Barking Dogs, Animal Noise: No person shall keep or permit to remain upon his premises any animal which, by barking, howling, or in any other manner, shall disturb the peace and quiet of the neighborhood or of any family.

C. Birds, Injury to: It shall be unlawful for any person to kill or wound, or attempt to kill or wound, by use of a firearm, slingshot, bow and arrow or otherwise, any bird other than English sparrows, or to take the eggs or young of any bird.

D. Cruelty to Animals: Whosoever shall be guilty of cruelty to any animal in any of the ways mentioned in this Section shall be deemed guilty of a misdemeanor.

By overloading, overdriving, overworking, cruelty, beating, torturing, tormenting, mutilating or cruelly killing any animal, or causing or knowingly allowing the same to be done.

By cruelly working any old, maimed, infirm, sick or disabled animal, or causing or knowingly allowing the same to be done.

By unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink and shelter.

By abandoning any old, maimed, infirm, sick or disabled animal.

By carrying or driving, or causing to be carried or driven or kept, any animal in an unnecessarily cruel manner.

By exposing or having any calves or sheep upon the streets or sidewalks or upon any vehicle within the Village with their legs tied or otherwise inhumanely restrained. (Ord., 2-11-1897)

10-1-8: OFFENSES AGAINST THE PEACE:

A. Collecting Crowds: It shall be unlawful for any person to collect within the Village a crowd of people to the annoyance of the citizens thereof or to the annoyance or injury of the public. (Ord., 2-11-1897)

B. Disturbing Assemblies: It shall be unlawful for any person, wilfully, maliciously, intentionally or unnecessarily, to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or profane discourse within their place of assembly, or so near the same as to disturb the order or solemnity of the meeting.

C. Disturbing the Peace: It shall be unlawful for any person, wilfully, maliciously, intentionally or unnecessarily, to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or by offensive or unbecoming conduct or for any person to threaten, quarrel, fight or provoke an assault or battery or curse or swear or utter any obscene or vulgar or indecent language in the presence of another.

D. Drunkenness: It shall be unlawful for any person to be found drunk, intoxicated or under the influence of intoxicating liquor upon any public thoroughfare or other public place.

E. Intoxication; Annoyance: Any person who shall be intoxicated in any street or other public place, or in any private house or place to the annoyance of any person, shall be deemed guilty of a misdemeanor.

F. Letting Premises for Unlawful Purposes: It shall be unlawful for any person to rent, use or allow to be used any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

G. Loud Speakers or Sound Trucks: It shall be unlawful to play, operate or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph, with loud speaker or sound amplifiers or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the Chief of Police to operate any such vehicle so equipped.

H. Vagrancy: It shall be unlawful for any person without visible means of support and the physical ability to work not to seek employment or labor, or to refuse to work when employment is offered him; for any person to seek alms as a business; for any person to roam about from place to place without any lawful business; for any idle or dissolute person or associate of known thieves to wander about the streets at a late and unusual hour of the night, or to lodge in any other place than is kept for lodging purposes without the permission of the owner of the property or the person in possession thereof; or for any person to consort habitually with common prostitutes, habitual drunkards or any user of narcotics. (1963 Code)

I. Noises at Night: It shall be unlawful for any business or establishment to allow any loud or unusual noises to emit from such business or establishment after the hour of ten o'clock (10:00) P.M., which noise, by its boisterous nature, would disturb and destroy the peace and quiet of the neighborhood in which the premise are located, or be dangerous or detrimental to the health. Such noises shall include, but are not limited to: motors, presses, juke boxes, live bands, radios or patrons frequenting such business or establishment. (Ord. 78-13, 7-13-78)

10-1-9: OFFENSES CONCERNING HEALTH AND SAFETY:

A. Barbed Wire and Electric Fences: It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or part of barbed wire or to use barbed wire as a guard to any parking lot, stairway, entrance to a building or parcel of land. (1963 Code)

B. Possession of Cannabis:

1. Cannabis Defined: "Cannabis" includes marihuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its

seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil cake, or the sterilized seed of such plant which is incapable of germination.

2. Violations: It shall be a violation of this subsection for any person knowingly to possess any quantity of any substance containing cannabis, except that the effect of this subsection shall be limited to persons knowingly possessing less than thirty (30) grams of any substance containing cannabis.

3. Penalty: Any person convicted of any violation of the provisions of this subsection shall be fined not more than five hundred dollars ($500.00) for each offense. (Ord. 77-7, 6-9-1977)

C. Hypnotists Prohibited: It shall be unlawful for any person to practice hypnotism or for any person to be a subject for such hypnotists, provided that this shall not apply to hypnotism as used in the treatment of patients by an accredited doctor of medicine or dentistry nor shall it prohibit the teaching of hypnotism in any State accredited educational institution which maintains an academic standard of the college level. (1963 Code)

D. Poison; Handling Requirements: No poison or poisonous substance of any kind shall be sold or delivered by any druggist or other person unless the word "Poison" shall be plainly written or printed upon a label attached to the phial or parcel containing the same and a record thereof made and kept, showing the date of such sale or delivery, the article and amount thereof and the person to whom sold or delivered. Nor shall any drug or medicine be sold or delivered without having the name of such drug or medicine attached thereto as aforesaid, except upon the prescription of a physician.

E. Railroad Equipment, In Motion: No person shall, while any locomotive, tender or car is in motion, get on or off or attempt to get on or off the same, without permission so to do from the person having the same in charge. (Ord., 2-11-1897)

F. Discharge Of Firearms: It shall be unlawful for any person to fire or discharge any gun, pistol or other firearm within the limits of the Village.

G. Fireworks Prohibited: It shall be unlawful for any person to fire, discharge or set off any rocket, cracker, torpedo or other fireworks containing any substance of an explosive nature; provided, that the President may, by proclamation, permit the use of fireworks on July 4 and at such other times as he may deem proper. (Ord., 2-11-1897)

10-1-10: OFFENSES AGAINST MORALS:

A. Contraceptives; Sale Of: It shall be unlawful for any person to vend, sell, distribute or give away in any manner whatsoever any article, drug or medicinal preparation, manufactured, produced or intended for use, or which may be used as a contraceptive; provided, however, that the provisions hereof shall not apply to regularly licensed practitioners of medicine, or drug stores employing a registered pharmacist.

It shall be unlawful to vend, sell, give away or distribute any such articles, drugs or medicines for use as, or possible for use as, contraceptives, by means of machines, or peddling or canvassing within the Village. The proprietor of any premises wherein any such drugs, medicines, or articles are kept, contrary to the provisions of this subsection shall be presumed to be the vendor or distributor of the medicines, drugs or articles. (Ord., 2-11-1897)

B. Public Indecency:

1. Definitions: In this subsection, the following definitions apply:

NUDITY: The showing or exhibiting of the human male or female genitals, pubic area, female breast with less than a full covering of any part of the nipple, the covered male genitals in a discernable state or any portion of the buttocks being exposed.

PUBLIC PLACE: Any location frequented by the public or where the public is present or likely to be present. Public places include, but are not limited to streets, sidewalks, parks, hotels, motels, restaurants, business establishments, commercial establishments (whether for profit or not for profit), meeting room facilities, night clubs, retail establishments or other similar places. Public places shall not include enclosed single sex public restrooms, enclosed single sex showers, locker rooms, enclosed motel/hotel rooms used for sleeping accommodations, doctor offices, hospital facilities, churches and/or synagogues.

2. Public Indecency: Any person commits the offense of public indecency if he or she knowingly or intentionally in a public place: a) engages in sexual intercourse; b) engages in deviate sexual conduct; c) appears in a state of nudity; d) fondles their genitals or the genitals of another person; e) allows or encourages another person to commit a public indecent act as described above, shall have deemed to have violated this subsection. For purposes of this subsection, a person who "allows" or "encourages" another person to commit a public indecent act shall include, but not be limited to: any owner, manager, lessee or operator of a public place where an employee, independent contractor, agent or patron of said public place commits the offense of public indecency.

3. Penalty: Any person who is convicted of the offense of public indecency shall be fined not less than seven hundred fifty dollars ($750.00) for each offense. Every day

that the public indecency occurs shall be deemed a separate offense. The Village shall also have the right to seek immediate injunctive relief against any person engaging in conduct determined to be a public indecency. (Ord. 95-0-37, 12-28-1995)

C. Obscene Conduct: It shall be unlawful for any person in any public place or place open to the public view:

1. To urinate or stool;

2. To be guilty of a lewd, lascivious or obscene conduct or to sing any lewd or obscene song, ballad or other words; or

3. To indecently exhibit any animal.

D. Obscene Literature, Distribution Of: It shall be unlawful for any person to exhibit, pass, give or deliver to another any obscene, lewd or indecent book, pamphlet, picture, card, print, paper, writing, mold, cast or figure or to have same in his possession. (1963 Code)

E. Obscene Markings Or Words: Any person who shall, upon any building, fence, wall or other place, write, print or paint any obscene words or expression or any representation of anything of an immodest or vulgar character, shall be deemed guilty of a misdemeanor. (Ord., 2-11-1897)

F. Prostitution: It shall be unlawful for any person to pursue or advertise in any manner her vocation as a prostitute or for any person to advertise the profession of a prostitute or solicit for a prostitute.

G. Prostitution, House Of: It shall be unlawful for any person to keep or assist in the keeping of a house of ill fame or prostitution or knowingly to reside therein or knowingly to rent, lease or permit any person to occupy any house or room owned, leased or controlled by him for this purpose. (1963 Code)

H. Venereal Diseases; Literature Concerning: No person shall offer to sell, or give away, distribute or have in his possession with intent to give away, sell or distribute, any book, pamphlet, circular, handbill, or advertisement of any kind purporting to treat diseases known as "venereal diseases", describing or explaining the genital organs, giving the nature and remedies of diseases peculiar to females, or the nature or causes of nervous debility, impotency, sterility or barrenness, gonorrhea, gleet, stricture, syphilis, infection of the prostate gland or the remedies therefor, or the cause or remedies for abortion or miscarriage, or articles or means of preventing conception.

No person shall sell, give, distribute or have in his possession with intent to give away, sell or distribute any book, pamphlet, circular, handbill, advertisement or notice of any kind, giving or purporting to give information from whom or where medicine or anything whatever may be obtained for the cure, prevention or treatment of uterine

diseases, or diseases peculiar to females, venereal diseases or diseases of the genital organs, or nervous debility, impotency, sterility or barrenness, gonorrhea, gleet, stricture, syphilis, infection of the prostate gland, abortion or miscarriage, or articles or means of preventing conception. (Ord., 2-11-1897)

I. Race Track Messenger And/Or Contract Wagering Services: It shall be unlawful for any person to offer services to make bets for a second party at race tracks or to engage in the activity known as race track messenger service or runner; or to enter into a contract or agreement with another whereby the parties agree that for a fee, an amount of money or anything of value furnished by one party will be transferred or transported by the second party to a designated race track where pari-mutuel wagering is permitted by law, or to any other place for the purpose of gambling, and that the second party will place wagers for the first party in conformance with the contract or agreement, and/or that any winning wagers will be collected and returned to the first party or to someone designated by him at a designated place. (Ord. 77-1, 2-10-1977)

J. Gambling:

A. Prohibited Act: Except for video gaming authorized pursuant to Title 10, Chapter 1, Section 10 of this Code, it shall be unlawful for any person to place, make, accept, relay, deliver, or pay any wager or bet on any sporting event or other competition.

B. Lottery Excepted: This section shall not apply to the lottery owned and operated by the State of Illinois.

(Ord. 2016-O-13)

10-1-11: OFFENSES CONCERNING MINORS:

A. Tobacco Products, Sales To Minors, Possession By Minors:

1. "Tobacco products" as used herein means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

2. It shall be unlawful for any person to sell or give away directly or indirectly, to any person under the age of eighteen (18) years any tobacco products. It shall be unlawful for any person under the age of eighteen (18) years to be in possession of or in control of any tobacco products. (Ord. 97-0-16, 9-11-1997)

B. Delinquency, Encouraging: It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended. (1963 Code)

C. Publications, Restrictions To Minors: It shall be unlawful to hire, use or permit any minor child to sell or give away or in any manner to distribute any book, pamphlet or other publication devoted to the publication of, principally made up of criminal news, police reports or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime, and it shall be unlawful for any person to exhibit upon any street or in any place within the view or which may be within the view of any minor child or permit to be examined or in the possession of any minor child, any such book, pamphlet or other publication. (Ord., 2-11-1897)

D. Curfew:

1. Definitions: In this subsection the following definitions apply:

ESTABLISHMENT: Any privately owned place of business carried on for profit or any place of amusement or entertainment to which the public is invited.

MINOR: Any person under the age of seventeen (17) years.

OPERATOR: Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty the term "operator" as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

PARENT: Any natural parent of a minor, a guardian or any adult person, twenty one (21) years of age or over, responsible for the care and custody of a minor.

PUBLIC PLACE: Any public street, highway, road, alley, park, playground, public building, place or vacant lot.

REMAIN: To loiter, idle, wander, stroll, be present at or play in or upon a public place. (Ord. 76-18, 11-30-1976)

2. Unlawful Conduct Of Minors: It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of ten thirty o'clock (10:30) P.M. Friday and six o'clock (6:00) A.M. Saturday, or between the hours of ten thirty o'clock (10:30) P.M. Saturday and six o'clock (6:00) A.M. Sunday, or between the hours of nine thirty o'clock (9:30) P.M. and six o'clock (6:00) A.M. on any other day of the week; provided, however, that the provisions of this Section shall not apply to any minor accompanied by a parent, or to a minor upon an errand, school activity or other legitimate business directed by such minor's parent or to any minor who is engaged in some occupation or lawful employment under the statutes [48] of this State during the curfew hours.

3. Unlawful Conduct Of Parents: It shall be unlawful for any parent to allow or permit any minor to remain in or upon any public place or any establishment between the

hours of ten thirty o'clock (10:30) P.M. Friday and six o'clock (6:00) A.M. Saturday, or between the hours of ten thirty o'clock (10:30) P.M. Saturday and six o'clock (6:00) A.M. Sunday, or between the hours of nine thirty o'clock (9:30) P.M. and six o'clock (6:00) A.M. on any other day of the week; provided, however, that the provisions of this Section shall not apply to any parent who accompanies a minor or a parent who directs a minor upon an errand, school activity or other legitimate business or to any parent of a minor engaged in some occupation or lawful employment under the statutes of this State during the curfew hours.

4. Unlawful Conduct Of Owners Or Operators: It shall be unlawful for any owner or operator of an establishment or their agents or employees to allow or permit any minor to remain upon the premises of said establishment between the hours of ten thirty o'clock (10:30) P.M. Friday and six o'clock (6:00) A.M. Saturday, or between the hours of ten thirty o'clock (10:30) P.M. Saturday and six o'clock (6:00) A.M. Sunday, or between the hours of nine thirty o'clock (9:30) P.M. and six o'clock (6:00) A.M. on any other day of the week. (Ord. 96-0-15, 10-24-1996)

5. Enforcement: Any police officer who finds a minor violating any provisions of subsection D2 of this Section shall obtain information from such minor as to his name and address, age and the name and address of his parent or parents. The minor shall be warned by the police officer forthwith to comply with the provisions of subsection D2 of this Section and to desist from further violation thereof. The minor shall thereupon be instructed to proceed to his home forthwith or be promptly returned to his home by the police officer, or detained by the police until the parent of the child takes him into custody. The information obtained from the minor shall be forwarded to the juvenile office of the Police Department of the Village, who shall cause a written notice to be mailed or delivered to the parent or parents of the minor, advising of the violation of subsection D2 of this Section. (Ord. 76-18, 11-30-1976)

6. Penalties:

a. In case any minor, after the warning provided for in subsection D5 of this Section, shall again violate any of the provisions of the above mentioned subsection, such minor may be brought before the Juvenile Court Division of the Circuit Court of Cook County to be dealt with accordingly, or fined not more than five hundred dollars ($500.00), or both.

b. Any parent who shall violate any provision of subsection D3 of this Section after having received notice of a prior violation shall be fined not more than seven hundred fifty dollars ($750.00) for each violation.

c. Any owner or operator of an establishment and any agents or employees of any owner or operator who shall violate the provisions of subsection D4 of this Section shall be fined not more than seven hundred fifty dollars ($750.00) for each violation.

Each violation of the provisions of this Chapter shall constitute a separate offense. (Ord. 96-0-15, 10-24-1996)

E. Parental Responsibility: It shall be unlawful for the parent or legal guardian of an unemancipated minor residing with such parent or legal guardian to fail to exercise proper parental responsibility by allowing or permitting said minor to commit any violation of a Village ordinance or State statute concerning vandalism, battery, curfew, disorderly conduct, fireworks, obscene conduct, indecent exposure, trespass or possession of alcoholic liquor, tobacco products, cannabis or controlled substances or any other offense of wilful or malicious acts to persons or property. A parent or legal guardian shall be presumed to have allowed or permitted said minor to have committed a violation of a Village ordinance or State statute if said minor has been either adjudicated to be in violation of any ordinance or State statute as described above, or has been charged with the violation of any ordinance or State statute as described above (except if found to be not guilty); or has incurred nonjudicial sanctions from any peace officer, or conservator of the peace resulting from an admission of guilt to an offense of an ordinance or State statute as described above; or said parent or legal guardian has received a written notice by certified mail (return receipt requested) or by personal service in substantially the following form: (Ord. 76-18, 11-30-1976; amd. Ord. 97-0-15, 9-11-1997)

LEGAL NOTICE

TO: (Parents' Names)

FROM: Village of Willow Springs

You are hereby notified that (minor's name) has been involved with a violation of an ordinance or State Statute concerning vandalism, battery, curfew, disorderly conduct, fireworks, obscene conduct, indecent exposure, trespass, or possession of alcoholic liquor, or any other offense of wilful or malicious acts to persons or property.

If said minor is again involved with a violation of one of the abovetype ordinances or State Statutes you may be found guilty of the offense of Parental Irresponsibility. Conviction for said offense can result in a fine of not less than $50.00 nor more than $750.00. You are hereby notified that you must exercise proper parental responsibility over said minor by controlling his unlawful conduct.

(Ord. 96-0-15, 10-24-1996)

1. Definitions: The following terms shall have the meaning ascribed to them for the purpose of this subsection:

LEGAL GUARDIAN: A person appointed guardian or given custody of a minor by court, but it does not include a person appointed guardian, or given custody of a minor under the Juvenile Court Act [49] , as amended, in the State of Illinois.

MINOR: Any person who has not yet attained the age of nineteen (19) years.

2. Regulations Adopted; Supervision: It is the policy of the Village to permit the Village Prosecutor to use the provisions of the "Unified Code of Corrections", as amended, in the State of Illinois, pertaining to supervision in order to further the ends of justice, restitution, and purposes of this Chapter.

