Municipal Code – Title Index

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CITY OF WASHINGTON, ILLINOIS

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City of Washington, Illinois
301 Walnut Street
Washington, Illinois 61571

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CHAPTER 10

GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE

This codification by and for the municipality of Washington shall be designated as the code of Washington and may be so cited.

§ 10.02 DEFINITIONS

For the purpose of this code the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ANOTHER. When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

CORPORATE AUTHORITIES. The City Council; but reference to votes of ***CORPORATE AUTHORITIES*** means that the Presiding Officer is permitted to vote in addition to the Aldermen.

(65 ILCS 5/1-1-2(2))

COUNCIL. The City Council of the municipality.

COUNTY. Tazewell County, Illinois.

COURT. Construed to mean any court of competent jurisdiction.

DECREE. Synonymous with **JUDGMENT**.

(5 ILCS 70/1.24)

ELECTORS. Persons qualified to vote for elective officers at municipality elections.
(65 ILCS 5/1-1-2(3))

EXECUTIVE OFFICER. Words used for an executive or ministerial officer may include any deputy or other person performing the duties of such officer, either generally or in special cases.
(5 ILCS 70/1.08)

HERETOFORE or **HEREAFTER**. **HERETOFORE** means any time previous to the day on which the ordinance, resolution, or statute takes effect; **HEREAFTER** means at any time after that date.
(5 ILCS 70/1.17)

HIGHWAY, **ROAD**, or **STREET**. May include any road laid out by authority of the United States, or of this state, or of any town or county of this state, and all bridges thereupon.
(5 ILCS 70/1.16)

ILL. **REV**. **STAT**. Illinois Revised Statutes.

KEEPER or **PROPRIETOR**. Includes all persons, whether acting by themselves, or as a servant, agent, or employee.

LAND or **REAL ESTATE**. Includes rights and easements of an incorporeal nature.

MAY. The act referred to is permissive.

MONTH. A calendar month.
(5 ILCS 70/1.10)

MUNICIPAL or **MUNICIPALITY**. The municipality of Washington, Illinois.

MUNICIPALITIES. The meaning established in Section 1 of Article VII of the Constitution of the State of Illinois of 1970.
(5 ILCS 70/1.27)

OATH. Includes affirmation, and **SWEAR** includes affirm.
(5 ILCS 70/1.12)

OWNER. When applied to property, includes any part owner, joint owner, or tenant in common of the whole or part of the property, and includes any beneficiary of a land trust which owns property.

PERSON. May extend and be applied to bodies politic and corporate as well as individuals.

(5 ILCS 70/1.05)

PERSONAL PROPERTY. Includes all property except real.

POLICE OFFICERS. Any member of the regularly constituted Police Department of the City, sworn and commissioned to perform police duties.

POLICE FORCE. The sworn and commissioned police officers employed by the Washington Department of Police.

(5 ILCS 70/1.20)

PREMISES. As applied to property, includes land and buildings.

PROPERTY. Includes real, personal, mixed estates, and interests.

PUBLIC AUTHORITY. Includes boards of education; the municipal, county, state, or federal government, its officers or an agency thereof, or any commissions or committees thereof; or any duly authorized public official.

PUBLIC PLACE. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

REAL PROPERTY. Includes lands, tenements, and hereditaments.

REGISTERED MAIL. Includes certified mail and **CERTIFIED MAIL** includes registered mail.

SHALL. The act referred to is mandatory.

SIDEWALK. That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(625 ILCS 5/1-188)

SPECIAL DISTRICTS. The meaning established in Article VII of the Constitution of the State of Illinois of 1970.

(5 ILCS 70/1.29)

STATE. The State of Illinois.

TENANT or **OCCUPANT**. As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of the premises, alone or with others.

THIS CODE or **THIS CODE OF ORDINANCES**. The municipal code hereby adopted, and as hereinafter modified by amendment, revision, and by the adoption of new titles, chapters, or sections.

UNITS OF LOCAL GOVERNMENT. The meaning established in Section 1 of Article VII of the Constitution of the State of Illinois of 1970.

(5 ILCS 70/1.28)

WEEK. Seven consecutive days.

WHOEVER. Includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.

WRITTEN or **IN WRITING**. Includes printing and any other mode of representing words and letters; but when the written signature of any person is required by law to any official or public handwriting of that person, or in case he is unable to write, his proper mark, or by his duly authorized facsimile signature under the Illinois Uniform Facsimile Signature of Public Officials Act.

(5 ILCS 70/1.15)

YEAR. A calendar year unless otherwise expressed; and the word **YEAR** alone is equivalent to the expression **Year of Our Lord**.

(5 ILCS 70/1.10)

§ 10.03 SECTION HEADINGS

Headings and captions used in this code are employed for reference purposes only, and shall not be deemed a part of the text of any section.

§ 10.04 RULES OF CONSTRUCTION

(A) Words and phrases shall be read in context and construed according to the rules or grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(B) As used in this code, unless the context otherwise requires, the following rules will be followed:

(1) The singular shall include the plural, and the plural shall include the singular.
(Ill. Rev. Stat. Ch. 1, § 1004)

(2) Words of one gender shall include the other genders.
(Ill. Rev. Stat. Ch. 1, § 1005)

(3) Words in the present tense shall include the future.
(Ill. Rev. Stat. Ch. 1, § 1003)

(4) **AND** may be read **OR**, and **OR** may be read **AND**, if the sense requires it.

(C) The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding Saturday, Sunday, or a holiday is also a holiday or a Saturday or Sunday, then the succeeding day shall also be excluded.
(Ill. Rev. Stat. Ch. 1, § 1012)

(D) When the law requires an act to be done: which may by law as well be done by an agent as by the principal, the requirement shall be construed; to include all such acts when done by an authorized agent.

(E) Words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving authority to a majority of the officers or persons.
(Ill. Rev. Stat. Ch. 1, § 1010)

(F) The rules of construction shall not apply to any law which shall contain any express provision excluding that construction, or when the subject matter or context of the law may be repugnant thereto.

(G) All general provisions, terms, phrases, and expressions shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out.

(Ill. Rev. Stat. Ch. 1, § 1002)

(H) The provisions of any ordinance, so far as they are the same as those of any prior ordinance, shall be construed as a continuation of the prior provisions, and not as a new enactment.

(I) When, in any ordinance, any act or duty shall be required to be done within a "reasonable time" or upon a "reasonable notice", such reasonable time or reasonable notice shall be construed to mean such time only as may be necessary in the prompt execution of such duty, or a compliance with such notice.

(J) The words "written" or "in writing" shall be construed to include printing.

§ 10.05 OFFICIAL TIME

The official time for the municipality shall be as set by federal law.

§ 10.06 REVIVOR; EFFECT OF AMENDMENT OR REPEAL

(A) The repeal of a repealing ordinance does not revive the ordinance originally repealed, nor impair the effect of any saving clause therein.

(Ill. Rev. Stat. Ch. 1, § 1102)

(B) The reenactment, amendment, or repeal of an ordinance does not do any of the following, except as provided in division (C) of this section.