3. Court Appearance Of Parents: It is the policy of the Village that a parent or legal guardian of a minor be notified and required to appear in court whenever that minor is charged with a violation of an ordinance or State statute which requires the minor's appearance in court. To this end, it is hereby directed that a notice in substantially the following form be sent to the parents or legal guardians of the minor:

LEGAL NOTICE

TO: (Parents' Names)

FROM: Village of Willow Springs

You are hereby notified that (minor's name) has been charged with an offense which is a violation of a Village ordinance or State Statute and which requires the appearance of said minor in court. You are further notified that one of the parents of said minor must appear in court before the case will be tried or be disposed.

If you fail to appear, the Village Prosecutor has been directed to have issued a subpoena to bring you into court. Failure to obey a subpoena can result in contempt of court, with a fine or imprisonment.

4. Failure To Appear: The Village Prosecutor is hereby directed to have subpoenas issued whenever a parent or legal guardian of a minor does not appear in court after the first two (2) times said case has been before the court. (Ord. 76-18, 11-30-1976)

5. Penalty: Any person violating any provisions of this subsection E shall be served a penalty in accordance with Section 1-4-1 of this Code, and a separate offense shall be deemed committed on each day on which a violation occurs. (Ord. 76-18, 11-30-1976; amd. Ord. 96-0-15, 10-24-1996)

10-1-12: OFFENSES CONCERNING WEAPONS:

A. Forfeiture Of Weapons: Any person who shall be adjudged to have violated any of the provisions of this Section may be required to forfeit to the Village any such weapons so carried. (Ord., 2-11-1897)

B. Weapons, Concealed: Any person not a police officer who shall, within the limits of the Village, carry under his clothes or concealed about his person, any pistol, revolver, billy, slingshot, bowie knife, razor, dagger or knuckles of any kind or other dangerous, offensive or deadly weapons, shall be deemed guilty of a misdemeanor. (Ord., 2-11-1897; 1983 Code)

C. Weapons, Furnishing To Prisoners: It shall be unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article without the consent of the officer in charge. (1963 Code)

10-1-13 - CODE HEARING DEPARTMENT

A. Purpose. The stated purpose of this chapter is to provide for the fair and efficient enforcement of the Village Code as may be allowed by law and directed by ordinance, through the adjudication of violations of such village ordinances and establishing procedures for collection of unpaid fines and penalties. All provisions of the Village Code may be enforced through the code enforcement department, provided the system shall have no authority to impose a penalty of incarceration or adjudicate an offense under the Illinois Motor Vehicle code which is a traffic regulation governing moving vehicles, or to impose a fine in excess of $750 for a single violation.

B. Creation.

1. Pursuant to the statutory authority granted by 65 Illinois Compiled Statutes 5/1-2.2-1 et seq., the village code hearing department is hereby established which shall have the power to enforce compliance with all Village Code sections, as from time to time authorized by the board of trustees, except for any offense under the Illinois vehicle code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under section 6-204 of the Illinois Vehicle Code.

2. The provisions of 65 Illinois Compiled Statutes 5/1-2.2-1 et seq., as it may be amended from time to time, is hereby adopted and incorporated into this chapter as if fully set forth herein.

3. The department shall be administered by a director of code enforcement, and staffed by hearing officers and other employees as may be needed, appointed by the president, subject to approval by the board of trustees.

4. The establishment of the Village code hearing department does not preclude the village from using any other method to enforce the Village Code.

C. Definitions. As used in this section, unless the context requires otherwise: "Code" means any village ordinance except for (I) building code violations that must be

adjudicated pursuant to 65 ILCS 5/11-31.1 et seq. in its current form and as may be amended from time to time, and (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.

"Hearing Officer" means a municipal employee or an officer or agent of the Village, other than a law enforcement officer, whose duty it is to:

1. Preside at an administrative hearing called to determine whether or not a code violation exists;

2. Hear testimony and accept evidence from all interested parties relevant to the existence of a code violation;

3. Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and

4. Issue and sign a written finding, decision and order stating whether a code violation exists.

D. Code Hearing Department. There is hereby established a Code Hearing Department in the Village. The function of the Code Hearing Department is to expedite the prosecution and correction of code violations in the manner set forth in this Chapter. The Code Hearing Department may adjudicate any violation of a municipal ordinance except for (I) building code violations that must be adjudicated pursuant to 65 ILCS 5/11-31.1 et seq. in its current form and as amended from time to time, and (ii) any offense under the Illinois Vehicle Code or similar offense that is a traffic regulation governing the movement of vehicles except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.

E. Hearing Procedures Not Exclusive. This Chapter does not preclude The Village from using other methods to enforce the provisions of its Village Code.

F. Instituting Hearing Code Proceedings. When a police officer or other individual authorized to issue a code violation finds a code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates (I) the name and address of the defendant, (ii) the type and nature of the violation, (iii) the date and time the violation was observed, and (iv) the names of the witnesses of the violation. The violation report form shall be forwarded to the Code Hearing Department where a docket number shall be stamped on all copies of the report and a hearing date shall be noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 nor more than 40 days after the violation is reported.

One copy of the violation report form shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report

form shall be returned to the individual representing the Village in the case so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing.

G. Subpoenas; Defaults. At any time prior to the hearing date, the hearing officer assigned to hear the case may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If on the date set for the hearing the defendant or his or her attorney fails to appear, the hearing officer may find the defendant in default and proceed with the hearing and accept evidence relevant to the existence of a code violation.

H. Continuances; Representation at Code Hearings. No continuances shall be authorized by the hearing officer in proceedings under this Chapter except in cases where a continuance is absolutely necessary to protect the rights of the defendant. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this Chapter shall not exceed 35 days. The case for the Village may be presented by an attorney designated by the Village or by any other municipal employee, except that the case for the Village shall not be presented by any employee of the Code Hearing Department. The case for the defendant may be presented by the defendant, the defendant's attorney, or any other agent or representative of the defendant.

I. Hearing; Evidence. The hearing officer shall preside at the hearing, shall hear testimony and shall accept any evidence relevant to the existence or non-existence of a code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Chapter.

J. Qualifications of Hearing Officers. Prior to conducting proceedings under this Chapter, hearing officers shall successfully complete a formal training program that includes the following:

1. Instruction on the rules of procedure of the hearing that they will conduct;

2. Orientation to each subject area of the code violations that they will administer;

3. Observation of administrative hearings; and

4. Participation in hypothetical cases, including rules on evidence and issuing final orders.

In addition, every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three years.

K. Findings, Decision and Order. At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include (l) the hearing officer's findings of fact; (ii) a decision whether or not a code violation exists based upon the findings of fact; and (iii) an order that states the sanction or dismisses the case if a violation is not proved. A monetary sanction for a violation under this Chapter shall not exceed the amount provided by 65 ILCS 5/1-2-1 in its current form and as amended from time to time. A copy of the findings, decision, and order shall be served on the defendant within five (5) days after it is issued. Service shall be in the same manner that the report form and summons are served under Section F of this Chapter. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the Village Code, unless the Board of Trustees directs otherwise.

L. Review Under Administrative Review Law. The findings, decision and order of the hearing officer shall be subject to review in the Circuit Court of Cook County. The provisions of the Administrative Review Act and the rules adopted pursuant thereto, shall apply to and govern every action for the judicial review of the findings, decisions, and order of a hearing officer.

M. Judgment on Findings, Decision, and Order.

1. A fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust administrative review shall be a debt due and owing to the Village and, as such, may be collected in accordance with applicable law.

2. After expiration of the period within which administrative review may be sought for a final determination of the code violation, the Village may commence a proceeding in the Circuit Court of Cook County for purpose of obtaining a judgement on the findings, decision, and order. Nothing in this section shall prevent the Village from consolidating multiple findings, decisions, and orders against a person in such a proceeding. Upon commencement of the action, the Village shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision, and order was issued in accordance with this Chapter and the applicable provisions of the Village Code. Service of the summons and a copy of the petition may be by any method provided that the total amount of fines, other sanctions, and costs imposed by the findings, decision, and order does not exceed $2,500. If the court is satisfied that the findings, decision and order was entered in accordance with the requirements of this section and the applicable provisions of the Village Code and that the defendant had an opportunity for a hearing under this section and for judicial review as provided in this section:

a) The court shall render judgment in favor of the Village and against the defendant for the amount indicated in the findings, decision, and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money;

b) The court may also issue any other orders and injunctions that are requested by the Village to enforce the order of the hearing officer to correct a code violation.

N. Impact on Existing Administrative Adjudication Systems. This Chapter shall not affect the validity of systems of administrative adjudication that were authorized by state statute and the Village and which were in existence prior to the effective date of this Chapter. (Ord. 2008-O-10)

CHAPTER 2
ANIMAL REGULATIONS

ARTICLE A. ANIMALS GENERALLY

10-2A-1: RUNNING AT LARGE:

A. The running at large of horses, cattle, geese, sheep, swine and goats shall be unlawful and is hereby prohibited, and whoever being the owner of or having the possession of any such animal and shall suffer or permit the same to run or be at large shall be deemed guilty of a misdemeanor.

B. Herding without Consent: The herding of any animals or allowing the same to run upon or occupy any unenclosed lands without the consent of the person owning or having control of such lands, shall be deemed running at large within the meaning of this Chapter. (Ord. 02-O-2009)

ARTICLE B. DOGS

10-2B-1: DOG CATCHER; ENFORCEMENT:

A. Dog Catcher Provided, Duties: The Village President may engage a dog catcher as an independent contractor for the purposes of controlling dogs running at large and unlicensed dogs. The dog catcher engaged shall not be an employee of the Village, and therefore shall not be entitled to the benefits and protections, if any, afforded Village employees.

1. Term: The dog catcher shall be engaged for a period of one year commencing May 1 and terminating April 30 of each year. The President shall have the right to terminate at any time without cause and without hearing the engagement of the dog catcher, and to appoint a successor for the remainder of the current fiscal year.

2. Agreement: Any dog catcher so engaged by the Village President shall sign an agreement with the Village binding him to the terms, conditions and provisions of this Article.

3. Authority: The dog catcher shall have the authority to seize and impound any dogs found running at large within the Village, whether or not such dog is licensed. The dog catcher shall maintain a dog pound for purposes of impounding any dogs running at large within the Village. Said dog pound shall be maintained in compliance with State Statutes and regulations and shall be available and open to inspection by the Village at any time and shall be maintained at all times in a manner acceptable to the Village.

4. Insurance: The dog catcher, prior to commencing any work within the Village, shall secure comprehensive general liability insurance which shall include coverage over all motor vehicles used by him, his agents or employees, in furtherance of being a dog catcher. Said policy shall have limits of liability for bodily injury and property damage of not less than five hundred thousand dollars ($500,000.00) per person and per occurrence. All policies of insurance shall be written in companies acceptable to the Village. The dog catcher shall deposit a copy of said insurance policy or policies with the Village on or before the date the dog catcher begins work within the Village, and thereafter, at least thirty (30) days prior to the expiration date of the original policies or renewal policies. All policies shall require not less than ten (10) days' written notice to the Village prior to cancellation of same.

B. Impoundment of Animals; Fees: The dog catcher shall make his dog pound available for the impoundment of any dog seized by the Police Department in accordance with this Article. If said dog is seized by the Police Department because it is running at large, then the dog catcher shall be responsible for the notice requirements and collection of the proper fees in accordance with this Article.

The dog catcher shall be responsible for collecting and receipting for all payments and fees required in this Article. The fees and payments collected by the dog catcher shall be distributed as follows:

1. All annual license fees paid to the dog catcher to redeem a dog shall be paid over to the Village;

2. Forty dollars ($40.00) of each redemption fee collected by the dog catcher shall be paid over to the Village; and

3. The balance of the payments and fees collected by the dog catcher shall be retained by the dog catcher in full payment to him for his services rendered to the Village.

That portion of all monies collected by the dog catcher to be paid over to the Village shall be paid to the Village Treasurer on Friday of each week.

The dog catcher shall at all times maintain full and complete books and records of all impoundment fees and costs. Such books and records shall be available for inspection by the Village at any time.

C. Impoundment Notice: Upon impounding any dog, the dog catcher forthwith shall notify the owner or keeper of such dog, either personally or by mail, postage prepaid, of such impounding, unless such owner or keeper is unknown. The notice shall inform the owner or keeper of the impoundment, of the redemption period during impoundment and of the consequences of a failure to redeem the dog within the redemption period. A duplicate copy of all such notices shall be sent to the Village Clerk. This notice shall advise the owner or keeper that unless he timely applies for redemption of such dog, the dog will be destroyed or disposed of by the dog catcher at the expiration of a period of five (5) days after the giving of a personal notice, or seven (7) days from the date the notice is mailed. If an application is not made for redemption by the owner or keeper within the period set forth in the notice, or within five (5) days after the date of impounding if notice is not given because the name and address of the owner or keeper of the dog are not known, the dog may be destroyed, sold or disposed of by the dog catcher.

D. Redemption of Dogs: Except as herein otherwise provided, any dog impounded may be redeemed by the owner or keeper thereof at any time before the destruction, sale or other disposition of such dog as provided for herein upon payment to the keeper of the pound of a redemption fee of forty dollars ($40.00) together with all fees necessary to recoup the entire cost of impoundment or confinement and if the dog is not already licensed, and is to be licensed as provided herein, payment of a full annual license fee for the current license year. If the dog impounded is held on complaint that it is dangerous, fierce or vicious, or that is has disturbed in any manner the quiet of any person or neighborhood, or that it has bitten or injured or attempted to injure any person, such dog shall not be redeemed until the order of the court which has jurisdiction of the complaint. No redemption shall be made of any dog suspected of having rabies unless and until it has been definitely determined that the dog is not afflicted with rabies.

10-2B-2: POLICE DEPARTMENT; ENFORCEMENT:

The Police Department shall enforce all provisions of this Article and in particular, shall, in addition to the dog catcher, enforce the prohibition against dogs running at large by seizing such dogs and delivering them to the dog catcher for impoundment.

A. Impoundment: The Police Department may impound any dog when, in the judgment of any officer, the impoundment of a dog is necessary upon complaint that such dog is dangerous, fierce or vicious, or that it has disturbed in any manner the quiet of any person or neighborhood, or that is has bitten or injured or attempted to injure any person or that it has or may have rabies.

B. Issuing Citations:

1. Procedure of Police Officers: A police officer who halts a person for a violation of any provision of this Article, other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name and address of said person, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the Village a citation containing a notice to answer to the charge against him before the proper court.

2. Disposition of Citations: Every police officer, upon issuing a citation to an alleged violator of any provision of this Article, shall deliver the original citation to his immediate superior officer, who shall cause the original to be delivered to the proper court in the event the citation has not been settled as herein provided.

Upon the filing of such original citation with the proper court, said citation may be disposed of only by trial or by other official action, including forfeiture of bail or by payment of a fine.

It shall be unlawful and official misconduct for any member of the Police Department or other officer or public employee or for any other person to dispose of, alter, or deface a citation or any copy thereof, or the record of the issuance or disposition of any citation, complaint or warrant.

3. Citation as Complaint for Prosecution: The citation when filed shall be deemed to be a lawful complaint for the purpose of prosecution under this Article.

4. Failure to Obey Citation: It shall be unlawful for any person to violate the command of a citation duly issued him by a police officer regardless of the disposition of the charge for which such citation was originally issued.

5. Citation Procedure: Whenever a police officer is authorized to arrest a person without a warrant because of a violation of this Article, said police officer may, in lieu of the filing of a complaint in court, in the first instance issue to such alleged violator, a citation:

Advising said person that he has violated a specific portion of this Article;

Requesting him to make payment in any amount applicable to said alleged violation as set forth herein as settlement of said violation claim; and

Informing him that upon failure to so settle, a complaint will be filed in the Circuit Court of Cook County, charging him with such violation.

C. Violations, Settlement: Pursuant to said citation, the person accused of said violation may settle the violation claim in respect of such portion of this Article violation by paying to the Village the applicable amount as shown in the schedule set forth herein,

within a period to be specified in said citation not more than thirty (30) days of the time said alleged offense was committed.

Such payment shall be made in accordance with instructions contained in the aforesaid citation at the Village Hall and a receipt for the monies so received shall be promptly remitted to the Village Treasurer to be credited to the proper Municipal fund.

The violation described in said citation which is issued pursuant to the terms of this Article, may be settled and paid in the respective amounts set forth in the following schedule:

1. In the event that said payment is made prior to the mailing by the Village or by the police officer of a final notice, forty dollars ($40.00) shall be accepted as settlement for each violation;

2. In the event that payment has not been paid prior to the mailing of such final notice, and in fact, final notice has been mailed, fifty dollars ($50.00) shall be accepted as settlement for each violation; and

3. In the event that payment is not made within the time prescribed in the final notice, and a notice to appear has been served and a complaint filed in the Circuit Court of Cook County, payment of any fine and costs shall be in such amounts as may be determined and established by the Circuit Court of Cook County.

D. Prosecution of Violators: In the event that the person to whom said citation is issued fails to settle and pay said violation claim within the prescribed time, or within a period of time specified in a final notice (if one is served upon him) then the police officer is authorized to cause a notice to appear to be served upon said alleged violator and is authorized to file a complaint and to prosecute the same in the Circuit Court of Cook County.

E. Proof of Violation: The fact that a dog license issued by the Village has been issued in the name of and to said alleged violator, shall be considered prima facie proof that said alleged violator was in control of or was responsible for the conduct of the dog at the time of such alleged violation.

10-2B-3: LICENSE PROVISIONS:

A. License Required: No person shall own, harbor or keep a dog in the Village unless a license is procured therefore as herein provided. Every owner of and every person who harbors or keeps a dog four (4) months old or older shall cause such dog to be licensed and shall report his or her name and address to the Village Clerk and the name, breed, color and sex of such dog. Such report on forms to be provided by the Village Clerk shall be made not later than ten (10) days after the occurrence of the following:

1. Such person shall acquire a dog four (4) months old or older, or

2. Such dog shall attain the age of four (4) months, and

3. Within thirty (30) days after the first day of May of each year for any dog required to be licensed on said date.

B. License Fees:

1. Annual Fees: The annual license fee for each year shall be paid at the office of the Village Clerk as follows:

a. Ten dollars ($10.00) for each dog owned, harbored or kept within the Village;

b. One-half (1/2) the fee set forth in subparagraphs A shall be charged in subparagraph B for any dog purchased or otherwise acquired after October 31 of any license year.

2. Failure to Pay Fee Within Required Time: In the event a license is not procured within the time required in subsection A, the fee for such license shall thereupon be as follows:

a. Twenty dollars ($20.00) per annum.

C. Rabies Inoculation Required: Every person who owns, harbors or keeps a dog subject to license hereunder shall cause said dog to be inoculated against rabies by a licensed veterinarian. No license shall be issued for said dog unless current evidence of such rabies inoculation shall be presented to the Village Clerk for entry in the Village Clerk's register, hereinafter described.

D. Display of License Tags: Every dog shall be provided by the owner or keeper with a collar made of metal, leather or other substantial material, to which a license tag will be securely fastened; no dog shall be permitted to remain within the limits of the Village unless the owner or keeper thereof shall have caused the dog to be licensed as herein provided, and provided with such collar and tag.

E. Register Kept: The Village Clerk shall keep a complete register, in a book specially kept for the purpose, of all licensed dogs, describing the same by name, breed, color and sex, and showing the name and address of the owner or keeper, as given, and the number of the Village license tag. The Village Clerk shall provide, each and every year, such number of metal tags as may be necessary (the shape to be changed every year), having stamped thereon the year for which the license fee is paid and also the number of the tag. It shall be the duty of the Village Clerk to deliver one of such metal tags to the person having paid with the registry of the dog.

10-2B-4: RUNNING AT LARGE:

A. It shall be unlawful to permit any dog to run at large. Subject to the provisions of subsection C herein, any dog found upon any public property, public park, public street or on private property not owned or possessed by such owner, shall be deemed at large unless such dog is firmly held on a leash or is in an enclosed vehicle. The owner or keeper of any dog who permits such dog to be at large in violation of the provisions of this Section shall be subject to the penalty and the dog may be impounded as herein provided.

B. Any dog running at large in the Village and any dog that may in any manner disturb the quiet of any person or neighborhood or that shall so bite or so injure a person as to cause an abrasion of the skin is declared to be a nuisance, and such dog shall be taken up and impounded.

C. Prohibited in Public Parks: It shall be unlawful for any person to permit at any time, whether leashed or not, any dog owned, harbored or kept by said person to be upon those public areas of the Village designated as "Parks" or "Tot Lots". The Public Works Department is authorized to post appropriate signs at said public places to advise the public of the prohibition herein contained.

D. The owner of a dog must restrain his or her animal by leash, confined within a crate, cage or vehicle, or confined by the owner's premises.

10-2B-5: LITTER CONTROL:

No owner, keeper or person in control of a dog shall cause or permit such dog to be on any public property, public park, public street or on private property not owned or possessed by such owner, keeper or person in control, unless such owner, keeper or person in control of such dog has in his immediate possession a device for the removal of dog excrement and a depository for the transmission of the same to a receptacle located upon property owned or possessed by such owner, keeper or person in control. No owner, keeper or person in control of any dog shall fail or refuse to immediately remove excrement left by such dog on any public property, public park, public street or on private property not owned or possessed by such owner, keeper or person in control of such dog and to transmit and deposit the same in a proper receptacle located on property owned or possessed by such owner, keeper or person in control of said dog.

10-2B-6: PROHIBITED IN FOOD ESTABLISHMENTS:

It shall be unlawful to permit any dog to enter, even though on a leash, or be in any restaurant, food establishment of any kind whatsoever, tavern, grocery, meat market, bakery or other retail store, shop or establishment engaged in the sale or service of food, beverages or food products anywhere within the Village during the time that any of said premises, places or establishments are open for use by the public or persons entitled to use the same. This provision shall not apply to dogs leading blind persons.

10-2B-7: DOG CATCHER; ALTERNATIVE PROCEDURES:

The Village President may determine that it is in the best interest of the Village to appoint a person as dog catcher under the following provisions:

A. The person appointed shall be an employee of the Village and not be required to post a bond.

B. Said person will be covered by Village insurance.

C. Said person will have the status of a part-time police officer, with specific duties as a dog catcher, and will be paid accordingly.

D. Said person will be appointed annually by the Village President and his term shall expire at the expiration of said year.

E. The dog catcher shall call the Anti-Cruelty Society and have the dog picked up as soon as possible.

10-2B-8: FEES:

Any dog impounded may be redeemed pursuant to Section 10-2B-1D by paying the Village a forty dollar ($40.00) fee together with all fees necessary to recoup the entire cost of impoundment or confinement.

10-2B-9: MAXIMUM NUMBER OF ANIMALS ALLOWED; EXCEPTION

No person shall keep or allow to be kept on the premises owned, occupied or lawfully controlled by such person more than four (4) dogs, cats or combination of dogs and cats within the Village, except that in addition and regardless of number, any puppies or kittens produced by a female dog or cat kept on any such premises may also be kept on such premises until said puppies or kittens are twelve (12) weeks old. This section shall not apply to licensed veterinary hospitals, pet shops, shelters or humane societies validly located in the Village pursuant to applicable Village codes and ordinances.

10-2B-10: State Code

In addition to the codes enforced within this Chapter, the Village does herein adopt the following provisions from the State of Illinois Humane Care for Animals Act, and if an individual is charged under any subsection herein, the prosecution of said violation will be referred to the Cook County State's Attorney's Office:

A. Owner's Duties:

Each owner shall provide for each of his/her animals:

1. sufficient quantity of good quality, wholesome food and water;

2. adequate shelter and protection from the weather;

3. veterinary care when needed to prevent suffering; and

4. humane care and treatment.

B. Cruel Treatment

No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.

No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

Any person convicted of violating this section of the Act is guilty of up to a Class C misdemeanor. A second conviction is a Class B misdemeanor. A third or subsequent conviction is a Class A misdemeanor.

C. Aggravated Cruelty

No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture.

Any person convicted of violating this section of the Act is guilty of a Class A misdemeanor, which is punishable by a fine of up to $1,000.00 and/or 1 year in jail.

D. Confinement in Motor Vehicle

No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department of Agriculture investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.

Any person convicted of violating this section of the Act is guilty of a petty offense. A second or subsequent conviction is a Class C misdemeanor.

Any fines not specifically defined in any of the sections of this Chapter shall be levied at not less than Fifty dollars ($50) nor more than Seven Hundred Fifty dollars ($750). (Ord. 02-O-2009)

CHAPTER 3
ALARM SYSTEM REGULATIONS

10-3-1: DEFINITIONS:

The following definitions shall be applicable for the purposes of this Chapter.

ALARM CONDITIONS: Alarms activated by unlawful violation of a user's property or other violations that the systems were designed to protect against, acts of God, other violent conditions or by outside agencies or external forces not under the control of the owner, lessee or his employee or agent.

ALARM EQUIPMENT SUPPLIER: Any person, firm or corporation that sells, leases or installs automatic protection devices or signaling devices which transmit alarms upon receipt of a stimulus from a detection apparatus or a manually operated system.

ALARM SYSTEM: An assembly of equipment and devices such as a solid state unit, arranged to signal the presence of a hazard requiring urgent attention and to which Police or Fire Department are expected to respond.

ALARM USER: Any person on whose premises an alarm system is maintained within the Village of Willow Springs except for alarm systems on motor vehicles. Also included are those systems which employ an audible signal emitting sounds or a flashing light or beacon designed to alert or signal persons outside the premises.

CENTRAL STATION: A facility whose prime purpose is to monitor incoming alarm signals twenty four (24) hours a day and relay the signal information to the appropriate authorities.

DIRECT LINE: A telephone line leading directly into the communications center of the Police Department that is for use only to report signals on a person-to-person basis.

FALSE ALARMS The activation of an alarm system caused by improper operation, negligence of the owner or lessee or his employee or agent or equipment malfunction.

LOCAL ALARMS: A signaling system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.

PERSON: Any individual, partnership, corporation, association or society, school district, county, unit of local government as defined in the Constitution of the State of Illinois, government agency and body politic, but such term does not include the Village of Willow Springs.

POLICE CHIEF: The chief of the Police Department of the Village of Willow Springs, or his authorized representative.

PUBLIC TRUNKLINE: A telephone line leading into the communications center of the Police Department that is for the purpose of handling emergency and administrative calls on a person-to-person basis.

SIGNALING DEVICE: An electrically operated instrument which automatically sends visual and/or audible signals to be registered by indicators at a monitor panel at the receiving terminal or central station.

VILLAGE: Village of Willow Springs.

10-3-2: PERMITTED DEVICES:

A. No person shall use or cause or permit to be used, an alarm system utilizing automatic protection devices that automatically select a public trunkline of the Police Department of the Village and then reproduce any pre-recorded message to report any robbery, burglary, fire or other emergency.

B. With the exception of local alarms, only signaling devices shall be permitted to be installed in the Village for the purpose of reporting any robbery, burglary, fire or other emergency to the Police Department of the Village.

10-3-3: MONITORING SYSTEM:

A. The Police Department of the Village is authorized to, but need not, contract for and maintain the installation of a uniform monitoring system (Board) to receive visual and audible signals over direct lines. This system shall have a capacity to meet present needs and the ability to expand for future needs, and shall be available to any permit user who meets the requirements for a permit for connection.

B. The company supplying and maintaining the monitoring system shall have the right to charge subscribers or their alarm equipment supplier a reasonable fee for connection to and maintenance of the system.

10-3-4: PERMIT REQUIRED:

A. No alarm user shall install, operate or maintain an alarm system in the Village without first obtaining a permit as required below.

B. Any alarm user who operates an alarm system without first obtaining authorization as required by this Section, or who, after having an authorization revoked, fails to disconnect his alarm system, shall be in violation of this Chapter.

10-3-5: APPLICATION FOR PERMIT:

A. Applications for permits to install, maintain and operate an alarm system shall be filed with the Clerk of the Village along with an application fee of twenty five dollars ($25.00). The alarm user applying for the authorization required shall state on the application form his name, the address of the residence or business or businesses in or upon which the alarm system has been or will be installed, his telephone number, the type of alarm system (local, burglar signaling device, holdup signaling device, fire signaling device) the alarm equipment supplier selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system, and the name and telephone number of at least two (2) other persons (in the case of a corporate alarm user application, at least 3 persons) who can be reached at any time, day or night, and who are authorized by user to deal with police authorities and who can open the premises in which the system is installed. The information contained in an alarm user authorization application required by this Section and other information received by the Police Chief through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by the Police Chief or certain officers or Village employees specifically assigned the responsibility for handling and processing alarm user authorizations in the course of official duties. The Police Chief or any employee of the Village shall not knowingly or willfully reveal the information contained in an alarm user authorization application or in correspondence or communications with an alarm user to any other person for any purpose not related to this Chapter or official law enforcement matters without the express written consent of the alarm user supplying such information. The Chief of Police shall approve such application if he finds that:

1. A statement that the equipment does comply with the standard of the Underwriters Laboratories, the National Fire Protection Association, Factory Material, Canadian Standards Association, or equal.

2. The alarm equipment supplier installing the device maintains an adequate service organization to repair, maintain and otherwise service the system sold, leased or installed by him.

B. The Chief of Police may impose reasonable conditions on the issuance and exercise of said permit.

10-3-6: INSPECTION:

The Chief of Police or Building Commissioner shall have the right to inspect any alarm system on the premises where it is intended to be used, reasonable times to determine whether a permit should be granted and whether it is being used in conformity with the terms of the permit and the provisions of this Chapter. Every alarm user authorized under this Section shall be required to have its alarm system inspected at least once a year by an alarm equipment supplier, licensed by the Village and post a certificate of such inspection on the premises in plain view where the alarm system is maintained.

10-3-7: LOCAL ALARMS:

Local alarms are those alarms that activate audibly or visibly on the premises of the owner, partner or lessee. Local alarms may be in addition to an alarm system connected to a monitoring system. Local alarms with any externally audible alert shall have an automatic cutoff after fifteen (15) minutes of sounding and shall not make a sound similar to that of Civil Defense warning systems.

10-3-8: TESTING OF EQUIPMENT:

A. No alarm system designed to transmit alarm conditions directly to the Police Department shall be tested or demonstrated without first obtaining permission from the Police Department. Permission is not required to test or demonstrate alarm devices not transmitting alarm conditions directly to the Police Department, unless the alarm conditions are to be relayed to the Police Department.

B. Failure to notify the Police Department prior to testing an alarm system shall constitute a false alarm.

10-3-9: REVOCATION OF PERMIT:

A. More than two (2) false alarms in one calendar month from any alarm system for which alarm user authorization has been obtained may constitute grounds for revocation of such authorization, subject to provisions of this Section.

B. After the Police Department has recorded two (2) false alarms within a calendar month from any authorized alarm user, it shall prepare a station complaint and shall verbally notify the same day the authorized alarm user, specifically those persons authorized to deal with police authorization and inform them of the facts and ask that they within fifteen (15) days, submit a written report describing effort to discover and eliminate the cause or causes of the false alarms. If the authorized alarm user fails to submit a report within fifteen (15) days or such longer period as the Chief of Police may reasonably grant or if by said report, the alarm user fails to show that he has taken or will take reasonable steps to eliminate or reduce false alarms, the Police Chief may revoke the alarm user's authorization.

C. When alarm conditions are received by the Police Department that evidence a failure to comply with the requirements of this Chapter, the Police Chief is authorized to demand that the owner or lessee of such device, or his representative, disconnect such device until it is made to comply with said requirements.

D. The Chief of Police may revoke or suspend any permit issued pursuant to the provisions of this Chapter after giving written notice to the alarm user and an opportunity for the alarm user to effect compliance within ten (10) days or less, if he determines that the alarm system under said permit has been installed, maintained or operated in violation of this Chapter or of any term or condition of said permit.

E. An alarm system user whose authorization has been revoked is not precluded under this Section from applying for a new authorization. The Police Chief, however, is not required to issue a new authorization unless he is satisfied that the alarm user's system has been properly serviced and its deficiencies corrected. The Police Chief may impose reasonable restrictions and conditions upon issuing a new authorization to an alarm user with respect to the particular system for which the authorization is revoked.

10-3-10: FALSE ALARMS AND RESPONSE TIME - PAYMENT OF FEES:

A. The alarm user shall be assessed a fee of one hundred dollars ($100.00) for each false alarm in excess of two (2) per calendar year. False alarms are defined as false burglary, fire or holdup alarms and any combination thereof. (Ord. 2007-O-38)

B. An alarm user or his authorized agent shall have thirty (30) minutes in which to arrive at an alarm location to assist police authorities in shutting off any alarm. If the response time is greater than thirty (30) minutes, the alarm user will be assessed a fifty dollar ($50.00) fee unless he releases the responding agency from the scene at the time he is advised of the alarm by the responding agency.

C. All fees shall be paid to the Village Clerk for deposit into the Village General Corporate Fund.

10-3-11: DISCONNECTION:

In the event the Village finds it necessary to disconnect a defective alarm system, the Village shall incur no liability by such action. (Ord. 92-0-1, 1-9-92)

CHAPTER 4
GRAFFITI PROHIBITED

10-4-1: GRAFFITI DEFINED:

For the purpose of this Code, graffiti constitutes, but is not limited to, any sign, drawing, diagram, etching, sketch, symbol, lettering, name, marking or picture which is placed on real property or any improvements thereon or personal property in such a location and in such a manner so as to be visible to the general public. (Ord. 96-0-3, 3-14-1996)

10-4-2: OFFENSES PROHIBITED:

A. It shall be unlawful for any person to place graffiti upon real property or any improvements thereon or personal property, whether publicly or privately owned.

B. It shall be unlawful for the owner, tenant, occupant and/or anyone in control of real property or any improvements thereon or personal property which is in public view to

place or give permission for the placement of any graffiti on such property, without having first obtained from the Village a properly issued sign permit.

C. It shall be unlawful for any person to possess, with the intent to use in violation of subsections A and B above, the following items: spray paint containers; paint; ink; marking pens which contain a nonwater soluble fluid; brushes; applicators; and other materials for marking, drawing, scratching, lettering or etching. (Ord. 96-0-3, 3-14-1996)

10-4-3: REMOVAL OF GRAFFITI:

Upon notification by the Village, the owner, tenant, occupant and/or person in control of property upon which graffiti has been placed shall have it removed within ten (10) days of the date of said notice from the Village. (Ord. 96-0-3, 3-14-1996)

10-4-4: PENALTIES:

A. The penalty for violating Section 10-4-2 of this Code shall be a fine of not less than one hundred dollars ($100.00), nor more than seven hundred fifty dollars ($750.00) for each offense. In addition to any fine, the offender may be ordered to pay restitution in an amount necessary to cover the cost of restoring the property to its condition prior to the application of the graffiti.

B. The penalty for violating Section 10-4-3 of this Code by failing to remove graffiti upon notice and within the time required shall be a fine of not less than fifty dollars ($50.00), nor more than seven hundred fifty dollars ($750.00) for each offense. Each day the graffiti is not removed after notice is given and after expiration of the ten (10) day period may be considered a separate offense for the purpose of assessing a penalty.

C. Any person convicted of a violation of this Chapter, who is also found to have been a member of a gang or a candidate for membership in a gang at the time the offense was committed, and who is found to have violated this Chapter in conjunction with gang-related activities, shall be subject to a fine of up to seven hundred fifty dollars ($750.00) for each offense in addition to the other penalties provided in this Chapter.

D. Any person who is charged with violating any provision of this Chapter who, at the time of commission of the violation, was seventeen (17) years of age, or younger, shall appear in court accompanied by a parent or legal guardian.

E. In addition to any fine imposed for violations of this Chapter, the Court may order the offender to complete some form of community service work within the Village of Willow Springs, including, but not limited to, performing the necessary clean-up of the property to remove the graffiti which he created as well as being ordered to clean graffiti at other locations in the Village. (Ord. 96-0-3, 3-14-1996)

CHAPTER 5
DRUG PARAPHERNALIA CONTROL

10-5-1: DEFINITIONS:

The following terms shall have the following meanings ascribed to them for the purposes of this Chapter:

CANNABIS: Shall have the meaning ascribed to it in section 3 of the "Illinois Cannabis Control Act" as if that definition were incorporated herein.

CONTROLLED SUBSTANCE: Shall have the meaning ascribed to it in section 102 of the "Illinois Controlled Substances Act" as if that definition were incorporated herein.

DELIVER OR DELIVERY: The actual, constructive or attempted transfer of possession with or without consideration of whether or not there is an agency relationship.

DRUG PARAPHERNALIA: 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, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, cannabis and/or controlled substances in violation of this Chapter. It includes, but is not limited to:

A. Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is cannabis and/or a controlled substance or from which cannabis and/or controlled substances can be derived;

B. Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing or preparing cannabis and/or controlled substances;

C. Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is cannabis and/or controlled substances;

D. Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness or purity of cannabis and/or controlled substances;

E. Scales and balances used, intended for use, or designed for use, in weighing or measuring cannabis and/or controlled substances;

F. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use, in cutting cannabis and/or controlled substances;

G. Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining cannabis;

H. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding cannabis and/or controlled substances;

I. Capsules, balloons, envelopes or other containers used, intended for use, or designed for use, in packaging small quantities of cannabis and/or controlled substances;

J. Containers and other objects used, intended for use, or designed for use in storing or concealing cannabis and/or controlled substances;

K. Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting cannabis and/or controlled substances into the human body; and

L. Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing cannabis, cocaine, hashish or hashish oil into the human body, including, but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. 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;

6. Miniature cocaine spoons and cocaine vials;

7. Chamber pipes;

8. Carburetor pipes;

9. Electric pipes;

10. Air-driven pipes;

11. Chillums;

12. Bongs; and

13. Ice pipes or chillers. (Ord. 97-0-3, 2-13-1997)

10-5-2: DETERMINATION OF DRUG PARAPHERNALIA:

In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:

A. Statements by an owner or by anyone in control of the object concerning its use;

B. Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or Federal law relating to cannabis and/or any controlled substance;

C. The proximity of the object in time and space to a direct violation of this Chapter;

D. The proximity of the object to cannabis and/or controlled substances;

E. The existence of any residue of cannabis and/or controlled substances on the object;

F. Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Chapter. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Chapter, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;

G. Oral or written instructions provided with the object concerning its use;

H. Descriptive materials accompanying the object which explain or depict its use;

I. National and local advertising concerning its use;

J. The manner in which the object is displayed for sale;

K. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

L. The existence and scope of legitimate uses for the object in the community; and

M. Expert testimony concerning its use. (Ord. 97-0-3, 2-13-1997)

10-5-3: PROHIBITED USES:

A. Possession Of Drug Paraphernalia: No person may use, or possess with the sole intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body cannabis and/or a controlled substance in violation of this Chapter.