(1) Affect the prior operation of the ordinance or any prior action taken thereunder.

(2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder.

(3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal.

(4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment. The investigation, proceeding, or remedy may be instituted, continued or enforced, and the penalty, forfeiture, or punishment imposed, as if the ordinance had not been repealed or amended.

(Ill. Rev. Stat. Ch. 1, § 1651)

(C) If the penalty, forfeiture, or punishment for any office is reduced by a reenactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.

(Ill. Rev. Stat. Ch. 1, § 1103)

§ 10.07 REFERENCE TO OTHER SECTIONS

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

(B) References in the code to action taken or authorized under designated sections of the code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision and the context clearly indicates that the reference to the section as amended or revised was not intended.

§ 10.08 CONFLICTING PROVISIONS

If the provisions of different codes, chapters, or sections of the codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

§ 10.09 AMENDMENTS TO CODE

All ordinances passed subsequent to this code which amend, repeal, or in any way affect this code may be numbered in accordance with the numbering system of this code and printed for inclusion herein, or in the case of repealed chapters, sections, and subsections, or any part thereof, by subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of subsequent ordinances until this code of ordinances and subsequent ordinances numbered or omitted are re-adopted as a new code of ordinances by the Board of Trustees.

§ 10.10 SEVERABILITY

If any provisions of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

§ 10.11 REFERENCE TO PUBLIC OFFICE OR OFFICER

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary. Such references shall also include the designee or agent of any such officer or office, unless the law or the context clearly requires otherwise.

§ 10.12 ERRORS AND OMISSIONS

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.13 ORDINANCES REPEALED

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances to the extent they are in conflict with the provisions of this code or are repeated herein.

§ 10.14 ORDINANCES UNAFFECTED

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 ORDINANCES SAVED

Whenever an ordinance by its nature either authorizes or enables the Board of Trustees or a certain municipal officer or employee to make additional ordinances or regulations for the purpose of carrying out the intent of the ordinance, all ordinances and regulations of a similar nature serving that purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

§ 10.16 TECHNICAL CODES

Whenever any technical codes are incorporated herein by reference, any subsequent amendments or revisions to such technical codes shall automatically become a part of this code and shall he made available for public inspection by the municipality. Further, to the extent of any conflict between the technical provisions of this code and any technical codes adopted by reference, the most restrictive provision shall prevail.

§ 10.17 HISTORICAL AND STATUTORY REFERENCES

(A) As histories for the code sections, the specific number and passage date of the original, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) If an Ill. Rev. Stat. cite is included in the history, this indicates that the text of the section is nearly identical to the statute. Example: (Ill. Rev. Stat. Ch. 24, § 3-2-1) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85). If an Ill. Rev. Stat. cite is set forth as a statutory reference following the text of the section, this indicates that the reader shall refer to that statute for further information. Example:

> **§ 38.04 PUBLIC RECORDS AVAILABLE**
>
> The municipality shall make available to any person for inspection or copying all public records, as provided in the Illinois Freedom of Information Act. ***Statutory reference:***
> *Freedom of Information Act, see Ill. Rev. Stat. Ch. 116, §§ 201 et seq.*

§ 10.18 COPIES OF CODE TO BE KEPT UP-TO-DATE BY CITY CLERK

The City Clerk shall keep two copies of this code current. These copies shall be printed, pasted, or otherwise mounted on paper sufficiently thick and tough to withstand heavy usage, and shall be preserved by the City Clerk in a book or binder in loose-leaf form, or in such form as the City Clerk may consider most expedient, so that all amendments thereto and all general ordinances hereafter passed may be inserted in their appropriate places in such volumes; and all sections of

this code or ordinances repealed from time to time may be extracted therefrom for the purpose of maintaining such two copies in such condition that they will show all general ordinances passed up to date at any time in such manner that ready reference may be had thereto.

§ 10.19 PUBLICATION OF EXCERPTS FROM CODE

No officer or employee of the city shall issue, mail, or distribute as a publication on the part of the city or any officer, department, bureau, or branch of the city government, any book, pamphlet, leaflet, card, circular, or other printed matter purporting to contain excerpts or quotations from this code or purporting to give the law on any subject to the public, either as a reprint of a statute, ordinance, or other legislative enactment, or as a digest, interpretation, resume, condensation, or explanation of the same, without submitting such book, pamphlet, leaflet, card, circular, or other printed matter, or the portion of the same which he purports to quote or give the law, to the City Attorney for examination and approval as to form and as to whether or not the law is correctly stated therein.

§ 10.20 CUSTODY AND DISTRIBUTION OF COPIES OF CODE

All the printed books containing the revised ordinances shall be in the custody and keeping of the City Clerk. He shall deliver one copy thereof to each officer of the City, and to such other persons as the City Council may direct. The Mayor or City Clerk shall have authority to extend to, or reciprocate courtesies of other cities, by presenting to them a copy of the revised ordinances bound, at the expense of the city, in such a manner as may seem advisable.

§ 10.99 GENERAL PENALTY

(A) In all cases where the same offense is made punishable or is created by different clauses or sections of an ordinance, the prosecuting officer may elect under which to proceed but not more than one recovery shall be had against the same offense; provided, that the recovery of a license or a permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. Each day any violation of any provision of this code or of any ordinance shall continue shall constitute a separate offense.

(B) Whenever a minimum but not maximum fine or penalty is imposed, the court in its discretion may fine the offender any sum exceeding the minimum fine or penalty so imposed, but not exceeding five hundred dollars ($500.00).

(C) Whenever in this code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or any offense, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided thereof, the violation of any such provision of this code or

any ordinance shall be punished by a fine not less than fifteen dollars ($15.00) and not exceeding five hundred dollars ($500.00). Each day any violation of any provision of this code or of any ordinance shall continue shall constitute a separate offense.

(D) From time to time, the City may establish by ordinance that violations of certain provisions of the City Code may be eligible for settlement in lieu of court proceedings. Any person accused of violation of any such specified provision of the City Code may settle the violation by paying the settlement amount established by the City Council for such violation within fourteen (14) days of receipt of notice of the violation. Payments to the City shall be made to either the City of Washington City Clerk, 301 Walnut Street, Washington, Illinois, 61571, or the City of Washington Police Department, 115 W. Jefferson Street, Washington, Illinois 61571. The settlement option shall not apply to a second and subsequent violation of the City Code or any City ordinance within twelve (12) months from the date of the first violation.

Upon the failure to timely pay the settlement amount, the person accused of violation of the City Code shall be required to appear in the Circuit Court of Tazewell County in Pekin, Illinois, at the time, date and place set forth on the violation notice originally issued to the person, or a subsequently issued notice to appear, if applicable.

The settlement option does not preclude the City from taking any other action authorized by the City Code or any City ordinance or by federal or state law against a person accused of violation of the City Code or City ordinance. Additionally, the City's prosecuting attorney may refuse/refund settlement payments if the prosecuting attorney believes that such settlement would not be in the best interest of the City or its citizens.