B. Manufacture Or Delivery Of Drug Paraphernalia: No person may deliver, or possess with intent to deliver, drug paraphernalia, reasonably knowing that it will be solely 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 cannabis and/or a controlled substance in violation of this Chapter.

C. Delivery Of Drug Paraphernalia To A Minor: Any person who is eighteen (18) years of age or over, who violates subsection B of this Section by delivering drug paraphernalia to a person under eighteen (18) years of age, and any person who is also found to have been a member of a gang, or a candidate for membership in a gang, at the time the violation of this Chapter occurs and who has been found to have violated this Chapter in conjunction with gang related activity, shall be guilty of a special offense punishable in accordance with subsection 10-5-5B of this Chapter.

D. Exemption: This Chapter does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Illinois law. (Ord. 97-0-3, 2-13-1997)

10-5-4: PARENTAL RESPONSIBILITY:

In the event of a violation of this Chapter by an unemancipated minor residing with a parent or legal guardian, then, and in that event, such parent or legal guardian shall be subject to the parental responsibility provisions of subsection 10-1-11E of this Title. (Ord. 97-0-3, 2-13-1997)

10-5-5: PENALTIES:

A. The penalty for violating this Chapter shall be a fine of not less than one hundred dollars ($100.00), nor more than seven hundred fifty dollars ($750.00) for each offense.

B. Any person convicted of a violation of subsection 10-5-3C of this Chapter shall be subject to a fine of up to seven hundred fifty dollars ($750.00) for each offense in addition to the other penalties provided in this Chapter.

C. Any person who is charged with violating any provision of this Chapter who, at the time of commission of the violation, was seventeen (17) years of age, or younger, shall appear in court accompanied by a parent or legal guardian.

D. In addition to any fine imposed for violations of this Chapter, the court may order the offender to complete some form of community service work within the Village. (Ord. 97-0-3, 2-13-1997)

CHAPTER 6
RAFFLES LICENSING

10-6-1: DEFINITIONS:

For the purpose of this chapter, the following words and phrases shall have the meanings hereby given them:

BUSINESS: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of the village.

CHARITABLE: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

EDUCATIONAL: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.

FRATERNAL: An organization of persons having a common interest, the primary interest of which is both to promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

LABOR: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

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

NONPROFIT: An organization or institution organized and conducted on a not for profit basis with no personal profit inuring to anyone as a result of the operation.

RAFFLE: A form of lottery, as defined in section 28-2(b) of the Illinois criminal code of 1961, conducted by an organization licensed under this chapter to which:

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

B. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

RELIGIOUS: Any church, congregation, society, or organization founded for the purpose of religious worship.

VETERANS: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

VILLAGE: The village of Willow Springs, Cook County, Illinois. (Ord. 13-O-2002, 5-23-2002)

10-6-2: LICENSING:

A. Location: Sales of raffle chances shall be only at locations designated in the license application and which are within the borders of the village of Willow Springs.

B. Eligibility For License: Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objects, or to a nonprofit fundraising organization that the village determines is organized for the sole purpose of providing financial assistance to an identified individual or group suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

C. Duration Of License: Licenses shall permit the applicant to issue or sell raffle chances only for those dates stated in the license application, but in no event shall the period of sales exceed one year. Each license is valid for not more than one raffle per week during any one year period.

D. Maximum Value Of Prizes:

1. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed one hundred thousand dollars ($100,000.00).

2. The retail value of each individual prize awarded by a licensee in a single raffle shall not exceed fifty thousand dollars ($50,000.00).

E. Price Of Chances: The price charged for each raffle chance sold or issued shall not exceed two hundred fifty dollars ($250.00). (Ord. 13-O-2002, 5-23-2002)

10-6-3: LICENSE; APPLICATION; RESTRICTIONS:

A. No person, firm or corporation shall conduct a raffle without having first obtained a license therefor pursuant to this chapter.

B. Each application for a license shall be in writing upon forms provided by the village and shall contain the following:

1. Name and address of individual making application;

2. Name and address of organization applying for a license;

3. Approximate number of members of the organization that reside in the village and the length of existence of the organization;

4. Name and address of the raffle manager;

5. The location(s) at which raffle chances are to be sold or issued;

6. The time period during which raffle chances will be sold or issued;

7. The maximum number of raffle chances to be sold;

8. The time of determination of winning chance;

9. The location(s) at which winning chances will be determined;

10. A sworn statement, signed by the presiding officer, and secretary if there is one, of the organization attesting to the not for profit character of the organization, and attesting to the fact the organization is not otherwise ineligible to receive a license; and

11. Such other information as the village may from time to time require.

C. Each application for a license shall be accompanied by payment of a license fee of five dollars ($5.00).

D. Application for licenses shall be submitted to the village clerk. The village shall act to either issue or deny the license within thirty (30) days. (Ord. 13-O-2002, 5-23-2002)

10-6-4: INELIGIBILITY:

The following are ineligible for any license under this chapter:

A. Any person who has been convicted of a felony;

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

C. Any person who is not of good moral character;

D. Any firm or corporation in which a person defined in subsection A, B or C of this section has a proprietary, equitable or credit interest or in which such a person is active or employed;

E. Any organization in which a person defined in subsection A, B or C of this section is an officer, director, or employee, whether compensated or not; and

F. Any organization in which a person defined in subsection A, B or C of this section is to participate in the management or operation of a raffle. (Ord. 13-O-2002, 5-23-2002)

10-6-5: CONDUCT OF RAFFLES:

The conducting of raffles is subject to the following restrictions:

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

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

C. No person may receive any remuneration or profit for participating in the management or operation of the raffle;

D. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter;

E. Raffle chances may be sold or issued only within the village of Willow Springs and only at the locations specified on the license, and winning chances may be determined only at those locations specified on the license; and

F. A person under the age of eighteen (18) years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under

the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian. (Ord. 13-O-2002, 5-23-2002)

10-6-6: RECORDS AND REPORTS:

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

B. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to licensee therefor issued by the department of revenue of the state of Illinois, and placed in a separate account. Each organization should have separate records for its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles should 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 village its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this section.

D. Records required by this section shall be preserved for three (3) years, and organizations shall make available for public inspection at reasonable times and places their records relating to operation of raffles. (Ord. 13-O-2002, 5-23-2002)

10-6-7: RAFFLES MANAGER; BOND:

All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in the sum of an amount determined by the licensing authority in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the village clerk not less than thirty (30) days prior to its cancellation. The village board of trustees may waive this bond requirement by including a waiver provision in the license issued to an organization under this act, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization. (Ord. 13-O-2002, 5-23-2002)

10-6-8: PENALTY:

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this chapter, or who shall refuse to remedy a violation of any such provisions shall, upon conviction, where no specific penalty is provided for the section being violated, be punished by a fine not to exceed seven hundred fifty dollars ($750.00) for any one offense. A separate offense shall be deemed committed for each day such violation shall continue.

B. In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the village by and through its building commissioner, director of the code enforcement or other appropriate official, in addition to other remedies, may institute an appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; 2) to prevent the occupancy of the building, structure or land; 3) to prevent any illegal action, conduct, business or use in or about the premises; or 4) to restrain, correct or abate the violation. (Ord. 13-O-2002, 5-23-2002)

CHAPTER 7
PROHIBITION OF SYNTHETIC DRUGS

10-7-1 DEFINITIONS

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires different meaning:

1. A product containing a synthetic alternative drug means any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.

2. Synthetic cannabinoid means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salt of isomers) containing a cannabinoid receptor agonist, such as:

JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole)
JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone) JWH-018 (1-pentyl-3-(1-naphthoyl)indole)
JWH-019 (1-hexyl-3-(naphthalen-1 oyl)indole)
JWH-073 (napthalen-1-yl-(1-butylindol-3-yl)methanone)
JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
JWH-098 (4-methoxynaphthalen- 1 yl-(1-pentyl-2-methylindol-3-yl) methanone)

JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)
JWH-164 (7-methoxynaphthalen-l yl-(1-pentylindol-3-yl)methanone) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone)
JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone
JWH-210 (4-ethylnaphthalen-l-yl-(1-pentylindol-3-yl)methanone
JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole)
JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole)
JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole)
HU-210 ((6aR, 10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c] chromen-1-o1)

HU-211 ((6aS, 10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1 ol)

HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl) Phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl)methanol)

HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-l,4-dione)

CP 55,940 (2- [(1 R,2R, 5 R)- 5 hydroxy-2-(3 hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol)

CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan -2-yl)phenol) and its homologues

WIN 55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morphoIinyImethyl) pyrrolo[1,2,3-de)-1,4-benzoxazin-6-yl]-1-nepthalenylmethanone)

RCS-4 ((4-rnethoxyphenyl)(1-penty]-1H-indol-3-yl)methanone)

RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl) ethanone)

3. Synthetic stimulant means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as:

3-Fluoromethcathinone

4-Fluoromethcathinone (other name: flephedrone)

3,4-Methylenedioxymethcathinone (other name: methylone, MDMC)

3,4-Methylenedioxypyrovalerone (other name: MDPV)

4-Methylmethcathinon (other names: mephedrone. 4-MMC)

4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC) 4-Ethylmethcathinone (other name: 4-EMC)

Ethcathinone

Beta-keto-N-methylbenzodioxyolylpropylamine (other names: butylone, bk-MBDB)

Napthylpyrovalerone (other names: naphyrone, NRG-1)

N,N-dimethylcathinone (other name: metamfepramone)

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP)

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP)

3,4-methyIenedioxy-alpha-pyrrolidinopropiophenone (other name:MDPPP)

Alpha-pyrrolidinovalerophenone (other name: alpha-PVP)

6,7-kihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine)(other name:MDAI)

Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:

in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

at the 3-position with an alkyl substituent;

at the nitrogen atom with alkyl, dalkyl, benzyl, or methoxybenzyl groups; or by inclusion of the nitrogen atom in a cyclic structure.

4. Synthetic psychedelic/hallucinogen means any compound that mimics the effects of any federally controlled Schedule I substance, including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, esters, ethers and salts of isomers) containing substances which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain such as:

2-(2,5-Dim ethoxy-4-ethylphenyl)ethanamine (2C-E);

2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);

2-(4-Chloro-2,5-dim ethoxyphenyl)ethanamine (2C-C);

2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

2-(4-(Ethylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-2);

2-(4-(lsopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-4); 2-(2,5-D imethoxyphenyl)ethanamine (2C-H);

2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

10-7-2 SALE OR DELIVERY

It shall be unlawful for any business or person to sell, offer for sale, or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen. Any business or person who is found to be in violation of this section shall have their business license revoked.

10-7-3 POSSESSION

It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

10-7-4 USE

It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

10-7-5 PENALTIES

A. Any person found to be in violation of 10-7-2 shall be subject to fine of not less than $500 nor more than $750 for each violation thereof.

B. Any person found to be in violation of 10-7-3 or 10-7-4 shall be subject to fine of not less than $100 nor more than $750 for each violation thereof. (Ordinance 2012-O-16)

TITLE 11
TRAFFIC AND MOTOR VEHICLES

CHAPTER 1
ADMINISTRATION AND ENFORCEMENT

11-1-1: SHORT TITLE:

This title may be known and cited as the *TRAFFIC ORDINANCE*. (Ord., 9-26-1963)

11-1-2: ENFORCING OFFICERS:

A. Obedience To Police: Members of the police department, and special police assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this title, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in case of emergency it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

B. Scene Of Fire: The fire department officer in command or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of or in assisting the police. (Ord., 9-26-1963)

11-1-3: APPLICATION OF REGULATIONS:

A. Animals Or Bicycles Included: Every person riding a bicycle or an animal, or driving any animal drawing a vehicle upon any street, shall be subject to the provisions of this title applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. Provided that, except in business districts, bicycles may be ridden on sidewalks.

B. Exceptions: The provisions of this title regulating the movement or parking of vehicles shall not apply to the driver of any authorized emergency vehicle when responding to an emergency call, but such driver when approaching shall slow down as necessary for safety but may proceed cautiously past a red signal or stop sign. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

No driver of any authorized emergency vehicle shall assume any special privileges under this title 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.

The provisions of this title regulating the movement and parking of vehicles shall not apply to equipment or vehicles while actively engaged in installing, repairing or otherwise improving streets or street pavements. (Ord., 9-26-1963)

11-1-4: PENALTY PROVISIONS:

A. Arrests: Any person arrested for a violation of any provision of this title shall be released upon proper bail being furnished as required by statute. The police officer in command at the station may, in the absence of a magistrate or justice, prescribe the amount of bail or bond in each instance. Provided, that any arrested person may at his own request, have the amount of such bond set by a magistrate or justice of the peace as provided by statute. The arrested person must also pay a fee of twenty dollars ($20.00) to the Village for bail processing. (Ord. 2012-O-16)

B. Tickets: For offenses other than driving while intoxicated or reckless driving, police officers, after making notice of the license number of the vehicle (and name of the offender where possible), may issue a traffic violation ticket notifying the offender to appear in court at the time designated for hearing such cases. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified.

C. Prima Facie Proof: 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. (Ord., 9-26-1963)

11-1-5: DRIVING UNDER THE INFLUENCE:

A. A person shall not drive or be in physical control of any vehicle within the village while:

1. The alcohol concentration in such person's blood or breath is ten-hundredths (0.10) or more based on the definition of blood and breath units as defined by the motor vehicle act under 625 Illinois Compiled Statutes 5/11-501.2;

2. Under the influence of alcohol;

3. Under the influence of any other drug or combination of drugs to a degree which would render such person incapable of safely driving; or

4. Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely driving.

B. The fact that any person charged with violating this section is or has been legally entitled to use alcohol or drugs, or any combination of both, should not constitute a defense against any charge of violating this section.

C. Every person convicted of violating this section shall be guilty of a class A misdemeanor, which is more fully defined in the Illinois criminal code, and in addition to any other criminal or administrative action, for any second or subsequent conviction of violating this section or a similar provision of a local ordinance committed within five (5) years of a previous violation of this section or a similar provision of a state or local ordinance shall be mandatorily sentenced to a minimum of forty eight (48) consecutive hours of imprisonment or assigned to a minimum of ten (10) days of community service as may be determined by the court. The imprisonment or assignment shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

The secretary of state shall revoke the driving privileges of any person convicted under this provision. (Ord. 85-0-8, 6-27-1985)

D. Emergency response fees for purpose of restitution from individuals convicted of a violation of section 11-501 of the Illinois motor vehicle code who have caused incidents requiring emergency responses by the village's police department and/or fire department, shall be as follows:

Emergency Response (Per Hour - Per Vehicle)	Fee
Each on scene police officer/squad	$ 50.00
Fire department response with a fire report	150.00
Each fire department ambulance	125.00
Each fire department unit for rescue or extrication (nonfire incident)	125.00
Each additional piece of fire department equipment/vehicle required (i.e., command vehicle, pumper, wash down, etc.)	125.00

(Ord. 91-0-11, 8-8-1991)

11-1-6: ADOPTION OF ILLINOIS VEHICLE CODE BY REFERENCE:

A. The Illinois vehicle code, 625 Illinois Compiled Statutes 5/1-100 et seq., including any subsequent amendments or revisions thereto, so far as it applies to a municipal unit of local government, is hereby adopted, by reference, by and for the village, as if fully set forth herein, except as specifically modified or changed by any section of this title, and every numbered section in the Illinois vehicle code, where used to designate a municipal violation, shall be prefaced before said section number by the letters WC.

B. For the purpose of this section, the word "chapter" shall refer to this section where the word "chapter" involves any of the sections adopted herein by reference. For any other section of the Illinois vehicle code, the word "chapter" shall mean the Illinois vehicle code. (Ord. 36-O-2006, 10-26-2006)

11-1-7: ADOPTION OF ILLINOIS VEHICLE CODE WEIGHT REGULATIONS:

A. The Illinois vehicle code, 625 Illinois Compiled Statutes 5/1-100 et seq., including any subsequent amendments or revisions thereto, so far as it applies to the regulation of a vehicle's size and weight, are hereby adopted by reference, by and for the village, as if fully set forth herein, and every numbered section therein contained in the Illinois vehicle code shall be prefaced before said section number by the letters WC, as follows:

1. Sec. (WC) 15-111. Wheel And Axle Loads And Gross Weights

2. Sec. (WC) 15-112. Officers To Weigh Vehicles And Require Removal Of Excess Loads

3. Sec. (WC) 15-113. Violations; Penalties

4. Sec. (WC) 15-113.1. Violations - Sentence Of Permit Moves

5. Sec. (WC) 15-113.2. Violations - Sentence Of Permit Moves Exceeding Axle Weights

6. Sec. (WC) 15-113.3. Violations - Sentence Of Permit Moves Exceeding Gross Weight

B. For the purpose of this section, the word "chapter" shall refer to this section where the word "chapter" involves any of the sections adopted herein by reference. For any other section of the Illinois vehicle code, the word "chapter" shall mean the Illinois vehicle code. (Ord. 36-O-2006, 10-26-2006)

CHAPTER 2
DEFINITIONS

11-2-1: DEFINITIONS:

Whenever in this Title the following terms are used, they shall have the meanings respectively ascribed to them in this Section.

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

BICYCLES: Every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than twenty inches (20") in diameter.

CROSSWALK: That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

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

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

EXPLOSIVE: Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

FARM TRACTOR: Every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines, and other implements of husbandry.

FLAMMABLE LIQUIDS: Any liquid which has a flash point of seventy

degrees (70) Fahrenheit or less, as determined by tagliabue or equivalent closed cup test device.

IMPROVED HIGHWAY: A roadway of concrete, brick, asphalt, macadam

or gravel.

INTERSECTION: The area embraced within the prolongation of the property lines of two (2) or more streets which join at an angle, whether or not such streets cross.

LANED ROADWAY: A street, the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

LOADING ZONE: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

MERGING TRAFFIC: A maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.

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

MOTOR VEHICLE: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead wires, but not operated upon rails.

MOTORCYCLE: Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

PARK: To stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons.

PARKING METER: A mechanical device located upon a public street or sidewalk in a place designated by the Board as a parking meter zone hereafter defined, which device shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person depositing a coin therein.

PARKING METER ZONE: An area designated by the Board where a vehicle may be temporarily parked and allowed to remain for the period of time indicated on the meter.

PEDESTRIAN: Any person afoot.

PNEUMATIC TIRE: Every tire in which compressed air is designed to support the load.

PROPERTY LINE: The line marking the boundary between any street and the lots or property abutting thereon.

PUBLIC BUILDING: A building used by the Municipality, the County, any park district, school district, the State of Illinois, or the United States Government.

RIGHT OF WAY: The privilege of the immediate use of the roadway.

ROAD TRACTOR: Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

SAFETY ZONES: That portion of a roadway reserved for the exclusive use of pedestrians, suitably marked or elevated.

SCHOOL BUS: Every motor vehicle of the second division operated by or for a public or governmental agency or by or for a private or religious organization solely for the transportation of pupils in connection with school activities.

SEMI-TRAILER: Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

SIDEWALK: That portion of a street between the curb line or roadway and the adjacent property line designated for pedestrian use.

SOLID TIRE: Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

STREET or HIGHWAY: The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles and other conveyances whether singly or together while using any highway for the purpose of travel.

TRAILER: Every vehicle without motive power designed for carrying passengers or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

TRUCK TRACTOR: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

URBAN DISTRICT: The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet (100') for a quarter mile or more.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moving by human power or used exclusively upon stationary rails or tracks.

YIELD RIGHT OF WAY: When required by an official sign means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, provided that when the roadway is clear the vehicle may proceed into the intersection. (Ord., 9-26-63)

CHAPTER 3
VEHICLE LICENSE REGULATIONS

11-3-1: VEHICLE LICENSE REQUIRED:

No person, firm or corporation whether residing in the village, or not, or having a place of business in the village, or not, shall register, or house, or keep, or otherwise maintain any vehicle(s) hereinafter described within the village unless each and every of such vehicle(s) is licensed by the village as hereinafter provided. (Ord. 17-O-2000, 6-22-2000)

11-3-2: APPLICATION FOR VEHICLE LICENSE:

Any person desiring a license for any vehicle shall file with the clerk, upon a form provided by the clerk, an application setting forth the name and address of the applicant, a description of the vehicle for which the license is desired, and such other information as may be required. (Ord. 81-WS-15, 11-12-1981)

11-3-3: ISSUANCE OF VEHICLE LICENSE:

A. Issuance: The clerk, upon the completion of such application and payment of the license fee, hereinafter provided, shall issue a license under the seal of the village, authorizing the use of such vehicle within the village until the expiration of the license. (Ord. 81-WS-15, 11-12-1981)

B. Term Of License, Late Penalty:

1. The annual term of all licenses required hereunder shall be from July 1 to June 30. All licenses required hereunder shall be applied for and properly displayed on or before July 1 of each calendar year.

2. Except in the case of newly purchased vehicles, or vehicles newly maintained, housed or kept in the village, as set forth in subsection 83 of this section, any person required to purchase a vehicle license hereunder who fails to purchase and display a vehicle license by July 1 in any year shall pay a late purchase fee in addition to the applicable annual license fee for each vehicle license subsequently purchased in an amount equal to one hundred percent (100%) of the applicable license fee. By way of example: a late payment fee for a vehicle license of twenty dollars ($20.00) would be twenty dollars ($20.00), for a total fee of forty dollars ($40.00).

3. Any person, firm or corporation required to purchase a vehicle license hereunder, who purchases a vehicle, or otherwise commences to maintain, house or keep a vehicle within the village after July 1 of any year shall have thirty (30) days from the date of purchase or the date that said vehicle is maintained, kept or housed in the village, to purchase a vehicle license. Any person who fails to purchase and display a vehicle license within said thirty (30) days shall pay a late purchase fee in addition to the applicable annual license fee for each vehicle license subsequently purchased in an amount equal to one hundred percent (100%) of the applicable license fee. (Ord. 19-0-2001, 10-11-2001)

C. Affixing Of Vehicle License:

1. Upon the issuance of any license for any motor vehicle, the clerk shall deliver to the licensee, a sticker license emblem for the current license year, and the licensee shall affix the same in the lower right-hand corner on the inside of the glass part of the windshield of such motor vehicle, approximately one inch (1") from the right and lower sections of the frame of the windshield.

2. Upon the issuance of a license for a motorcycle or motorbike, the Clerk shall deliver to the licensee, a license emblem (in such style and form as prepared by the Village Clerk) for the current license year, and the licensee shall affix the same either immediately below or above the State license plate frame. (Ord. 81-WS-15, 11-12-1981; Ord. 2007-O-10)

11-3-4: FEES AND CHARGES:

A. Annual License Fees: The following annual motor vehicle license fees shall be paid to the Village Clerk for the term commencing July 1, 2007, as follows:

TABLE 1 - PASSENGER VEHICLES

Annual Fee	One-Half Fee January 1 - June 30
$30.00	$15.00

TABLE 2 - MOTORCYCLES, MOTOR DRIVEN CYCLES AND MOTOR SCOOTERS

Annual Fee	One-Half Fee January 1 - June 30
$30.00	$15.00

(Ord. 9-O-2000, 4-27-2000)

TABLE 3 - MOTOR HOME, MINI-MOTOR HOME, TRUCK CAMPER OR VAN CAMPER (Recreational Vehicles Not For Hire)

Annual Fee	One-Half Fee January 1 - June 30
$50.00	$25.00

TABLE 4 - MOTOR TRUCKS, MOTOR-DRIVEN COMMERCIAL VEHICLES AND MOTOR VEHICLES USED FOR PUBLIC HIRE (INCLUDING, BUT NOT LIMITED TO, BUSES, CABS, AND LIMOUSINES) AND ANTIQUE VEHICLES

	Annual Fee	One-Half Fee January 1 - June 30
Class A and B as set forth in the Illinois Vehicle Code for vehicles of the second division	$47.50	$23.75
Class C, D, and E as set forth in the Illinois Vehicle Code for vehicles of the second division	$75.00	$37.50
Class F and above as set forth in the Illinois Vehicle Code for vehicles of the second division	$120.00	$60.00

(Ord. 98-0-4, 2-12-1998)

Antique License Plate	$10.00	$5.00
Cabs, Limousines	$75.00	$37.50

B. Senior Citizen Discount:

Subject to the conditions of this Section, any person who has attained sixty five (65) years of age on or prior to January 1 of the calendar license year shall not be required to pay a vehicle license fee otherwise required herein for any one vehicle described in Tables 1 and 2 of this Section. Upon application, the Village Clerk is hereby authorized to issue a vehicle license for said vehicle to such person upon presentation of satisfactory evidence that said person has attained sixty five (65) years of age. Provided, however, that each applicant shall be entitled to apply for only one senior citizen discount on one vehicle per year and per family and, provided further, that in the case any person or family shall have more than one vehicle for which a vehicle license is required in Tables 1 and 2 of this Section, the senior citizen discount set forth in this subsection shall apply to the vehicle that requires the lowest annual license fee. All licenses for classes other than those mentioned in Tables 1 and 2 of this Section shall be purchased for the regular fees. (Ord. 91-0-16, 12-5-1991; Ord. 2007-O-10)

11-3-5: REMOVAL OF VEHICLE LICENSE:

Immediately upon the sale of any vehicle licensed under this chapter, when such sale is made prior to the date of expiration of such license, the licensee shall remove the license emblem from the vehicle so sold and within three (3) days of the date of such sale shall give to the clerk written notification of such sale, showing the date thereof, the license number of the vehicle so sold, and the name and address of the purchaser; thereupon, such license shall cease to apply to the vehicle so sold. (Ord. 81-WS-15, 11-12-1981)

11-3-6: TRANSFER OF VEHICLE LICENSE:

A. Whenever the owner of any vehicle licensed under this chapter before the expiration of such license, sells or otherwise disposes of such vehicle and acquires another vehicle, and desires to transfer the original license to the newly acquired vehicle, and notifies the clerk of the sale, as hereinabove provided, such owner shall make application to the clerk for such transfer. The application shall state the name and address of the licensee and a description of the newly acquired vehicle and such other information as the clerk may require, and upon payment of the appropriate fee, the clerk shall transfer such license to apply to the newly acquired vehicle.

B. The transfer fee shall be one dollar ($1.00), provided that if the newly acquired vehicle is in a class requiring a higher license fee than was paid for the original license, the transfer fee shall be the amount of the difference between the fee paid for the original license and the license fee fixed for the newly acquired vehicle, plus the sum of one dollar ($1.00). (Ord. 81-WS-15, 11-12-1981)

11-3-7: LOSS OR DESTRUCTION OF VEHICLE LICENSE:

In case of the loss or destruction, total or partial, of any license emblem issued by the clerk and covering any vehicle, the owner of such vehicle, within three (3) days after learning thereof, shall give the clerk written notification of such loss or destruction. Upon filing with the clerk satisfactory proof of loss and the payment of a fee of one dollar ($1.00), the clerk shall issue to said owner a duplicate of such license emblem. (Ord. 81-WS-15, 11-12-1981)

11-3-8: PENALTY:

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this chapter, or who shall refuse to remedy a violation of any such provisions shall, upon conviction, where no specific penalty is provided for the section being violated, be punished by a fine not to exceed seven hundred fifty dollars ($750.00) for any one offense. A separate offense shall be deemed committed for each day such violation shall continue. (Ord. 17-O-2000, 6-22-2000)

CHAPTER 4
SIGNS AND SIGNALS

11-4-1: REGULATIONS; OBEDIENCE REQUIRED:

It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the Mayor, by and with the advice and consent of the Village Board, or in accordance with the laws of the State of Illinois, excepting on direction of a police officer. All signs and signals established by direction of

the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Device for Streets and Highways.

11-4-2: TRAFFIC CONTROL SIGNAL LEGEND:

A. Traffic Control Signals: 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. Green Alone or "Go":

   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.

   Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

2. Yellow or "Caution" When Shown With or Following the Green "Go" Signal:

   Vehicular traffic facing the signal 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.

   Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting across shall yield the right of way to all vehicles. (Ord., 9-26-63)

3. Red Alone or "Stop":

   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 and shall remain standing until Green or "Go" is shown alone, except at those intersections wherein a right turn on red is permitted by State Statute. (Ord., 9-26-63; amd. 1983 Code)

   No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

4. Red With Green Arrow:

   Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.

No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

5. Yellow When Shown With the Red Signal:

Vehicular traffic facing such signal shall not enter the nearest crosswalk at an intersection nor proceed beyond such other points as may be indicated by a clearly visible line while this signal is displayed, but is advised that another signal indication which will permit a traffic movement is about to be displayed.

No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interference with any vehicular traffic.

6. Yellow When Shown Alone:

Vehicular traffic facing the signal is warned that either a red or flashing red signal will be exhibited immediately thereafter, and such traffic will be required to obey the ensuing red or flashing red signal, as the case may be.

7. Green Arrow Alone:

Vehicular traffic facing the signal may enter the intersection only to make the movement or movements indicated by the arrows, but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk. This signal will normally be used only at intersections where one-way street operation is involved.

8. 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.

B. Flashing Signals: Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

Flashing Red (stop signal): When a red lane 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.

Flashing Yellow (caution signal): When a yellow line is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

C. Lane Control Signals: Whenever lane control signals are used in conjunction with official signs, they shall have the following meaning:

Opaque arrow on green, green arrow on opaque background, or green alone. Drivers of vehicles facing such signals are permitted to use the lane or lanes over which the signal is displayed, providing that no intersection traffic control signal gives a stop indication affecting the lane or lanes involved.

Opaque "X" on red, red "X" on opaque background, or red alone. Drivers of vehicles facing such signals are prohibited from using the lane over which the signal is displayed.

D. Pedestrian Control Signals: Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait", or "Don't Walk" are in place, such signals shall indicate as follows:

Walk: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the driver of all vehicles.

Wait or Don't Walk: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "Wait" or "Don't Walk" signal is showing.

11-4-3: UNAUTHORIZED SIGNS:

No person shall place, maintain or display upon on in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any highway another 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 or signal bearing thereon any commercial advertising.

Any such unauthorized device is hereby declared to be a nuisance, and may be removed by any policeman.

11-4-4: 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.

11-4-5: ADVERTISING SIGNS:

It shall be unlawful to maintain anywhere in the Village any sign, signal, marking or device, other than a traffic sign or signal authorized by the Village Board or the Illinois State 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. (Ord., 9-26-63)

CHAPTER 5
RULES OF THE ROAD

11-5-1: TURNING RESTRICTIONS:

A. Required Position and Method of Turning At Intersection: The driver of a vehicle intending to turn at an intersection shall do so as follows:

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.

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 center line thereof and by passing to the right of such center line 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 center line 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.

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.

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.

B. Turning on the Crest of a Hill: No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500').

C. 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 the 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.

D. Limitations on Turning Around: It shall be unlawful for the operator of any vehicle to turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing into traffic or otherwise interfering with traffic.

E. U-Turn: It shall be unlawful for the operator of any vehicle to make a U-turn at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

F. No Left Turn: It shall be unlawful for the operator of any vehicle to turn left at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

11-5-2: OVERTAKING AND PASSING:

A. Passing Vehicles: Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway as nearly as possible.

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:

The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaking vehicle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

C. Overtaking Vehicles on the Right: 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.

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 (4) 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.

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 (2) or more lanes of moving vehicles.

D. Limitations on Overtaking on the Left: 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 one hundred feet (100') of any vehicle approaching from the opposite direction.

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:

1. 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.

2. When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing.

3. Where 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 Illinois State Department of Public Works and Buildings.

4. The limitations in subparagraphs 1 and 2 shall not apply upon a one-way street, or upon a street with unobstructed pavement of sufficient width for two (2) or more lanes of moving traffic in each direction when such movement can be made with safety.

11-5-3: 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.

11-5-4: DRIVER'S SIGNAL:

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 action:

A. 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.

B. A signal or intention to turn right or left shall be given during not less than the last one hundred feet (100') traveled by the vehicle before turning.

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 the front and rear of such vehicle then said signals must be given by such a lamp or device.

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:

1. Left Turn: Hand and arm extended horizontally.

2. Right Turn: Hand and arm extended upward.

3. Stop or Decrease of Speed: Hand and arm extended downward.

11-5-5: EMERGENCY VEHICLES:

A. Fire Department Vehicles; Fires: Upon the approach of a Fire Department vehicle, drivers of vehicles shall comply with the provisions of this Chapter relating to the approach of authorized emergency vehicles.

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 to fire alarm.

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.

This subsection shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard to the safety of all persons using the highway.

11-5-6: EMERGING TRAFFIC; RIGHT OF WAY:

A. Driving from Alleys, Driveways: 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.

B. 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 (2) vehicles 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.

C. Restricted Access: No person shall drive a vehicle onto or from any controlled or limited controlled access roadway except at such entrances and exits as are established by public authority. (Ord., 9-26-1963)

11-5-7: 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 (3) marked lanes for traffic under the rules applicable thereon.

D. Upon a roadway designated and sign posted for one-way traffic.

E. Whenever there is a single-track paved road on one side of the public highway and two (2) vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right of way on such pavement to the other vehicle. (Ord., 9-26-1963)

11-5-8: SCHOOL BUSES; YIELD TO:

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 as required by statute for operation while the bus is transporting pupils; 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 (4') wide which is not surfaced or suitable for vehicle

traffic, need not stop his vehicle upon meeting or passing a school bus which is on the opposite roadway. (Ord., 9-26-1963)

11-5-9: 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 fifty feet (50') but not less than ten feet (10') from the nearest track of such railroad and shall not proceed until he 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 as cargo shall stop such vehicle within fifty feet (50') but not less than ten feet (10') 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 officer or a traffic control signal directs traffic to proceed. (Ord., 9-26-1963)

11-5-10: BACKING:

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interference with other traffic. (Ord., 9-26-1963)

11-5-11: SPEED RESTRICTIONS:

A. Urban Area Speed; Alleys: It shall be unlawful to drive any motor vehicle on any street not under the jurisdiction of the Illinois State Department of Public Works and Buildings, of the County, in an urban district within the Village at a speed in excess of twenty (20) miles per hour or in an alley at a speed in excess of ten (10) miles per hour.

B. Speeds Set, Posted: If the Mayor and Village Board by ordinance set other limits as provided by statute after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such ordinances. The Chief of Police shall post appropriate signs showing such speed limits.

C. Second Division: The speed of all vehicles, of the second division, as defined by statute, having two (2) or more solid tires shall not exceed ten (10) miles per hour.

D. Required Reduction: The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going

around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions; and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

E. Limits Set: It shall be unlawful to drive any vehicle on any street or highway within the Village under the jurisdiction of the State Department of Public Works and Buildings, or of the County, at a speed exceeding that lawfully set for such street.

F. School Zone: No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour 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. Appropriate signs shall be posted to indicate this restriction. (Ord., 9-26-1963)

G. 91st Street Speed Limit: A speed limit of thirty (30) miles per hour is hereby established for all that part of 91st Street located within the Village. The Chief of Police shall post appropriate signs along 91st Street to indicate such speed limit. (Ord. 6-O-2000, 4-13-2000)

11-5-12: PROHIBITED ACTIONS, CONDUCT:

A. Vehicle On Sidewalks Or Safety Zones: No driver of a vehicle shall drive within any sidewalk area, except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as safety zone.

B. Reckless Or Careless Driving: It shall be unlawful to operate any vehicle in the Village in a careless, reckless or wanton manner, or carelessly so as to endanger life or property.

C. Obstructing Traffic: No vehicle shall be operated or allowed to remain upon the street in such a manner as to form an unreasonable obstruction to the traffic thereon.

D. Bicycles And Motorcycles; Improper Use: 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.

E. Unattended Vehicles: 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.

Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel 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.

F. Unattended Animals: It shall be unlawful to leave any horse or other draft animal unattended in any street without having such animal securely fastened.

G. Clinging To Vehicles: It shall be unlawful for any person on any street riding a bicycle, motorcycle, or any toy vehicle to cling to or to attach himself or his vehicle to any moving motor vehicle or wagon.

H. Toy Vehicles: 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.

I. Riding On Running Boards: It shall be unlawful for any person to ride upon the fenders, running board, or outside step of any vehicle.

J. Liquor Or Drugs: It shall be unlawful for the habitual user of narcotic drugs to operate any motor vehicle on any street; and it shall be unlawful for any intoxicated person, or any person under the influence of alcohol or of a narcotic drug, to operate or attempt to operate any motor vehicle on any street.