(Am. Ord. 1293, passed 12-3-79; Am. Ord. 3067, passed 3-3-14)

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CHAPTER 11

CITY WARDS

11.01 Redistricting of Wards

§ 11.01 REDISTRICTING OF WARDS

All of the territory embraced within the corporate limits of the city, now existing or territory annexed to the City in the future, shall be divided into four districts which shall be called wards. The districts/wards shall be shown on the Ward Map attached hereto, marked "Appendix A," and by reference expressly made a part hereof. The following descriptions of the four wards shown on the Ward Map area included below for clarification purposes in the event the Map is ambiguous in a specific area:

Ward I: All of the territory within the corporate limits of the City lying east of the centerline of Nofsinger Road, north of the centerline of Cruger Road, east of the centerline of Dallas Road, south of the centerline of Mitchell Street, east of the centerline of Anne Street, south of the centerline of Kingsbury Road, east of the centerline of Grandyle Drive, south and east of the centerline of Gillman Avenue, north of the centerline of Business U.S. Route 24, west of the centerline of Tiezzi Lane, north of the centerline of West Jefferson Street, west of the centerline of Lincoln Street, north of the centerline of Madison Street, west of the centerline of North Wood Street, north of the centerline of Monroe Street, and west of the centerline of North Main Street.

Ward II: All the territory within the corporate limits of the City lying east of the centerline of North Main Street, south of the centerline of Monroe Street, east of the centerline of North Wood Street, south of the centerline of Madison Street, east of the centerline of Lincoln Street, south of the centerline of West Jefferson Street, east of the centerline of Tiezzi Lane, north of the centerline of Business U.S. Route 24, east and south of the centerline of Spring Street, east of the centerline of Fall Street, south of the centerline of Morris Street, east of the centerline of Court Drive extended south to the TP&W Railroad tracks, south and east of the TP&W Railroad tracks extended to PIN 02-02-23-101-047 and 02-02-23-302-002, east of PIN 02-02-23-302-002, north then east of PIN 02-02-23-302-003, and east of PIN 02-02-23-302-004.

Ward III: All the territory within the corporate limits of the City lying east of the centerline of School Street, south of the centerline of Business U.S. Route 24 and Illinois Route 8, west and north of the centerline of Spring Street, west of the centerline of Fall Street, north of the centerline of Morris Street, west of the centerline of Court Street extended south to the TP&W

Railroad tracks, north and west of the TP&W Railroad tracks extended to PIN 02-02-23-101-047 and 02-02-23-302-002, west of PIN 02-02-23-101-047, west then south of PIN 02-02-23-400-001, and west of PIN 02-02-23-400-005 and 02-02-23-400-006.

Ward IV: All the territory within the corporate limits of the City lying west of the centerline of Nofsinger Road, south of the centerline of Cruger Road, west of the centerline of Dallas Road, north of the centerline of Mitchell Street, west of the centerline of Anne Street, north of the centerline of Kingsbury Road, west of the centerline of Grandyle Drive, north and west of the centerline of Gillman Avenue, north of the centerline of Business U.S. Route 24 and Illinois Route 8, and west of the centerline of School Street.

(Am. Ord. 1138, passed 12-2-74; Am. Ord. 2406, passed 9-3-02;
Am. Ord. 2962, passed 12-19-11)

CHAPTER 12

CITY STANDARDS

12.01 Official time
12.02 Corporate seal; custodian

§ 12.01 OFFICIAL TIME

(A) Central Standard Time shall be the official time within the city for the transaction of all city business; provided, that from 2:00 a.m. on the last Sunday in April of each year, official time for the city shall be advanced one hour. At 2:00 a.m. on the last Sunday in October in each year such official time shall, by the retarding of one hour, be returned to Central Standard Time.

(B) All legal or official proceedings of the City Council and all official business of the city shall be regulated as to time in accordance with the provisions of this section. When by ordinance, resolution, or action of any municipal officer or body, an act must be performed at or within a prescribed time, it shall be performed according to the official time as herein prescribed. When the words “Daylight Savings” or “Daylight Savings Time” are used in any official document or contract, it shall be understood to have reference to the time herein fixed for the period from the last Sunday in April to the last Sunday in October.

§ 12.02 CORPORATE SEAL; CUSTODIAN

(A) A seal in a circular form, with the words "City of Washington, Illinois," on the outer circle, and in the interior and center of the circle a small oval portrait of George Washington shall be the seal of the City of Washington, to be used in all cases that have been or shall hereafter be provided by the laws of the United States, the laws of the several respective states of the United States, and the ordinances of the City of Washington; and in all the cases in which, by the laws and customs of nations, it is necessary to use a seal by a corporation.

(B) The city seal shall be and remain in the custody of the City Clerk, to be used by the City Clerk as is provided in division (A) above.

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CHAPTER 30

CITY OFFICERS AND EMPLOYEES

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GENERAL PROVISIONS

§ 30.01 ELECTED AND APPOINTED OFFICERS

The elected officers of the city are the Mayor, Aldermen, City Clerk, and City Treasurer. The appointed officer by ordinance is the City Administrator. Other appointed officers as provided by state statute are the Police Chief, police officers, Budget Officer, City Collector, City Coordinator ESDA, police commissioners, and City Attorney. All appointed officers, except for police officers and police commissioners, are appointed annually, unless approved otherwise by the City Council.

(Am. Ord. 1449, passed 4-15-85; Am. Ord. 3045, passed 7-1-13; Am. Ord. 3046, passed 7-1-13)

§ 30.02 INAUGURATION OF NEWLY ELECTED OFFICERS

The inauguration of newly elected officers shall take place on the first regular or special meeting of the corporate authorities in the month of May following their election.

(Am. Ord. 1449, passed 4-15-85)

§ 30.03 OFFICIAL BONDS

The Mayor, City Clerk, City Treasurer, City Administrator, Police Commissioners, and Police Chief, before entering upon the duties of their offices, shall execute a bond, payable to the city, in

the penal sum of the amount as set by legislative authority, with good and sufficient sureties to be approved by the City Council, conditioned for the faithful performance of the duties of their offices and the payment of all moneys received by such officers.

(A) Continuing liability. All bonds of officers shall be continuing in effect so long as the officers named therein shall continue in office and until payment is made by such officers of all moneys received by them; provided, that liability under any such bond may be terminated in respect of any official act which, shall be taken, or occur after thirty (30) days' written notice to the assured of the termination or cancellation of such bond by the surety. In case of termination or cancellation of any bond by any surety during the continuance in office or employment of any officer, such officer shall execute a new bond in the same manner, of the same character, and with the same conditions and penalties as are required by this subchapter.

(B) Payment of premiums. The cost of obtaining bonds of officers payable to the city, shall be paid by the city.

(C) Endorsement and filing. After the approval of the bond by the City Council, or officer authorized to approve such bond, the City Clerk shall endorse thereon the date of its approval, and file the same.

(D) Blanket bond. The City Treasurer is authorized and directed to obtain employees' faithful performance blanket position bond indemnifying the city against any loss caused to the city through the failure of any officer or employee to faithfully perform his duties; provided, that this division shall not apply to the City Clerk, Office Manager, City Treasurer, Collector of Special Assessments, Aldermen, and police officers.