K. Accidents: The driver of a vehicle which has collided with, or been in an accident with any vehicle, person or property in such a manner as to cause injury or damage, shall stop immediately, and render such assistance as may be possible, and give his true name and residence to the injured person or any other persons requesting the same on behalf of the injured person, or the owner of the property damaged, and to a policeman, if one is present. A report of each such accident shall be given by the driver of each vehicle concerned in it to the Chief of Police within twenty four (24) hours after the accident. (Ord., 9-26-1963)

11-5-13 UNLICENSED MOTORIZED VEHICLE PROHIBITED

A. Unlicensed Motorized Vehicle Prohibited. It shall be unlawful for any person to operate an Unlicensed Motorized Vehicle:

1) On any public alleys, highways, streets, bicycle paths, pedestrian paths, sidewalks, rights-of-way, parking lots or other public property.

2) On any park property, school property, or forest preserve district property.

3) On any private lands or parking lots held open to the public.

4) On the tracks or right of way of any operating railroad or any property owned by a public utility company.

5) On any private property without express consent of the owner.

B. For the purposes of this Section, "Unlicensed Motorized Vehicle" shall be defined as a mechanical device designed to transport human beings which is powered by a combustion engine or electric power, and is not registered with the State of Illinois or incapable of being registered by the Illinois Secretary of State under the provisions of the Illinois Vehicle Code, and for which a valid license plate is not displayed. An Unlicensed Motorized Vehicle shall include, but is not limited to, motor scooters, go carts, golf carts, go-peds, all-terrain vehicles, mini bikes or motorbikes.

C. Exemptions: The following shall be exempt from the prohibitions contained in this section:

1) Any Unlicensed Motorized Vehicle operated by employees of the Willow Springs police department, fire department, municipal department or any other unit of local government in the course of their duties.

2) Motorized wheelchairs, as defined by the Illinois Vehicle Code (625 ILCS 5-1-100 et seq.) in Section 5/148.3.

3) Electric personal assistance mobility devices, as defined by the Illinois Vehicle Code (625 ILCS 5-1-100 et seq.) in Section 5/1-117.7.

D. Procedure for impoundment: Whenever a police officer has probable cause to believe that a violation of this section has occurred, he is hereby authorized to seize and impound the Unlicensed Motorized Vehicle. The failure to display the proper registration from the Illinois Secretary of State is prima facie proof that the device constitutes an Unlicensed Motorized Vehicle.

E. Preliminary Hearing: The owner of an Unlicensed Motorized Vehicle (or any interested party) which has been impounded pursuant to this section shall have the right to a preliminary hearing to determine whether the seizure and impoundment were erroneous. The preliminary hearing shall be requested in writing to the Chief of Police, or his designee, within forty-eight (48) hours of the seizure. The hearing shall be conducted within forty-eight (48) hours of receipt of a written demand for hearing by the Chief of Police or his designee; provided that if the date for the hearing falls on a Saturday, Sunday, or legal holiday, the preliminary hearing will be held on the next business day following the Saturday, Sunday or legal holiday. Failure to request or attend a scheduled hearing within forty-eight (48) hours of the seizure shall be deemed a waiver of the right to a preliminary hearing. The chief of police or designee is hereby authorized to act as hearing officer for the purpose of holding a preliminary hearing pursuant to this section. The hearing officer shall not be involved in the seizure and impoundment of the Unlicensed Motorized Vehicle. If the hearing officer determines by a preponderance of the evidence that the provisions of this section have been violated, he shall order that the Unlicensed Motorized Vehicle remain impounded until a bond in the amount of one hundred dollars ($100.00) is posted

with the Willow Springs Police Department. If the hearing officer determines that the provisions of this section were not violated, the Unlicensed Motorized Vehicle seized shall be returned to its owner.

F. Hearings: A hearing shall be conducted pursuant to the provisions of Title 11, Chapter 5D, Section 9, administrative adjudication of vehicular regulations. The hearing shall be conducted within forty-five (45) days of the seizure. The hearing officer shall be authorized to release the seized Unlicensed Motorized Vehicle upon payment of a fine and an additional storage charge in the amount of five dollars ($5.00) per day. If a bond has been posted, it shall be applied towards the fine and storage charges. If the hearing officer determines that the provisions of this section have not been violated, the seized device shall be returned to its owner and any posted bond refunded. The decision of the hearing officer may be appealed in any manner provided by law.

G. Unclaimed vehicles: Any Unlicensed Motorized Vehicle which remains unclaimed for a period in excess of one year shall be presumed abandoned and may be destroyed or have title transferred to the Village.

H. Applicability of Other Laws: This section is in addition to and shall not replace or otherwise abrogate any existing state or federal laws or any ordinance that relates to the seizure impoundment of motor vehicles, and any fee in this section shall be in addition to any and all penalties that may be assessed or imposed by a court for any criminal charges.

I. Penalty: A fine imposed under this section shall be not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) plus any storage fees. (Ord. 2008-O-27)

ARTICLE A. PROCESSIONS; PARADES

11-5A-1: DRIVING THROUGH FUNERAL OR OTHER PROCESSION:

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Article.

11-5A-2: DRIVERS IN A PROCESSION:

Each driver in a funeral or other procession shall drive as near to the right-hand side of the roadway as practical and shall follow the vehicle ahead as close as practical and safe.

11-5A-3: FUNERAL PROCESSION TO BE IDENTIFIED:

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia and by having the lights of each vehicle lighted. (Ord., 9-26-63)

ARTICLE B. PEDESTRIANS

11-5B-1: RIGHT OF WAY:

Where traffic control signals or pedestrian control signals provided in this Title 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.

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.

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.

11-5B-2: PEDESTRIANS CROSSING ROADWAYS:

A. Regulations and Restrictions on Crossing: At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk he shall yield the right of way to all vehicles upon the roadway.

No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic.

B. Signals: At intersections where traffic is directed by a policeman 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.

C. Pedestrian Crossing: Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

No pedestrian shall cross a roadway other than in a crosswalk in any business district.

11-5B-3: 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.

11-5B-4: 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 stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

11-5B-5: 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 act to the contrary notwithstanding. The driver of every vehicle approaching the place where a blind person, so carrying such a cane or walking stick or being so guided, is crossing a street or highway shall bring his vehicle to a full stop and before proceeding, shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of this Section shall not apply to a blind person who is not carrying such a cane or walking stick or is not guided by a dog, but the other provisions of this Article relating to pedestrians shall be applicable to such person. However, the failure of a blind person to so 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. (Ord., 9-26-63)

ARTICLE C. STREETS AND INTERSECTIONS; SPECIAL PROVISIONS

11-5C-1: POSTING SIGNS:

The Chief of the Police Department shall post or cause to be posted suitable signs for all through streets, one-way streets or alleys and stop intersections.

11-5C-2: THROUGH STREETS :

The streets and parts of streets of the Village designated by ordinance as through streets are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right of way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by the traffic officer or a traffic control signal.

11-5C-3: ONE-WAY STREETS OR ALLEYS:

A. 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.

B. Rotary Traffic Islands: A vehicle passing around a rotary traffic island shall be driven on the right of such island.

11-5C-4: 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, or one or more entrances thereto, shall proceed cautiously, yielding to the vehicles not so obligated 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.

11-5C-5: LANED ROADWAYS:

Whenever any roadway has been divided into three (3) 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 (3) 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 center line 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 slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

11-5C-6: WEIGHT AND LOAD LIMIT STREETS:

A. Trucks Prohibited: It shall be unlawful to drive any truck, except for the purpose of making a delivery and then for one block only on any street so designated by ordinance and properly signposted.

B. Limited Load Streets: It shall be unlawful to operate any vehicle on any street in the Village when the gross weight on the surface of the road through any axle of such vehicle exceeds sixteen thousand (16,000) pounds. Where lower limits are imposed

by ordinance 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. (Ord. 9-26-63)

C. Gross Weight Limits:

1. No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon any of the streets aforesaid of the Village when the gross weight on the road surface exceeds the maximum weight allowed in Section 11-6-3 except for the purpose of making local deliveries or service calls; however the provisions of this Chapter covering gross vehicle weight shall not apply to fire apparatus or Municipal vehicles.

2. Enforcement: Any police officer having reason to believe that the weight of the vehicle and its load is unlawful shall require the driver to stop and submit to a weighing of the same. The police officer shall require that such vehicle be driven to the nearest scales. Whenever a police officer, upon weighing the vehicle and load as above provided, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as is permitted under this Chapter, and shall forthwith arrest the driver. All materials so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this Chapter, shall be subject to penalty as hereinafter provided.

3. Posting: The Chief of Police shall post or cause to be posted the gross weight limits on the streets hereinabove listed. Such signs and the posting thereof shall conform to the regulations set forth in the State of Illinois Manual of Uniform Traffic Control Devices for Streets and Highways. (Ord. 68-10-6a, 1968)

ARTICLE D. PARKING REGULATIONS

11-5D-1: ENFORCEMENT OF PARKING REGULATIONS:

A. Presumption of Liability: The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking.

B. Towing Cars Away: The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away or have removed and towed away by commercial towing service, any car or other vehicle illegally parked in any place where such parked vehicles creates or constitutes a traffic hazard, blocks

the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public place or other public place for a period of twenty four (24) consecutive hours.

Cars so towed away shall be stored on any Village 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 Village in removing and storing such vehicles.

C. Signs: The Chief of Police or any other person authorized by the Mayor and Village Board shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions. (Ord., 9-26-63)

11-5D-2: PROHIBITED PARKING:

A. No Parking Places: At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic control device:

In any intersection.

In a crosswalk.

Upon any bridge or viaduct, or in any subway or tunnel or the approach thereto.

Between a safety zone and the adjacent curb or within thirty feet (30') of a point of the curb immediately opposite the end of a safety zone.

Within thirty feet (30') of a traffic signal, beacon or sign on the approaching side.

Within twenty feet (20') of any intersection or crosswalk.

At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen feet (18').

Within fifteen feet (15') of a fire hydrant.

At any place where the vehicle would block the use of a driveway. Within fifty feet (50') of the nearest rail of a railroad grade crossing.

Within twenty feet (20') of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station within seventy five feet (75') of such entrance when properly sign posted.

On any sidewalk or parkway.

At any place where official signs prohibit parking. (Ord., 9-26-63)

At any place not to exceed seventy five feet (75') along the curbs before the entrance to any hospital or hotel at any time.

At any place not to exceed seventy five feet (75') along the curb before the entrance to a public building between eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. except on Sunday.

Directly in front of the entrance to any theater at any time that the theater is open.

B. Snow Removal: It shall be unlawful to park any vehicle on any public street in the Village at any time within twelve (12) hours after a snowfall of three inches (3") or more has occurred. (Ord. 2008-O-03)

C. Street Cleaning: It shall be unlawful to park any vehicle on any public street or portion thereof in the Village at any time when such street is being cleaned. Signs indicating that a street or portion thereof is being cleaned shall be posted immediately before the cleaning of the street, and shall be removed after the cleaning of the street is finished.

D. Vehicles for Sale

a. It shall be unlawful for any person to park a motor vehicle displaying a "for sale" sign (or any sign indicating that the vehicle is available for purchase) on any street, alley, public right of way or private residential property (except that a resident of a residential structure may park one automobile on the property where he resides provided that not more that two (2) automobiles are offered for sale from that residential structure during any calendar year).

b. It shall be unlawful for any person to park a motor vehicle displaying a "for sale" sign (or any sign indicating that the vehicle is available for purchase) on private commercial or industrial property except on either a vehicle owned by the occupant thereof, bearing State registration plates and a Village vehicle sticker evidencing that the vehicle is registered at that address or a vehicle which is given written permission by the owner of the property to be parked on the property.

d. The provisions of subsection (a-b) shall not apply to any person residing on a property in the Village which does not have a driveway, garage or parking lot, provided that such person displays a permit from the Village to permit the parking of such vehicle on the public street. Permits shall be issued by the police department without charge and shall be limited to a two-week period. No more than two (2) permits may be issued to each residential structure during any calendar year.

e. This section shall not apply to motor vehicles located on property licensed and zoned for motor vehicle sales.

E. Loading Zone: It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed thirty (30) minutes, in any place designated by the Mayor and Village Board as a loading zone and marked as such. (Ord. 2008-O-36)

11-5D-3: LIMITED TIME PARKING:

A. Two Hour Parking: Except on Sundays or holidays, it shall be unlawful to park any vehicle for more than two (2) hours in any consecutive period of time between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. in any area designated by ordinances as a restricted parking area. (Ord. 68-10-8, 1968)

B. All Night Parking: No person shall park any vehicle between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. of any day on any streets in the Municipality, except physicians on emergency calls. (Ord. 86-0-3, 4-10-86)

11-5D-4: RESTRICTIONS ON PARKING:

A. Parking at Curb: 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 (2) right wheels of the vehicle within twelve inches (12") 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 markers.

B. Alleys: No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for the free movement of vehicular traffic, 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.

C. 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.

D. 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.

E. Commercial Vehicles: No motor vehicle used in carrying on any business shall, without necessity therefore, stand or remain before or near any building, place of business or other premises; nor shall any such motor vehicle take an unreasonable length of time in loading or unloading, or in passing along any street, or through any inhabited place or ground, nor shall any such motor vehicle, or the driver thereof, or anything thereto pertaining, be (or by any person having a right to control the same be allowed to be) in a condition needlessly filthy or offensive; and when not in use all such motor vehicles, and all implements used in connection therewith, shall be stored,

parked and kept in some place which is not located in an area zoned residential. (Ord. 68-10-8, 1968)

F. Residential Parking: It shall be unlawful to park any vehicle on the parkway or front lot area of any residence. Parking in all residential zoning districts is confined to the public street, and private side drive or garage apron.

G. Penalty: The penalty provisions of Section 11-1-4 of this Code shall apply to any violations of the foregoing subsections. (Ord. 88-0-10, 5-12-88)

H. Market Street: No commuter parking is allowed in the Market Street East area and the surrounding commercial areas. (Ord. 2007-O-41)

11-5D-5: PARKING METERS:

A. Zones Established: Parking meter zones shall be such as may from time to time be established by ordinance.

B. Placing Meters: Parking meters shall be installed in the parking meter zones as established and provided for by ordinance and shall be placed upon the curb immediately adjacent to the individual parking places hereinafter described. Each parking meter shall be placed or set in such a manner as to show or display by a signal whether or not the parking space adjacent to such meter is legally in use.

C. Marking Places: The Chief of Police shall have markings 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 position that the same shall not be entirely within the area designated by such line or markings.

D. Parking Rules: It shall be unlawful to park any vehicle or to permit a vehicle to remain parked in any parking meter zone for a period longer than designated on such meter, between the hours designated thereof, except on Sundays and holidays (the term holiday shall include the following days only: January 1, May 30, July 4, the first Monday in September, December 25 (Christmas), and the day designated and set aside by the President of the United States as a day of Thanksgiving), or to park a vehicle in any zone without paying the fee hereinafter designated; or to permit a vehicle to remain parked longer in any such zone than for the period for which the fee was paid; except Sunday and holidays.

E. Placing Coins in Meters: Any person desiring to park any vehicle within such parking meter space shall deposit the proper coins for the time desired as follows:

One cent ($.01) for each twelve (12) minutes of time desired; five cents ($.05) or one nickel for each hour of time desired; twenty five cents ($.25) for eight (8) hours of time desired.

F. Tampering with Meters: It shall be unlawful for any person not authorized by the Board 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. (Ord., 9-26-63)

11-5D-6: PARKING OF TRUCKS AND COMMERCIAL VEHICLES:

A. No truck or commercial vehicle hauling flammable or hazardous materials shall be parked overnight within the village confines.

B. Only trucks or commercial vehicles under five (5) tons, or under a gross weight of fifteen thousand (15,000) pounds and not to exceed twenty-five (25) feet in length, shall be allowed to be parked in any area zoned residential.

C. No person shall stop, stand or park a Commercial or Recreational Vehicle upon any street or public right of way within a residential district or within 300 feet of the property line of a residence located within such district, except as follows:

1. While expeditiously loading or unloading passengers, freight, materials or merchandise between the hours of 8:00 a.m. and 9:00 p.m.;

2. While effecting emergency repairs when a vehicle is so disabled as to render it unsafe to proceed further:

3. Vehicles and equipment engaged in street construction, maintenance and repair or construction, maintenance or repair of public service utilities: and

4. Vehicles serving as emergency vehicles.

D. The parking of trucks or commercial vehicles in any area zoned business, commercial or industrial shall be limited to those vehicles owned by, leased by, or registered to the owner of the business or enterprise located at the particular location, unless said vehicle is engaged in loading or unloading or their customary business use.

E. The owner of any parcel within the village is prohibited from allowing any trucks or commercial vehicles, not leased, registered or owned by him, to be parked at the particular location, unless said vehicle is engaged in loading or unloading or their customary business use.

F. The penalty provisions of section 11-1-4 of this title shall apply to any violations of the foregoing subsections.

G. No trucks over two (2) tons will be allowed in the parking lot located at 8675 South Archer Avenue; nor will truck parking, standing or loitering be allowed at any time in the parking lot located at 8675 South Archer Avenue; nor will semi trucks or vehicles over two (2) tons in weight be permitted to make a U-turn in the parking lot at 8675 South Archer Avenue.

Any violation of the terms of this subsection carries a maximum penalty of five hundred dollars ($500.00). (Ord. 2008-O-08)

H. This section does not apply to church, school, nursing home, government or retirement home vehicles parked upon property owned by such institutions. (Ord. 2008-O-24)

11-5D-7: COMMUTER TRAIN PARKING LOTS:

A. The village clerk shall issue monthly parking stickers for reserved spaces in the village operated commuter train parking lots. The cost of a monthly parking sticker shall be determined from time to time by the president and board of trustees. The monthly sticker shall be displayed in the inside of the lower right rear window and all cars shall park with the front of the car forward in the parking space so that the sticker is prominently displayed and visible to patrolling policemen.

B. All village operated commuter train parking lots shall have a designated number of daily fee parking spaces. The daily fee for parking shall be two dollars ($2.00). Instructions for the manner of payment of a daily parking fee shall be at the parking lot. (Ord. 2007-O-39)

C. No vehicle shall be parked at any time in a village operated commuter train parking lot unless the vehicle has either a monthly sticker displayed as set forth in subsection A of this section, or has paid the daily fee for a space so designated as a daily fee space as set forth in subsection B of this section. The police department shall ticket any vehicle parked in violation of this section in accordance with section 11-1-4 of this title.

D. Any vehicle which has been ticketed and remains in the parking space for more than twenty four (24) hours following the placement of the ticket thereon shall be towed away by the police department in accordance with the provisions of subsection 11-5D-1B of this chapter. (Ord. 90-0-20, 10-11-1990)

E. Six Month Discount

The commuter parking lot fee will be discounted to $210.00 if commuters prepay for six (6) months' worth of parking passes. (Ord. 2007-O-50)

11-5D-8: HANDICAPPED PARKING:

No person shall park a motor vehicle in any handicapped parking space, including any private or public off street parking facility specifically reserved by a sign, unless the vehicle contains state registration plates or a handicapped parking decal indicating the vehicle is operated by or for a handicapped person or disabled veteran. (Ord. 92-0-9, 3-26-1992)

11-5D-9: ADMINISTRATIVE ADJUDICATION SYSTEM:

An administrative adjudication system is hereby established as follows:

A. Operating Of An Administrative Adjudication System:

1. These provisions shall provide a system of administrative adjudication as allowed by section 11-208.3 of the Illinois vehicle code, to cause the suspension of a registered vehicle owner's or lessee's drivers' license upon their failure to pay fines or penalties due and owing as a result of ten (10) or more village standing and/or parking violations.