§ 30.04 ELIGIBILITY FOR OFFICE; QUALIFICATIONS

(A) No person shall be eligible to an elected office of the city:

(1) Unless he is a qualified elector (properly registered voter) of the municipality and has resided therein at least one (1) year next preceding his election or appointment;

(2) If, he does not reside within the ward (if for Alderman) for which he is elected;

(3) If he is in arrears in the payment of any tax or other indebtedness due to the city; or

(4) If he has been convicted in the state courts for malfeasance in office, bribery, or other corrupt crimes.

(B) No Alderman shall be eligible to any office, except that of acting Mayor or Mayor Pro Tem, the salary of which is payable out of the City Treasury, if at the time of his appointment he is a member of the Council.

§ 30.05 COMPENSATION

The salaries or compensation of all officers and employees of the city shall be determined and fixed by the City Council in the annual budget, or by ordinance. The salary of elected officers shall not be increased or decreased during their terms in office.

§ 30.06 PERFORMANCE OF DUTIES

Each officer shall perform all duties required of his office by state law and ordinances of the city.

§ 30.07 DELIVERY OF PROPERTY TO SUCCESSOR REQUIRED

Every person retiring from office after having been an officer of the city shall, within five (5) days after notification and request, deliver to his successor in office all property, bonds, and effects of every description in his possession belonging to the city or appertaining to his office.

Penalty, see § 30.99

§ 30.08 FEES FOR CERTAIN SERVICES

Any city officer, upon whom the duty devolves, is authorized to demand and receive as fees for the use of the city, such sums as are from time to time fixed by the City Council.

§ 30.09 MISCONDUCT IN OFFICE; REMOVAL

Any officer violating any provision of this code shall be deemed guilty of misconduct in office, and liable to removal therefor.

§ 30.10 EXPENSES; VOUCHERS

Expenses incurred by officers of the city shall be paid when submitted via vouchers and approved by the City Council. Employees shall submit vouchers to the City Administrator.

DEFENSE AND INDEMNIFICATION

§ 30.15 DEFENSE AND INDEMNIFICATION

Except for gross negligence, willful and wanton conduct or criminal misconduct, if any claim or action is instituted against an officer, employee or member of a board, commission or committee of the city, or a former officer, employee or member, based upon a claim or cause of action allegedly arising out of an act or omission occurring within the performance of the duties on behalf of the city of such officer, employee or member, provided notice of such claim or action is given to the City Clerk within a reasonable time, the city, at its option, shall do or cause to be done, one or more of the following:

(A) Appear and defend against said claim;

(B) Indemnify such officer, employee or member of the cost and expense of defending against such claim or action;

(C) Pay any judgment, or indemnify such employee or member for any judgment, based on such claim or action for compensatory damages;

(D) Pay any judgment or indemnify such officer, employee, or member for any punitive damages included in a judgment, to the extent allowed by law at the time of the entry of said judgment;

(E) Pay, or so indemnify for, the compromise or settlement of such claim or action for compensatory damages.

(Ord. 1591, passed 6-19-89)

ELECTED OFFICIALS

§ 30.20 MAYOR

(A) To preside at City Council meetings.

(1) The Mayor shall be the chief executive officer of the city.

(2) The Mayor shall preside at all meetings of the Council and on all ceremonial occasions. He shall be recognized as the official head of the city by the courts for the purpose of serving civil process and by the governor for all legal purposes.

(B) Qualifications, term. The Mayor shall have the qualifications set forth in § 30.04. He shall hold the office for four years and until his successor is elected and qualified.

(C) Oath, bond. Before entering upon the duties of Mayor, he, whether elected or appointed, shall take and subscribe to the oath required of all officers of the city. The Mayor, before entering upon the duties of his office shall execute a bond in the penal sum of three thousand dollars ($3,000.00), with security to be approved by the City Council, conditioned upon the faithful performance of the duties of the office, which bond shall be filed with the City Clerk.

(D) Enforcement, duties. The Mayor shall devote as much of his time to the duties of his office as a faithful and efficient discharge thereof may require; he shall perform all the duties which are prescribed by law, including the provisions of this code, and shall take care that the laws and provisions of this code are faithfully executed.

(E) Supervise conduct of officers. The Mayor shall supervise the conduct of all officers of the city, and see that they faithfully and efficiently discharge the duties of their respective offices; he shall inquire into all reasonable complaints made against them, and cause all their neglects or violations of duty to be promptly corrected; and he, shall, in case he becomes satisfied that any officer willfully neglects or violates his duty, cause such officer to be prosecuted and punished.

(F) Removal of officers. Except where otherwise provided by statute, the Mayor may remove any officer appointed by him, on any formal charge, whenever he is of the opinion that the interests of the city demand removal, but he shall report the reasons for the removal to the City Council at a meeting to be held not less than five days nor more than ten days after the removal. If the Mayor fails or refuses to report to the City Council the reasons for the removal, or if the City Council by a two-thirds vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which he was removed. The vote shall be by yeas and nays, which shall be entered upon the Council's journal. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

(G) Preside, vote at meetings. The Mayor shall preside at all meetings of the City Council. He shall not vote on any ordinance, resolution, or motion except: where the vote of the Aldermen has resulted in a tie; or where one-half of the Aldermen elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or where a vote greater than a majority of the corporate authorities is required by law to adopt an ordinance, resolution, or motion. In each instance specified, the Mayor shall vote. Nothing in this division shall deprive an acting Mayor or Mayor Pro Tern from voting in

their capacity as Alderman, but they shall not be entitled to another vote in their capacity as acting Mayor or Mayor Pro Tem (see Ill. Rev. Stat., Ch. 24, § 3-11-14)

(H) Veto.

(1) All resolutions and motions which create any liability against the city, or which provide for the expenditure or appropriation of its money; or to sell any city property, and all ordinances, passed by the City Council shall be deposited with the City Clerk. If the Mayor approves of them, he shall sign them. Those of which he disapproves he shall return to the City Council, with his written objections, at the next regular meeting of the City Council at which time the City Council shall reconsider them. If, after such reconsideration, two-thirds of all the Aldermen then holding office on the City Council shall agree at such regular meeting to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective.

(2) The Mayor may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and so the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance of any specified resolution or motion with his written objectives, within the required time, it shall become effective despite the absence of his signature.

(I) Sign commissions, contracts. The Mayor shall sign all commissions and warrants granted, issued, or drawn by the order of the City Council or authorized by the provisions of this code; in all contracts where the city is a party, unless otherwise provided, he shall sign the same on behalf of the city, and it shall be his special duty to see that the other contracting party faithfully complies with the contract; and in all suits wherein the city is a party it shall be the duty of the Mayor to advise with and assist the City Attorney in prosecuting or defending the same, as the case may be.

(J) Designate another to sign. The Mayor may designate another to affix the signature of the Mayor to any written instrument, which is required to be signed by the Mayor. The Mayor shall send written notice of this designation to the City Council, stating the name of the person whom he has selected and what instrument the person will have authority to sign. A written signature of the Mayor executed by the person so designated, with the signature of the person so designated underneath, shall be attached to the notice. The notice, with the signatures attached, shall be recorded in the journal of the City Council and then filed with the City Clerk. When the signature of the Mayor is placed on a written instrument at the direction of the Mayor in the specified manner, the instrument, in all respects, shall be as binding on the city as if signed by the Mayor in person.

(K) Examine records. The Mayor at all times may examine and inspect the books, and records, and papers of any agent, employee, or officer of the city.

(L) Release prisoners. The Mayor may release any person imprisoned for violation of any provisions of this code, and shall report the release, with the reasons therefore, to the City Council at its first session thereafter.

(M) Call out inhabitants, militia. When necessary, the Mayor may call out every male inhabitant over the age of eighteen (18) years of age to aid in enforcing laws and code provisions. Subject to the authority of the governor as commander in chief of the militia, the Mayor may call out the militia to aid in suppressing riots and other disorderly conduct, or to aid in carrying into effect any law or code provision.

(N) Sell real estate. The Mayor and City Council are hereby authorized to convey pursuant to a resolution or ordinance directing them to do so, any and all lots, tracts, or parcels of real estate to which a title is held by the city under sale or conveyance for city taxes or assessments.

(O) Resignation, vacancy. A Mayor may resign from his office. A vacancy occurs in the office of Mayor by reason of resignation, failure to elect or qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office, or removal from office or by removal of his residence from the city.

(Ill. Rev. Stat., Ch. 24, § 3-4-5)

(P) Filling of vacancy.

(1) If a vacancy occurs in the office of the Mayor and there remains an unexpired portion of the term of at least twenty eight (28) months, and the vacancy occurs at least one hundred thirty (130) days before the general municipal election next scheduled under the general election law, the vacancy shall be filled at that general municipal election. The City Council shall elect one of its members as Acting Mayor who shall perform the duties and possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified.

(2) If the vacancy occurs later than the time provided herein, the vacancy shall be filled by the City Council electing one of its members as Acting Mayor who shall perform the duties and possess all the rights and powers of the Mayor until a Mayor is elected at the next general municipal election and has qualified.

(Ill. Rev. Stat., Ch. 24, § 3-4-6)

(Q) Emergency appointment of Temporary Mayor by Council. If a majority of the City Council members present at a regular meeting, or at a meeting specially called by any member of the Council pursuant to this section, agree at such meeting that an emergency exists within the municipality during a vacancy in the office of Mayor or the temporary absence of the Mayor from the municipality, then the City Council may appoint a member of the City Council to exercise the duties of the Mayor until a vacancy in the office of Mayor ceases to exist, the return of the Mayor or until such time as the City Council revokes the appointment of the member of the City Council to exercise the duties of the Mayor. During such temporary appointment, the appointed member of the City Council shall be designated Temporary Mayor. The Temporary Mayor shall receive no additional compensation because of such appointment.

(Ill. Rev. Stat., Ch. 24, § 3-4-6.1)

(R) Mayor Pro Tem. If a temporary absence or disability of the Mayor incapacitates him from the performance of his duties but does not create a vacancy in the office, the City Council shall elect one of its members to act as Mayor Pro Tem. The Mayor Pro Tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor.

(S) General Duties; Messages to Council.

(1) The Mayor shall perform all the duties which are prescribed by law, including the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

(2) The Mayor, from time to time, may and annually shall give the Council information relative to the affairs of the city, and may recommend for their consideration such measures as he believes expedient.

(T) Compensation. The Mayor shall receive an annual sum payable in bi-weekly installments out of the City Treasury as established by the City Council from time to time.

(Ord. 1229, passed 8-4-80)

(U) Referral of communications. He shall, without delay, deliver to the officers of the city and to all committees of the City Council, all communications referred to those officers or committees of that body.

§ 30.21 CITY CLERK

(A) Qualifications, term. The City Clerk shall be elected when the Mayor is elected. The Clerk shall have the qualifications set forth in § 30.04. He shall hold the office for four (4) years and until his successor is elected and qualified.

(B) Vacancy. If a vacancy occurs in the office of the City Clerk, it shall be filled by the Mayor with the advice and consent of the City Council. The person so appointed shall hold office for the unexpired term of the officer elected.

(Ill. Rev. Stat., Ch. 24, § 3-4-2)

(C) Oath, bond. Before entering upon the duties of City Clerk, he, whether elected or appointed, shall take and subscribe to the oath required of all officers of the city. The City Clerk before entering upon the duties of his office shall execute a bond in the penal sum of three thousand dollars ($3,000.00) with security to be approved by the City Council, conditioned upon the faithful performance of the duties of the office. This bond shall be filed with the City Treasurer.

(D) Compensation. The City Clerk shall receive an annual sum payable in bi-weekly installments out of the City Treasury as established by the City Council from time to time. All fees payable by law to the Clerk shall be the property of the city.

(Am. Ord. 1229, passed 8-4-80; Am. Ord. 1240, passed 3-16-81)

(E) Duties. The City Clerk shall, in addition to any other duties imposed upon him or her by law, perform the following duties:

(1) Attend all meetings of the City Council and shall be Clerk of such Council and shall keep a full record of its proceedings.

(2) Issue notices to the members of the City Council when directed to do so by the Mayor or members of that body; also to members of the different committees, and to all persons whose attendance is required before any committee, when directed to do so by the Chairperson of such committee, and shall also issue notices of special meetings of the City Council.

(3) Coordinate the proper disposition of applications for licenses granted under the ordinances of the city and attest with the corporate seal all licenses so granted.

(4) Without delay (preferably within twenty four (24) hours), shall deliver to the files of the officers of the city and to all committees of the City Council all communications referred to those officers or committee of that body.

(5) Act as secretary to the Mayor and Council and perform a wide variety of related duties as directed by them.

(6) Attend all meetings of and act as secretary to the Board of Local Improvements, Planning and Zoning Commission.

(7) At the end of each day turn over to the City Treasurer all monies in the Clerk's possession belonging to the city.

(8) Without delay (within twenty four (24) hours), shall deliver to the Mayor all ordinances or resolutions which may require approval or are to be acted upon by the Mayor, together with all papers on which the same are founded.
(Am. Ord. 1239, passed 8-4-80; Am. Ord. 1300, passed 3-16-81)

(9) Serve as the custodian of all official records, ordinances, resolutions, papers, files documents of every nature, including contracts and agreements of the city authorized by the City Council and shall maintain such methodically and systematically.

(10) Shall preserve all books, records, papers, maps, and effects of every description belonging to the city or appertaining to said office, and not in the actual use and possession of other city officers, and upon expiration in any way of the Clerk's term of office, the Clerk shall, on demand, deliver all books, records, papers, and effects to the successor in office.

(11) Be responsible for the city's compliance with the Open Meetings Act and Freedom of Information Act requirements, including processing requests for information.

(12) The Clerk shall not allow any official books, records, or papers or other instruments of writing to be taken out of the Clerk's office by any other person than the City Clerk, the Mayor, or upon the order of a court of competent jurisdiction, or the Council. Provided, however, all papers, books, and records shall be open for public inspection unless otherwise prohibited by law.