2. These provisions shall not preclude the village from adopting procedures pursuant to 625 Illinois Compiled Statutes 5/6-306.5 providing for the authority to file a certified report to the Illinois secretary of state upon a person's failure to satisfy any fine or penalty imposed by a final judgment from a court of law for ten (10) or more standing and/or parking violations. Notwithstanding any provision of this chapter, the village may continue to prosecute in a court of law any person receiving less than twenty (20) standing and/or parking violations.

3. The village president and board of trustees voting jointly shall appoint a qualified individual or entity to serve as parking administrator as allowed in 625 Illinois Compiled Statutes 5/11-208.3(b)(1) and elsewhere in the statute. This person or entity shall be authorized to adopt, distribute and process parking violation notices other notices required, collect money paid as fines and penalties for violation of parking ordinances and shall operate the administrative adjudication system. The Parking Administrator also may make a certified report to the Secretary of State as allowed by law.

4. The Village President and Board of Trustees voting jointly shall appoint an individual to act as the Hearing Officer. It shall be the responsibility of the Hearing Officer to preside at the hearings required hereunder and determine the guilt or innocence of each violator. Compensation to the Hearing Officer shall be determined by the Board of Trustees.

B. Issuance of Hang-On Parking Violation Notices: Any employee of the Village authorized to issue vehicular parking or standing citations and who detect a violation of any section of this Code restricting or prohibiting parking or standing of motor

vehicles shall issue a hang-on parking violation notice either by affixing it or a facsimile to an unlawfully parked vehicle or handing it to the operator of such vehicle if he or she is present. The hang-on parking violation notice shall specify the date, time and place of violation; the particular standing or parking regulation violated; the fine and any penalty which may be assessed for late payment; the vehicle make and registration number; and the signature and identification number of the person issuing such notice. The parking violation notice shall state that the payment of the indicated fine and of any applicable penalty for late payment, shall operate as a final disposition of the violation. Such notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The parking violation notice shall specify the time and manner in which such a hearing may be had.

C. Action by Recipient of Citation: A person receiving a citation for a parking violation may respond to the parking violation by making an appearance in one of the following manners:

1. Payment of the fine indicated on the citation. Such payment shall be made by the deadline stated on the citation and shall operate as the final disposition of the violation; or

2. Requesting a hearing on the merits of the parking violation in the time and manner specified on the hang-on notice and attendance at the hearing at the time, date and place specified by the Parking Administrator. The hearing shall be conducted in accordance with procedures set forth herein.

D. Failure to Appear; Service of Additional Notices:

1. Failure to make an appearance, as specified in subsection 11-5D-9C above, shall result in additional notice of violation, as indicated in this subsection, being sent to the responsible party as defined herein as the registered owner of the cited vehicle or as the lessee of the cited vehicle. Service of the second notice and notice of final determination of parking violation liability shall be made by first-class mail to the registered owner of the cited vehicle at his or her address as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of said vehicle at the time of lease. The service of this additional notice shall be complete as of the date of deposit in the United States mail.

2. A second notice of violation shall be sent to the responsible party in the manner set forth in subsection 11-5D-9D1 above, upon the failure of the recipient of a hang-on parking violation to make an appearance as provided in subsection 11-5D-9B. The second notice of violation shall specify the date and location of the violation cited in the hang-on parking violation notice, the particular standing or parking regulation violated, the vehicle make and state registration number, the fine and any penalty of late payment, the availability of a hearing and the time and manner in which the hearing may be had. The notice shall also state that failure to pay the fine or appear at a hearing on the merits will result in a final determination of parking violation

liability for the cited violation, the fine or penalty indicated, and that upon the occurrence of a final determination of the parking violation liability and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, and imposed fine or penalty shall constitute a debt due and owing the municipality.

3. A notice of final determination of parking violation liability shall be sent to the responsible party, as defined in subsection 11-5D-9D1 above, upon failure to appear pursuant to the second notice of violation and after a final determination of parking violation liability has been rendered in accordance with subsection 11-5D-9E below. The recipient may appear by paying the fine and penalty within the time specified on the notice and shall be advised that failure to do so may result in the Village filing a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as provided by section 11-208.3 of the Illinois Vehicle Code, chapter 95 1/2 Illinois Revised Statutes, 1989, and that proceedings to suspend his driver's license will be instituted pursuant to chapter 95 1/2, section 6-306.5 of the Illinois Vehicle Code for failure to pay fine or penalties for ten (10) or more parking violations.

4. A notice of impending driver's license suspension shall be sent to the person for whom a final determination of liability was rendered in accordance with this Section on each of ten (10) or more unpaid parking violations. Failure to pay the fines and/or penalties owing within forty five (45) days of the date of notice shall result in notification to the Secretary of State of said person's eligibility for initiation of driver's license suspension proceedings.

E. Final Determination of Parking Liability Petition to Set Aside:

1. A final determination of parking ticket violation liability shall occur following failure to pay the fine or penalty after the Hearing Officer's determination of parking violation liability and the Parking Administrator's denial of a petition to set aside the determination of parking ticket violation or expiration of the period for filing such petition to set aside without same having been made as set forth in this subsection 11-5D-9E.

2. A petition to set aside a determination of parking ticket violation may be filed with the Parking Administrator within ten (10) working days after the Hearing Officer's determination. Petitions shall be available at the office of the Parking Administrator and shall specify the grounds on which a challenge may be made, which grounds shall be limited to one of the following only, with no exceptions:

a. The person owing the unpaid fine and/or penalty was neither the owner nor lessee of the cited vehicle(s) on the date or dates the parking violation notice was issued; or

b. The fine and/or penalty were paid for the parking violation in question; or

c. There existed a substantive excusable failure to request a hearing, appear at the hearing or request a new date for hearing.

3. The Parking Administrator shall render a decision within ten (10) days of the petition's receipt and shall immediately notify the Hearing Officer and the petitioner of such decision.

4. If the petition is granted and the determination of parking violation liability is set aside based on either subsection 11-5D-9Eb or 11-5D-9Ec above, the registered owner or lessee shall be provided a hearing on the merits of the violation and shall be given notice of the time and manner in which it will take place.

F. Administrative Adjudication of Parking Violations:

1. The hang-on parking violation citation and the second notice of liability shall provide the alleged violator with the date, time and place of the violation and the time and manner in which a hearing contesting the merits of the alleged violation shall be held.

2. Neither formal nor technical rules of evidence shall apply at the hearing. The hearing shall be recorded and the Hearing Officer shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at such hearing may be represented by counsel at their own expense. The Hearing Officer shall make a determination of parking ticket violation liability of nonliability as the case may be.

3. The original or facsimile of the parking violation notice shall be delivered to and retained by the Parking Administrator. It shall be a record kept in the ordinary course of business. A parking violation notice issued, signed and served, or a copy of such notice, shall be prima facie correct and shall be prima facie evidence and the administrator adjudication hearing hereunder, of the correctness of the facts shown therein. The notice or a copy thereof shall be admissible in any administrative or legal proceeds.

G. Certified Report - Contesting Certified Report:

1. Upon failure to pay fines and penalties deemed due and owing after the exhaustion of administrative procedures set forth herein for ten (10) or more parking violations, the Parking Administrator shall make a certified report to the Secretary of State stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing as a result of ten (10) or more violations of the Village vehicular parking regulations and thereby cause the suspension of that person's driver's license.

2. The Parking Administrator shall take no further action unless and until the fines and penalties due and owing are paid or upon determination that the inclusion of the person's name on the certified report was in error. At such time, the Parking

administrator shall submit to the Secretary of State a notification which shall result in the halting of a driver's license suspension proceeding. The person named therein shall receive a certified copy of such notification upon request and at no charge.

3. Persons may challenge the accuracy of the certified report by completing a form provided by the office of the Parking Administrator and which specifies grounds on which such challenge is based. Grounds for challenge shall be limited to the following:

a. The person was neither the owner nor lessee of the vehicle(s) receiving ten (10) or more parking violation notices on the date or dates such notices were issued; or

b. The person has paid the fine and penalty for the ten (10) or more violations indicated on the certified report.

4. The Parking Administrator shall render a determination within ten (10) business days of receipt of the objection form and shall notify the objector thereof.

H. Procedure for Nonresidents:

1. Persons who are not residents of the Village may contest the merits of the alleged violation without attending a hearing as provided herein by submitting a waiver of hearing and notarized statement of facts specifying grounds for challenging the citation. Such documentation must be received by the Parking Administrator within the time for requesting a hearing.

2. The Hearing Officer shall issue to the Parking Administrator a finding based on the statement of facts.

3. The Parking Administrator shall notify the nonresident of the Hearing Officer's determination

4. In all other respects, the procedures set forth in this Chapter shall apply to nonresidents.

I. Fines, Penalties and Costs:

1. The registered owner, lessee, operator or responsible party charged with a violation of any ordinance prohibiting, restricting or regulating the parking or standing of motor vehicles in the Village shall, upon conviction thereof, be fined not less than fifty dollars ($50.00) nor more than seven hundred fifty dollars ($750.00) for each offense. The fine shall be uniform and shall be applied for a violation of any ordinance in effect presently or made effective in the future prohibiting, restricting or regulating the parking or standing of motor vehicles in places other than those places restricted for handicapped parking only.

2. The registered owner, lessee, operator or responsible party charged with a violation of any ordinance prohibiting, restricting or regulating the parking or standing of unpermitted motor vehicles in parking spaces, in regulated parking lots or on Village streets specifically designated as places restricted for handicapped parking only, with the Village shall, upon conviction thereof, be fined not less than two hundred fifty dollars ($250.00) nor more than three hundred fifty dollars ($350.00) for each offense. This fine shall be uniform and shall be applied for a violation of any ordinance in effect presently or made effective in the future prohibiting, restricting or regulating the parking or standing of unpermitted motor vehicles in places specifically designated as places restricted for handicapped parking only.

3. In the event a person receiving a citation for a parking violation fails to pay the fine indicated on the citation prior to the deadline stated on the citation, fails to request a hearing on the merits of the parking violation in the time and manner specified on the citation or, after having requested a hearing on the merits of the parking violation in the time and manner specified on the citation fails to appear at the hearing at the time, date and place specified, then the fine shall increase to one hundred dollars ($100.00) and shall be assessed against said person for the violation of the ordinance set forth in the citation.

4. Separate fines shall be imposed against a person for each and every conviction of each and every violation of any ordinance prohibiting, restricting or regulating the parking or standing of motor vehicles in the Village. (Ord. 1992-O-9; 3-26-92; Ord. 2007-O-37, Ord. 2012-O-16)

CHAPTER 6
STREETS, INTERSECTIONS, PARKING AREA SCHEDULES

11-6-1: THROUGH STREETS:

In accordance with the provisions of section 11-5C-2 of this title and when signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any of the following streets or parts of streets:

Archer Road

Blackstone from Spring to Mound

Charlton from Blackstone to 87th Street

Forest from Archer to 87th Street

German Church Road

Glenwood from Archer to 87th Street

Nolton from Blackstone to 87th Street

Willow Springs Road

Wolf Road

87th Street

(Ord., 9-26-1963)

11-6-2: STOP INTERSECTIONS:

A. Four-Way Stops:

Archer and Glenwood

Archer and Willow Springs Road

Blackstone and Hill

Blackstone and Kazwell

Blackstone and Spring Street

Cedar and Forest

Cedar and Ravine West

Charlton and Blackstone

Charlton and Prospect

High and Oakwood

Hill and Blackstone

Kazewell and Blackstone

Mound and Blackstone

Nolton and Blackstone

Oakwood and Prospect

Prospect and Charlton

Prospect and Glenwood

Prospect and Oakwood

Vinewood and Glenwood

Vinewood and Oakwood

Wolf Road and German Church Road

91st and County Line Rd.

91st and Wolf Rd.

(Ord., 9-26-1963; amd. Ord. 73-14, 11-23-1973; Ord. 74-28, 12-26-1974; Ord. 2007-O-33)

B. Three-Way Stops:

Oakwood and High	
Pine and Cedar	North, east, west
Prospect and Glenwood	West, north, south
Spring and Blackstone	East, north, south
Willow West and Stratford	
Willow West and Chaucer	

(Ord. 73-14, 11-23-1973; amd. Ord. 20-O-2005, 11-10-2005)

C. Two-Way Stops:

84th Place and Wolf	East, west
Archer and Charlton	North, south
Archer and Nolton	North, south
Blackstone and Beverly Lane	North, south
Blackstone and Charlton	East, west
Blackstone and Nolton	East, west
Beech and Prospect	East, west
Cedar and Forest	East, west

Cedar and Nolton	East, west
Charlton and Prospect	East, west
Chaucer and Province	East, west
Cliffside Circle and Cliffside Dr.	
Cliff and Prospect	North, west
Forest and Vinewood	East, west
Forest Woods Dr and Liberty Grove	South, East
Glenwood and Vinewood	East, west
High and Charlton	East, west
High and Nolton	East, west
High Street and Charlton Avenue	East, west
Maple and High	East, west
Nueport Dr. and Nueport Dr. West	South, North
Nolton and Cedar	
Nolton and Prospect	East, west
Prospect and Beech	East, west
Prospect and Charlton	East, west
Prospect and Oakwood	East, west
Ravine East and Cedar	North, south
Ravine West and Cedar	North, south
Vana and Blackstone	North, south
Vinewood and Charlton	East, west
Willow Blvd. and Macks Rd.	North, south
Willow Blvd. and Old Willow Rd.	East, west
Willow Blvd. and Rachel Rd.	South, north

(Ord. 72-19, 9-14-1972; amd. Ord. 73-14, 11-23-1973, Ord. 2007-O-33, Ord. 2008-O-26)

D. One-Way Stops:

Archer and Beverly	Southerly
Archer and Cliff	Southerly
Archer and Cliffside	Northerly
Archer and Forest	Northerly
Archer and Glenwood	Northerly
Archer and Hill	Southerly
Archer and Hilton	Northerly
Archer and Kazwell	Southerly
Archer and Market	Southerly
Archer and Mound	Southerly
Archer and Oakwood	Northerly
Archer and Oakwood	Southerly
Archer and Park	Southerly
Archer and Pearl	Southerly
Archer and Poston	Southerly
Archer and Rust	Southerly
Archer and Spring	Southerly
Archer and Tech Air Rd.	Southerly
Archer and Vana	Southerly
Archer and Willow Blvd.	Southerly (Both)
Archer and Willow Lane	Northerly
Archer and Willows Edge Dr.	Southerly
Ashland Chemical Rd. and Willow Springs Rd.	Westerly
Beech and Vinewood	Northerly
Bielby and 79th	Northerly
Blackstone and Beverly	Northerly
Blackstone and Cliff	Northerly
Blackstone and Louis	Southerly

Blackstone and Oakwood	Northerly
Blackstone and Pearl	Northerly
Blackstone and Vana	Northerly
Blackstone and Rust Trail West	Southerly
Blackstone and Rust Trail West	Westerly
Cedar and Ravine West	Northerly
From Chalet and Wolf Rd.	Easterly
Charlton and Cedar	Westerly
Charlton and Vinewood	Easterly
Chaucer and Willow West	Westerly
Corcoran and Willow Springs Rd.	Easterly
Crestview at German Church	Southerly
Crestview at Scenic	Southerly
Doogan and Dunbar	Southerly
Dory Lane and 87th	Southerly
Dunbar and Forest Woods	Westerly
Fairview at Wildflower	Westerly
Fairview at Wildflower	Northerly
Fairview and 79th	Southerly
Forest and High	Easterly
Forest and High	Westerly
Forest and Prospect	Easterly
Forest and Walnut	Westerly
Forest Woods Drive and Wolf	Westerly
German Church Road and Crestview	Northerly
German Church Road and Hess	Southerly
German Church Road and Independence	Southerly
German Church Road and	Southerly

Pleasantview	
German Church Road and School Street	Southerly
German Church Road and Willow Springs	Easterly
Hess at Wolf	Westerly
High and Ravine West	Southerly
Howard and 79th	Southerly
Joyce and Wolf	Easterly
Louis Drive and Blackstone	Southerly
Maple and Prospect	Northerly
Market and Willow Springs Road	Westerly
Orchard and 91st	Southerly
Pleasantview at German Church Rd.	Northerly
Prospect and Ravine West	Easterly
Rainford Lane and Wolf	Northerly
Rust and Archer	Southerly
Stratford and Wolf	Westerly
Ursula at Liberty Grove	Westerly
Vinewood and Oak Ridge Ct.	Southerly
Vista and Wolf	Westerly
Walnut and Forest	Easterly
Walnut and Ravine East	Westerly
Wildflower at Fairway	Northerly
Willow Blvd and Patrick Ave.	Easterly
Willow Ridge and County Line Rd.	Westerly
Willow West and German Church Rd.	Northerly
Willow West and 85th Street	Southerly
84th Place and Willow West	Easterly

85th and Wolf	Westerly
86th and Wolf	Westerly
87th and Beech	Southerly
87th and Charlton	Southerly
87th and Forest	Southerly
87th and Glenwood	Southerly
87th and Maple	Southerly
87th and Nolton	Southerly
87th and Oakwood	Southerly
91st and Winding Trails Dr.	Northerly
91st and Winding Court	Northerly

(Ord. 73-14, 11-23-73; Ord. 2007-O-33, Ord. 2008-O-26)

11-6-3: LOAD RESTRICTION STREETS:

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the following amounts upon any of the following streets or parts of streets:

All east and west streets except Archer Road, German Church Road, 87th Street.

All north and south streets except Willow Springs Road, Wolf Road and Manheim Road. (Ord., 9-26-63)

A. 10,000 pounds limit:

All east and west streets except: Archer Road, German Church Road, 87th Street.

All north and south streets except Willow Springs Road, Wolf Road, Manheim Road.

B. 4,000 pounds limit:

It shall be unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any of the following streets within the Village, any vehicle or vehicles of a gross vehicle weight exceeding the limitation as set forth in Section 11-5C-6 of this Code.

Glenwood Ave. Rainford Lane

Arizona St.	Hess Ave.	Ravine Ave. East
Beech St.	High St.	Ravine Ave. West
Beverly Lane	Hilton St.	Rosemere Court
Blackstone Ave.	Independence Dr.	Rust St.
Cedar St.	Kazewell St.	School Ave.
Charlton Ave.	Liberty Grove Dr.	Sherwood St.
Cliff St.	Louis Dr.	Spring St.
	Maple Ave.	
Columbia Woods	Mound Ave.	Ursula Dr.
Crescent Court		Vinewood Ave.
Doogan Ave.	Oakwood Ave.	Walnut St.
Dunbar St.	Park St.	West Rust Trail
East Rust Trail	Pearl St.	Willow St.
Elm St.	Pine St.	84th Pl.
	Pleasant View	85th St.
Forest Ave.	Poston Rd.	
Forest Woods Dr.		
	Prospect Ave.	