(13) The Clerk shall be responsible for the disposition of records in accordance with an established schedule approved by the City Council.

(14) Register voters, supervise municipal election procedures as provided by state statutes, assure that elected and appointed city officials qualify for their respective offices and administer oaths of office.

(15) Certify to appropriate authorities the list of elected officials and employees required to file annual Statements of Economic Interest.

(16) Assure that all legal and other official notices are published and posted in accordance with state statute and local ordinance.

(17) Assure the proper recording of city documents and maintenance of subdivision and annexation plats and zoning maps.

(18) Act as notary public.

(19) Provide historical information, assistance and support to newly elected and appointed city officials.

(20) Maintain regular office hours at City Hall of at least eight (8) hours per day, between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except for holidays and normal vacation taken during the hours and days stated above.

(21) Perform other related duties as may be required by statute from time to time.

(F) Appoint Deputy. When authorized by the City Council, the Clerk may appoint one Deputy Clerk, who shall have the power and duty to execute all documents required by any law to be executed by the City Clerk, and affix the seal of the Clerk thereto wherever required. In signing any document, a 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." The powers and duties herein described shall be exercised only in the absence of the City Clerk from the place where the Clerk's office is maintained, and only when either written direction has been given by the Clerk to such deputy to exercise such power, or the Council has determined by resolution that the Clerk is temporarily or permanently incapacitated to perform such function. When duly authorized as herein provided, the signature affixed by any such Deputy in the manner herein prescribed on any document, including, but not limited to contracts, bonds, or other obligations of the city, shall have the same effect as if the documents so executed had been signed by the City Clerk.

(Am. Ord. 1768, passed 1-4-93)

(G) Ordinances to be filed. The originals of all ordinances passed by the City Council shall be filed in the City Clerk's office.

(H) Custodian of Official Papers and the like.

(1) The City Clerk is named as custodian of all papers, files, and documents of every nature, including contracts and agreements of the city authorized by the City Council.

(2) The City Clerk shall keep all such papers, files, and documents of every nature including all city contracts and agreements, and arrange the same methodically and systematically.

(I) Disposition of records. The disposition of records shall be in accordance to an established schedule approved by the City Council.

(J) Records to successor. He shall carefully preserve in his office all books, records, papers, maps, and effects of every description belonging to the city or appertaining to said officer, and not in the actual use and possession of other city officers, and upon expiration in any way of his official term, he shall, on demand, deliver all such books, records, papers, and effects to his successor in office.

(K) Removal of records, papers from officer. The Clerk shall not allow any books, records, or papers or other instruments of writing to be taken out of his office, by any other person than himself, the Mayor or upon the order of a court of competent jurisdiction, of the Council. All papers, books, and records, shall be open for inspection by the public unless otherwise prohibited by law.

(L) Additional duties. In addition to the duties of the City Clerk set forth in this section, the City Clerk shall under the direction of the Council:

(1) Supervise the recording of city documents; maintain city annexation and zoning maps.

(2) Accept applications for new subdivisions and guide them through the various stages of approval; ascertain their accuracy for final signatures and determine that required fees have been paid.

(3) Supervise municipal election procedures as provided by state statutes.

(4) Administer oaths, including making certain that officials qualify by filing required forms in order to qualify for elected or appointed offices.

(5) Provide continuity in city affairs during changes in administrations by virtue of records maintained and of knowledge and experience gained through continual

experience in most city functions to advising, counseling and guiding newly elected and appointed officials as necessary or as requested.

(6) Maintain and manage a city information center by virtue of knowledge and experience, and as the source of records and documents the Clerk responding to all inquiries from other governmental bodies and the public.

(7) Act as secretary to the Mayor and Council and performing a wide variety of duties as directed by them.

(8) Act as secretary to the Planning and Zoning Commission, Board of Local Improvements, Economic Development Commission, and such other commissions and committees as directed by the Mayor.

(9) Accept applications and issue necessary permits to sewer contractors doing business in the city.

(10) Assist census officials in the necessary preparations for a successful census operation.

(11) Act as notary public.

(12) Register voters.

(13) Publish legal and official notices.

(14) Perform other duties required by state law.

(M) Benefits. The Clerk shall receive the health insurance, dental insurance, life insurance and accidental death and dismemberment insurance benefits provided by the city from time to time to all other full-time employees of the city.

(Am. Ord. 2044, passed 10-21-96)

§ 30.22 CITY TREASURER

(A) Qualifications, term. The City Treasurer shall be elected when the Mayor is elected, except in case of a special election. He shall have the qualifications set forth in § 30.04. He shall hold the office for four years and until his successor is elected and qualified.

(B) Vacancy. If a vacancy occurs in the office of City Treasurer, it shall be filled by the Mayor with the advice and consent of the City Council. The person so appointed shall hold office for the unexpired term of the officer elected.

(Ill. Rev. Stat., Ch. 24, § 3-4-2)

(C) Bond. Before entering upon the duties of City Treasurer, he, whether elected or appointed, shall take and subscribe to the oath required of all officers of the city. The City Treasurer before entering upon the duties of his office shall execute a bond with security, to be approved by the corporate authorities. The bond shall be payable to the municipality, conditioned upon the faithful performance of the duties of the office of City Treasurer and the payment of all moneys received by such officer, according to law and the ordinances of the city. The bond shall be fixed at an amount of money that is not less than three times the latest federal census population or any subsequent census figure used for motor fuel tax purposes, or fifty thousand dollars ($50,000.00), whichever is greater; but in no event shall the amount of the bond be fixed at less than fifty thousand dollars ($50,000.00). This bond shall be filed with the Municipal Clerk.

(Ill. Rev. Stat. Ch. 24, § 3-14-3)

(D) Compensation. The City Treasurer shall receive an annual sum as established by City Council from time to time, payable in biweekly installments out of the City Treasury.

(Ord. 1229, passed 8-14-80)

(E) Duties.

(1) The City Treasurer shall receive all money belonging to the municipality and shall keep his books and accounts in the manner prescribed by ordinances of the city. These books and accounts shall always be subject to the inspection of any member of the corporate authorities.

(2) He shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto.

(3) He shall give every person paying money into the City Treasury a receipt therefore, specifying the date of payment, and upon what account paid. He shall file copies of these receipts with the City Clerk, with his monthly reports. If he has in his possession money properly appropriated to the payment of any warrant lawfully drawn upon him, he shall pay the money specified in this warrant to the person designated by the warrant.

(Ill. Rev. Stat. Ch. 24, § 3-10-1)

(F) Monthly Statement; warrants; vouchers; register. At the end of every month, and oftener if required by the corporate authorities, the City Treasurer shall render an account under

oath to the corporate authorities, or to such officer as may be designated by ordinance, showing the state of the Treasury at the date of the account, with a statement of all money received into the Treasury and on what account, together with all warrants redeemed and paid by him. On the day he renders an account, these warrants, with all vouchers held by him, shall be delivered to the City Clerk and filed, together with the account, in the Clerk's office. He shall return all warrants paid by him marked paid. He shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid.

(G) Deposit of funds; Designation of bank; Qualification of bank.

(1) The City Treasurer shall be required to keep all funds and money in his custody belonging to the municipality in such places of deposit as may be designated by ordinance, and, when requested by the Municipal Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and money of the municipality, in the custody of the Treasurer. When a bank has been designated as a depository, it shall continue as such until ten (10) days have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by law. When a new depository is designated, the corporate authorities shall notify the sureties of the Municipal Treasurer of that fact, in writing at least five (5) days before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money which he deposits in a designated bank while the funds and money are so deposited. If municipal funds of money are deposited in a designated bank, however, the amount of such deposits shall not exceed seventy five percent (75%) of the bank's capital stock and surplus, and the Treasurer shall be responsible for funds or money deposited in the bank in excess of this limitation.

(2) No bank shall be qualified to receive municipal funds or money until it has furnished the corporate authorities with copies of the last two sworn statements of resources and liabilities which the bank is required to furnish to the Commissioner of Banks and Trust Companies or to the comptroller of currency. Each bank designated as a depository for such funds or money shall, while acting as such depository, furnish the corporate authorities with a copy of all statements of resources and liabilities which it is required to furnish to the Commissioner of Banks and Trust Companies or the comptroller of currency.

(Ill. Rev. Stat. Ch. 24, § 3-10-3)

(H) Personal use of funds. The Municipal Treasurer shall keep all money belonging to the municipality in his custody separate and distinct from his own money, and he shall not use, either directly or indirectly, the municipality's money or warrants in his custody for

his own use and benefit, or that of any other person. Any violation of this provision shall subject him to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. In that case, his successor shall be appointed, and he shall hold his office for the remainder of the unexpired term of the Treasurer so removed.

(Ill. Rev. Stat. Ch. 24, § 3-10-4)

(I) Treasurer's report; account of receipts and disbursements. The City Treasurer shall report to the corporate authorities, annually, a full and detailed account of all receipts and expenditures of the municipality, as shown by his books, up to the time of the report.

(Ill. Rev. Stat. Ch. 24, § 3-10-5)

(J) Annual accounts; preparation and filing; contents; publication.

(1) Within six (6) months after the end of each fiscal year the Treasurer shall annually prepare and file with the Municipal Clerk of the City, an account of all moneys received and expenditures incurred during the preceding fiscal year. The Treasurer shall show in such account:

(a) All moneys received by the municipality, indicating the total amounts, in the aggregate, received in each account of the municipality, with a general statement concerning the source of such receipts; provided, for the purpose of this division (J)(1)(a) the term ***ACCOUNT*** shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the municipality are credited to a general account;

(b) Except as provided in division (J)(1)(c) of this section, all monies paid out by the municipality where the total amount paid during the fiscal year exceeds one thousand dollars ($1,000.00) in the aggregate, giving the name of each person to whom paid, and the total paid to each person.

(c) All moneys paid out by the municipality as compensation for personal services, giving the name of each person to whom paid, and the total amount paid to each person from each such account; and

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

(2) The preceding fiscal year for which such account must be prepared is the fiscal year of the municipality which ends during the twelve (12) month period immediately preceding July 23 of the year in which the report is filed,

(3) Upon receipt of such account from the Municipal Treasurer, the Municipal Clerk shall publish the account at least once, in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one (1) or more newspapers having a general circulation within the municipality.

(K) Copy of annual account; filing affidavit. Within six months after the end of each fiscal year, the City Treasurer shall file with the City or County Collector of taxes who collects taxes levied by this municipality, a copy of the annual account which is required to be filed with and published by the Municipal Clerk, as provided in division (J) of this section together with an affidavit of the Clerk stating that such copy is a true and correct copy of such account filed with him, that it was published as required by law, and the newspaper in which it was published.

(L) Special assessment funds. All money received on any special assessment shall be held by the Municipal Treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and the money shall be used for no other purpose, except to reimburse the municipality for money expended for such improvement unless a separate collector of special assessments is appointed and qualified.

(M) Referral of communications. He shall, without delay deliver to the files of the officers of the city and to all committees of the City Council, all communications referred to those officers or committees of that body.

(Am. Ord. 1768, passed 1-4-93)

APPOINTED OFFICIALS

§ 30.35 CITY ADMINISTRATOR

(A) Creation of office. The office of City Administrator is created.

(Ord. 1052, passed 3-20-72)

(B) Appointment.

(1) The city administrator shall be appointed by the Mayor and confirmed by a majority vote of the city council. The term of the appointment shall be for a

period of time designated in the employment agreement, but in no event exceeding five years from the date of the commencement of the term of office of the city administrator. The term of office contained in the employment agreement may be extended and renewed by a majority vote of the city council. The term of office and the employment agreement may be terminated by the city council at any time a majority of the corporate authorities pass a "no confidence" vote.

(Ord. 1213, passed 4-18-77; Am. Ord. 1593, passed 6-19-89; Am. Ord. 2219, passed 1-3-00)

(2) The City Administrator shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of accepted practice in respect to the duties of his office hereinafter set forth. At the time of his appointment, he need not be a resident of the city or the state, but during his tenure of office he shall reside within the city.

(Ord. 1052, passed 3-2-72)

(C) Powers and duties. The City Administrator shall be the chief administrative officer of the city. He shall be responsible to the Mayor and City Council for the proper administration of the affairs of the city. He shall be required to:

(1) May promulgate rules and regulations not in conflict with the city code, special ordinances, or state law.

(2) Appoint all city employees, except the Chief of Police, Sergeants on the Department of Police, Municipal Budget Officer, City Collector, City Attorney, and police officers subject to the jurisdiction of the Board of Police Commissioners; and supervise, direct, and manage all City department/division heads, and all City employees, except police officers subject to the jurisdiction of the Board of Police Commissioners, in all aspects of their employment, including, but not limited to, discipline and termination of employment, except that only the Mayor with consent of the City Council may discharge the Chief of Police, Municipal Budget Officer, City Collector, and City Attorney, and only the Police Supervisor Selection Committee may remove an individual from the position of Sergeant in the Department of Police.

(3) Enforce all city ordinances except those ordinances specified to be enforced by another officer of the city.

(4) Attend all meetings of the City Council. The City Administrator shall have the right to take part in the discussions of all matters coming before the City Council, but shall have no right to vote. He shall be entitled to notice of all special and regular meetings of the City Council.

(5) Recommend to the City Council, adoption of such measures as he may deem necessary or expedient, and advise the City Council on all matters that come to his attention.

(6) Exercise supervision, direction, and management of all departments or divisions of the city now in existence or as reorganized by this code, or that may hereafter be created by the City Council, and be responsible for the day to day implementation of Mayor and City Council policies for all departments or divisions.

(7) Recommend to the City Council the creating, consolidating, and combining of offices, positions, departments, or units of the administrative and executive departments of the city.

(8) Make recommendations to the City Council concerning compensation and job classification for each employee in the city service.

(9) Prepare the budget and is responsible for the administration of the budget following its adoption.

(10) Investigate all complaints in relation to matters concerning the administration of the city and services maintained by the public utilities in the city. He shall see that all franchises, permits, and privileges granted by the city are faithfully observed.