(Ord. 68-10-6a, 1968, Ord. 2007-O-33)

C. Twenty Four Thousand Pound Limit: All residential area streets. (Ord. 79-11, 6-28-1979)

D. Ten Thousand Five Hundred Pound Limit: All streets in the village. (Ord. 79-19, 8-9-1979)

11-6-4: NO RIGHT TURNS:

This section has been repealed and removed in its entirety from the Village Code. (Ord. 2007-O-33)

11-6-5: PARKING AREAS, STREETS:

In accordance with the provisions of chapter 5, article D of this title and when signs are erected giving notice thereof, no person shall park a vehicle at any time upon the following described streets or parts of streets as provided herein:

A. No Parking Areas:

Beverly Lane		
Cliff Street		Archer to Vinewood
Hill Street	West side	Blackstone to Lake
Hilton Street		
Market Street		
(Addition to Willow Springs Road)		
Oak Ridge Court, both sides of the street including the cul-de-sac		
South Nolton Avenue	East side	87th to High
South Nolton Avenue	West side	87th to High
Willow Springs Road		
Willow Springs Road Ext.		
Willows Edge Court and cul-de-sac		
Wolf Road		

(Ord. 74-7; amd. Ord., 9-26-1963; Ord. 75-10, 5-8-1975; Ord. 78-6, 5-11-1978; Ord. 78-24, 12-4-1978; Ord. 88-0-24, 7-28-1988; Ord. 89-0-5, 2-23-1989, Ord. 2007-O-33)

B. Restricted Parking Areas:

Archer Road	North side	Willow Street to Archer Road
Willow Springs Road	East side	Willow Springs Road to Abbott Street

(Ord., 9-26-1963)

C. Prohibited Parallel Parking Areas:

Archer Road

(Ord. 78-17, 9-28-1978)

D. Parking Restriction, Street Improvement:

1. It shall be unlawful for any person to park a vehicle, or cause to have a vehicle parked, on or along Illinois Route 171 (Archer Avenue) except where permitted where signs have been posted or other street markings have been made giving notice thereof. Where parking is so permitted, the parking shall be parallel only. (Ord. 82-0-9, 5-13-1982, Ord. 2014-O-02)

2. Effective upon completion of the improvements, it shall be unlawful for any person to park a vehicle, or cause to have a vehicle parked, on or along Illinois Route 171 (Archer Avenue) within the limits of the Nolton Avenue intersection improvements to be completed by the state of Illinois under its job no. C-91-386-97. (Ord. 27-O-2000, 10-12-2000)

E. Limited Time Parking: It shall be unlawful to park any vehicle for more than two (2) hours in any consecutive period of time on the north side of Archer Avenue between Park and Oakwood Streets and in the Village Center Planned Development area. (Ord. 2008-O-07)

F. Tow-Away Zones: Willow's Edge Court and cul-de-sac shall be designated a tow-away zone. (Ord. 89-0-5, 2-23-1989)

11-6-6: ONE-WAY STREETS:

On all days school is in session, including summer school classes or programs, Vinewood Avenue from Nolton Street to West Ravine shall be one-way westbound between the hours of seven thirty o'clock (7:30) A.M. and three thirty o'clock (3:30) P.M. (Ord. 92-0-9, 3-26-1992)

11-6-7: LEFT TURNS PROHIBITED:

This section has been repealed and removed in its entirety from the Village Code.

CHAPTER 7
ABANDONED VEHICLES

11-7-1 DEFINITIONS

For the purpose of this Article, and the interpretation and application thereof, the following terms, phrases, words and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. Words or phrases not defined shall be given their common and ordinary meaning unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE: Any vehicle, or part thereof, on public or private property which:

1) Is in a state of disrepair making it incapable of being operated and which has not been moved for a period of seven (7) or more days; or

2) Does not have current Illinois or other state license plates and which has not been moved for a period of seven (7) or more days; or

3) Is parked on any Public Right-Of-Way and which has not been moved for a period of seven (7) or more days; or

4) Is parked on private property, not on a driveway or paved parking area, and which has not been moved for a period of seven (7) or more days; or

5) Is parked on any Public Right-of-Way and is jacked up, put on blocks, or otherwise placed in a position such that its support is on other than four (4) tires for a period of ten (10) hours or more; or

6) Is parked at a legally zoned and operated vehicle repair shop for more than thirty (30) days.

ANTIQUE VEHICLE	Any automobile which is more than (25) years of age and in operable condition.
GARAGE	Any building or portion thereof constructed for the purpose of parking vehicles therein and which has walls or doors on all four (4) sides.
OWNER	The person to whom a vehicle is registered on the records of the secretary of state or any lien holder or other person legally entitled to possession thereof.
PUBLIC RIGHT-OF-WAY	Any property dedicated as a street or alley and includes all portions thereof; such as, parkways, driveways and sidewalks.

11-7-2 VIOLATIONS

a) It shall be unlawful for any person to cause a vehicle to become an Abandoned Vehicle.

b) It shall be unlawful for any person to park a vehicle upon the property of another without permission of the property owner or the occupant thereof.

11-7-3 TOWING WITHOUT PRIOR NOTICE

The police department is hereby authorized to tow the following vehicles without prior notice:

1) Vehicles parked in violation of any ordinance of the Village or any state law prohibited parking, standing or stopping in certain places.

2) Vehicles which create an imminently dangerous traffic hazard because of their position in relationship to traffic on the Public Right-of-Way or because their physical appearance is impeding the flow of traffic, including but not limited to, vehicles in a traffic lane or adjacent thereto.

3) Vehicles which have been reported as stolen.

4) Vehicles used in violation of the Illinois Criminal Code, as amended from time to time, or where towing is permitted by law or court order without prior notice.

11-7-4 TOWING WITH PRIOR NOTICE

The police department is hereby authorized to tow the following vehicles with prior notice:

1) An Abandoned Vehicle.

2) A trespassing vehicle parked on any private property without permission of the property owner or occupant.

11-7-5 GENERAL NOTICE PROVISIONS

Notice as required pursuant to this Chapter shall in all cases specify that the vehicle has either been or will be towed, the reason or reasons for same, that the Owner is entitled to recovery of the vehicle and a hearing, as the case may be, and the procedure for obtaining the vehicle and hearing.

11-7-6 PRE-TOW NOTICE

Where required, a pre-tow notice shall be given as follows:

1) Where the vehicle is parked on the Public Right-of-Way, a sticker shall be placed on the window and a written notice shall be sent by certified mail and first class mail to the person in whose name the vehicle is registered. In the event that there are no registration plates on the vehicle, then notice shall be sent by certified mail and first class mail to the person in whose name such vehicle is registered based upon the vehicle identification number.

2) Where the vehicle is parked on private property, a sticker shall be placed on the window, a written notice shall be sent by certified mail and first class mail to the person in whose name the vehicle is registered, and in the case of Abandoned Vehicles, a written notice shall be served or mailed to the occupant of the premises, or posted thereon. In the event that there are no registration plates on the vehicle, then notice shall be sent by certified mail and first class mail to the person in whose name such vehicle is registered based upon the vehicle identification number.

   Such pre-tow notice shall advise that the vehicle is either considered abandoned or trespassing and that it will be towed on a date no sooner than seven (7) days after the giving of all notices unless a pre-tow hearing is requested to contest the grounds for the towing. Said notice shall also advise that the Owner of the vehicle will be responsible for all costs of towing and storage in the event that said vehicle is towed and that no post-tow hearing will be held to determine that validity of the tow. The failure to request a pre-tow hearing waives any right to contest the propriety of the tow, and any towing and storage costs resulting therefrom; and waives any right to a post tow hearing. Mailed notice shall be deemed given on the date that it is deposited in the U.S. Mail.

11-7-7 POST-TOW NOTICE

a) Whenever a vehicle is towed without prior notice, a post-tow notice shall be sent within twenty-four (24) hours of the tow by certified mail and first class mail to the person in whose name the vehicle is registered. In the event that there are no registration plates on the vehicle, then notice shall be sent by certified mail and first class mail to the person in whose name such vehicle is registered based upon the vehicle identification number.

b) Said notice shall advise that the Owner of the vehicle is responsible for all costs of towing and storage unless a post-tow hearing is requested within seven (7) days to contest the ground for the towing. The failure to request a post-tow hearing waives any right to contest the propriety of the tow, and any towing and storage costs resulting therefrom.

11-7-8 PRE-TOW AND POST-TOW HEARINGS

a) The chief of police or designee is hereby authorized to act as hearing officer for the purpose of holding a pre-tow or post-tow hearing. The hearing officer shall not be involved in the tow of the vehicle. If requested by the Owner, such hearing shall be held within twenty-four (24) hours. At the hearing, an Owner may contest the grounds for determining whether a vehicle should be or should have been towed. The hearing shall be informal in nature, and the rules of evidence shall not apply. Testimony need not be sworn and may be presented in the form of witnesses or reports. The hearing officer shall prepare a written report of his findings and decision within twenty-four (24) hours of the hearing. The decision of the hearing officer may be appealed in any manner provided by law.

b) At the conclusion of a pre-tow hearing, the hearing officer shall determine whether there are grounds to authorize a tow. In the event that grounds do not exist to authorize a tow, then no tow shall be performed by the police department. In the event that grounds do exist to authorize a tow, then the Owner shall be responsible for all towing and storage costs arising from the towing of the vehicle.

c) At the conclusion of a post-tow hearing, the hearing officer shall determine whether or not grounds existed to authorize a tow. In the event that grounds did not exist to authorize a tow, then no towing or storage charges shall be assessed against the Owner. In the event that grounds existed to authorize a tow, then the Owner shall be responsible for all towing and storage costs arising from the towing of the vehicle.

d) The Village, or any towing company authorized by the village, may impound any towed vehicle and release the same upon payment of towing and storage costs in the event that the Owner has been determined to be responsible for towing and storage costs or has waived his right to such determination. In the event that an Owner has been determined by the hearing officer not to be responsible for towing and storage

costs, then the vehicle shall be released without payment upon request of the Owner, or any costs which have been paid shall be refunded.

11-7-9 UNCLAIMED VEHICLES

Vehicles which have been towed and which remain unclaimed by the Owner shall be disposed in accordance with the provisions of the Illinois Vehicle Code, as amended from time to time, either thirty (30) days after the date of a signature of the indicated owner on the returned certified mail receipt or thirty (30) days after the date of return of undelivered certified mail.

11-7-10 EXCEPTIONS

The provisions of this Chapter shall not apply to any Antique Vehicle or any vehicle parked in a Garage.

(Ordinance 2008-O-25)

CHAPTER 8
VEHICLE EQUIPMENT

11-8-1: 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 or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with some lamps and other equipment in proper condition and adjustment as required in this Title, or which is equipped in any manner in violation to this Title.

11-8-2: 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. Any vehicle with the view of the roadway to the rear so obstructed shall be equipped with a mirror so attached as to give him a view of the roadway behind him.

11-8-3: SIGNAL LAMPS:

Any motor vehicle in use on a highway shall be equipped with and required signals shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty four inches (24"), or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds

fourteen feet (14'). The latter measurement shall apply to any singe vehicle, also to any combination of vehicles.

11-8-4: UNNECESSARY NOISE:

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise.

11-8-5: HORN:

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.

No motor vehicle other than an emergency vehicle shall be equipped with a siren or gong signaling device.

11-8-6: 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.

11-8-7: PROJECTING LOADS:

A. Restrictions Established : The maximum width, length and height of any vehicle and its load shall not exceed the limits expressed in the Illinois State Traffic Law.

No passenger type vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches (6") beyond the line of the fenders on the right side thereof.

No combination of vehicles coupled together shall consist of more than two (2) units, but such limitation shall not apply to vehicles operated in daytime when transporting pipes, poles, machinery and other objects which cannot be readily dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work; but such loads carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.

No part of the load of a vehicle shall extend more than three feet (3') in front of the extreme front portion of the vehicle.

B. Weight Restrictions: It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of that permitted by the State traffic law for

driving on improved highways or with weight distributed in a manner not conforming to such law, or in violation of special weight limits provided for by ordinance and sign posted .

C. Spilling Loads: No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the City.

11-8-8: 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.

11-8-9: 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.

11-8-10: 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 vehicle may be parked at nighttime without lights on any street or portion thereof, designated by ordinance as a place where vehicles may so park at nighttime.

11-8-11: FIREMAN; VEHICLE:

Any motor vehicle owned or fully operated by a fireman may be equipped with not to exceed two (2) lamps which shall emit a blue light without glare. One such lamp may be mounted on the rear of any such vehicle. A flashing blue light may be used only when such fireman is responding to a fire call.

11-8-12: NONSKID DEVICES:

It shall be unlawful to operate upon any street any motor vehicle equipped with any nonskid device so constructed that any rigid or nonflexible portion thereof comes into contact with the pavement or roadway.

11-8-13: 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 State Traffic Law.

11-8-14: BICYCLES:

A. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance from fifty feet (50') to three hundred feet (300') to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

B. No person shall operate a bicycle that is not equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet (100'), except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

C. Every bicycle shall be equipped with a good and adequate brake. (Ord., 9-26-63)

TITLE 12
DISCRIMINATION AND HOUSING

CHAPTER 1
DISCRIMINATION AND HOUSING

12-1-1: DEFINITIONS:

The following words shall have the meanings ascribed to them for the purpose of this chapter:

AGE: The chronological age of a person who is forty (40) but not yet seventy (70) years old.

HANDICAP: A determinable physical or mental characteristic of a person, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder.

HOUSING ACCOMMODATION: Includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

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

NATIONAL ORIGIN: The place in which a person or one of his or her ancestors was born.

OPERATOR: Any owner, lessee, proprietor, manager, superintendent, agent, or occupant of a place of public accommodation or an employee of any such person or persons.

PERSON: Includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

PLACE OF PUBLIC ACCOMMODATION: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public. By way of example, but not of limitation, "place of public accommodation" includes facilities of the following types: inns, restaurants, eating houses, hotels, taverns, barber shops, department stores, theatres, skating rinks, concerts, elevators, and public conveyances on land, water, or air, public swimming pools and other places of public accommodation and amusement.

PUBLIC OFFICIAL: Any officer or employee of the State or any agency thereof, including State political subdivisions, Municipal corporations, park districts, forest preserve districts, educational institutions and schools.

REAL ESTATE BROKER OR SALESMAN: A person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these.

REAL ESTATE TRANSACTION: Includes the sale, exchange, rental or lease of real property.

REAL PROPERTY: Includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, or any interest therein.

RELIGION: Any belief protected by the free exercise clause of the First Amendment to the United States Constitution.

SEX: The status of being male or female.

UNFAVORABLE MILITARY DISCHARGE: Includes discharges from the Armed Forces of the United States, their reserve components or any national guard or naval militia which are classified as RE3 or the equivalent thereof, but does not include those characterized as RE4 or dishonorable.

UNLAWFUL DISCRIMINATION: Discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, handicap or unfavorable discharge from military service as those terms are defined in this Section.

12-1-2: REAL ESTATE TRANSACTIONS:

A. Violations: It is a violation for an owner or other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination, to:

1. Refuse to engage in a real estate transaction with a person;

2. Alter terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

3. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

4. Refuse to negotiate for a real estate transaction with a person;

5. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property;

6. Print, circulate, post, mail, publish or cause to be so published a written or oral statement, advertisement or sign, or to use a form of application for a real estate transaction or to make a record or inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicates, directly or indirectly, an intent to engage in unlawful discrimination;

7. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination in a real estate transaction is intended.

B. Exemptions: Nothing contained in subsection (A) hereof shall prohibit:

1. Any sale of any single-family home by its owner so long as the following criteria are met:

a. The owner does not own or have a beneficial interest in more than three (3) single-family homes at the time of the sale;

b. The owner or a member of his or her family was the last current resident of the home;

c. The home is sold without the use in any manner of the sale or rental facilities or services of any real estate broker or salesman, or of any employee or agent of any real estate broker or salesman;

d. The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection 12-1-2(A)(6).

2. Rental of a housing accommodation in a building which contains housing accommodations for not more than five (5) families living independently of each other, if the lessor or a member of his or her family resides in one of the housing accommodations.

3. Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve (12) months, if he or she or a member of his or her family intends to return to reside therein;

4. Restricting rental or sale of a housing accommodation to a person of a certain age group when such housing accommodation is authorized, approved, financed or subsidized in whole or in part, for the benefit of that age group, by a unit of State, local or Federal government.

5. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or natural origin.

6. Restricting the rental of rooms in a housing accommodation to persons of one sex.

12-1-3: BLOCKBUSTING:

It is a violation for any person to:

A. Solicit for sale, lease, listing or purchase any residential real estate within this Village, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, marital status or handicap.

B. Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in this Village to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, ancestry, age, sex, marital status or handicap of residents in the vicinity of the property involved.

C. Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues, with a design to induce any owner of residential real estate in this Village to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any persons of certain national origin, ancestry, age, sex, marital status or handicap.

12-1-4: PUBLIC ACCOMMODATIONS:

A. Violations: It is a violation for any person on the basis of unlawful discrimination to:

1. Deny or refuse to another the full and equal enjoyment of the facilities and services of any public place of accommodation;

2. Directly or indirectly, as the operator of a place of public accommodation, publish, circulate, display or mail any written communication, except a private communication sent in response to a specific inquiry, which the operator knows is to the effect that any of the facilities of the place of public accommodation will be denied to any person or that any person is unwelcome, objectionable or unacceptable because of unlawful discrimination;

3. Deny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the officials's office or services or of any property under the officials's care because of unlawful discrimination.

B. Exemptions: Nothing in this Section shall apply to:

1. A private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the establishment are made available to the customers or patrons of another establishment that is a place of public accommodation.

2. Any facility, as to discrimination based on sex, which is distinctly private in nature such as restrooms, shower rooms, bathhouses, health clubs and other similar facilities for which the Village, in its rules and regulations, may grant exemptions based on bona fide considerations of public policy.

3. Any facility, as to discrimination based on sex, which restricts the rental of rooms to individuals of one sex.

4. Facilities regulated under the facilities for the Handicapped Act, as amended, with respect to allegations of discrimination based upon handicap resulting from a denial of access due to the physical structure of a public accommodation.

12-1-5: PENALTY FOR VIOLATION:

Any person violating any provision of this Chapter shall be fined not less than one dollar ($1.00) nor more than five hundred dollars ($500.00) for each violation; and a violation shall be deemed committed for each day on which a violation occurs or continues. (Ord. 87-0-6, 4-23-87)