(11) Be responsible for all purchasing functions of the city as carried out by the Office Manager. The corporate authorities hereby delegate to the City Administrator the authority to transfer dollar amounts between and among budgeted line items within any given budgeted fund; provided, however, that the transfers of dollar amounts must be to and from line items within the same budgeted fund, the transfers shall neither increase nor decrease the total expenditures for the fund, and that all such transfers shall be approved by motion and affirmative vote of the City Council. For a purchase of more than five hundred dollars ($500.00), the City Administrator shall make all efforts to receive two or more quotations, and for a purchase of more than five thousand dollars ($5,000.00) shall present the quotations to the City Council for approval or rejection. The City Administrator shall authorize Department Heads, the Public Works Manager, and Police Master Sergeant to approve expenditures up to $1,000.00. Other supervisors within the Public Works Department shall be authorized to approve expenditures up to $500.00. Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, when the expense

thereof will exceed such amount as shall be provided from time to time by Ill. Rev. Stat., Ch. 24, § 8-9-1, shall be bid and let in compliance with Ill. Rev. Stat., Ch. 24, § 8-9-l.

(12) Work with the community organizations and other governmental jurisdictions to maximize productivity and achieve results beneficial to the city. He shall serve as liaison with other area wide and local departments, boards, agencies, and jurisdictions.

(13) Keep a current inventory of all real and personal property of the city and the location of such property. He shall be responsible for the care and custody of all city property which is not by statute or ordinance assigned to some other officer or body for care and control.

(14) Submit to the Council, promptly following the end of the fiscal year, a complete report on the administrative activities of the city for the fiscal year.

(15) Have no conflict of interests.

(16) Devote his entire time to the discharge of his official duties. Assume no other employment.

(17) In all his functions and powers be subject to the supreme power of the City Council.

(18) Perform such other lawful duties as may be required by resolution or ordinance of the City Council.

(19) The City Administrator or his designee shall serve the enterprise zone as the Zone Administrator.

(Ord. 1475, passed 12-16-85; Am. Ord. 1647, passed 10-15-90; Am. Ord. 1772, passed 2-1-93; Am. Ord. 2300, passed 6-18-01; Am. Ord. 3045, passed 7-1-13; Am. Ord. 3198, passed 9-6-16; Am. Ord. 3216, passed 1-3-17)

(D) Referral of communications. He shall, without delay, deliver to the files of the officers of the city and to all committees of the City Council, all communications referred to those officers or committees of that body.

(E) Bond. The City Administrator shall furnish a bond in the amount of three thousand dollars ($3,000.00), said bond to be conditioned on the faithful performance of his duties

and shall be conditioned to indemnify the city for any loss by reason of any neglect of duty or any act of the City Administrator. The cost of the bond shall be paid by the city.

(F) Compensation. The City Administrator shall receive an annual sum payable in bi-weekly installments out of the City Treasury as established by the City Council from time to time.

(G) Temporary Absence/Disability or Vacancy; Acting City Administrator. During the temporary absence or disability of the City Administrator, or vacancy in the office of City Administrator, the Mayor shall automatically assume the powers and duties of City Administrator under the City Code until such time as the Mayor and City Council appoint a new City Administrator, or decide that an acting City Administrator is needed. The Mayor's assumption of the City Administrator's powers and duties under this Section are on a temporary basis only and shall not be construed as the Mayor holding the office of City Administrator. The Mayor is authorized to designate other City officials to assist him in the temporary performance of the City Administrator duties.
In the event it is decided that an acting City Administrator is needed, the Mayor and City Council shall appoint an acting City Administrator, with all the powers and duties of that office. The acting City Administrator shall perform all the duties of that office without furnishing any additional bond, if such appointee shall already be under bond to the city in any other capacity. If such appointment shall be of a person not already under bond to the city, such appointee shall furnish a bond in such amount and with such surety as may be approved by the Council. The cost of the bond shall be paid by the city. The acting City Administrator may have other employment, if permitted by action of the City Council.

(Ord. 1052, passed 3-2-72; Am. Ord. 3002, passed 8-20-12)

§ 30.36 MUNICIPAL BUDGET OFFICER

(A) Creation and appointment. There is and shall be a position of Municipal Budget Officer, who shall be qualified and appointed annually by the Mayor, by and with the consent of the City Council.

(Am. Ord. 1768, passed 1-4-93)

(B) Oath, bond.

(1) The Municipal Budget Officer shall take and subscribe to the oath required of all officers of the city. Before entering upon the duties of Municipal Budget Officer, he shall execute a bond with security, to be approved by the corporate authorities. The bond shall be payable to the municipality, conditioned upon the faithful performance of the duties of the office of Municipal Budget Officer and the

payment of all monies received by such Officer, according to law and the ordinances of the city. The bond shall be fixed at an amount of money that is not less than three times the latest federal census population of any subsequent census figure used for motor fuel tax purposes, or fifty thousand dollars ($50,000.00), whichever is greater; but in no event shall the amount of the bond be fixed at less than fifty thousand dollars ($50,000.00). This bond shall be filed with the Municipal Clerk.

(Am. Ord. 1768, passed 1-4-93)

(C) Compensation. The Municipal Budget Officer shall receive an annual sum payable in bi-weekly installments out of the City Treasury as established by the City Council from time to time.

(Ord. 1299, passed 8-4-80)

(D) Duties. The Municipal Budget Officer shall have the following powers and duties:

(1) Permit and encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all municipal departments, commissions, and boards.

(2) Compile an annual budget in accordance with ordinances of the city and state statutes.

(3) Examine all books and records of all municipal departments, commissions, and boards which relate to moneys received by the municipality, municipal departments, commissions, boards, and paid out by the municipality, municipal departments, commissions, and boards, debits accounts receivable, amounts owed by or to the municipality, municipal departments, commissions, and boards.

(4) Obtain such additional information from the municipality, municipal departments, commissions, and boards as may be useful for purposes of compiling an annual budget, such information to be furnished by the municipality, municipal departments, commissions, and boards in the form required by the Municipal Budget Officer. Any department, commission, or board which refuses to make such information as requested of it available to the Municipal Budget Officer shall not be permitted to make expenditures under any subsequent budget for the municipality until such municipal department, commission, or board shall comply in full with the request of the Municipal Budget Officer.

(5) Establish and maintain such procedures as shall insure that no expenditures are made by the municipality, municipal departments, commissions, or boards except as authorized by the budget.

(Ord. 984, passed 3-16-70)

§ 30.37 CITY COLLECTOR

(A) Creation of office. There is hereby created the office of City Collector, an executive office of the city. He shall be appointed for one (1) year.

(B) Appointment. The City Collector shall be appointed by the Mayor with the approval of the corporate authorities as provided by statute.

(C) Oath, bond. The City Collector shall take and subscribe to the oath required of all officers of the city. Before entering upon the duties of the City Collector, he shall execute a bond with security, to be approved by the corporate authorities. The bond shall be payable to the municipality, conditioned upon the faithful performance of the duties of the office of City Collector and the payment of all money received by such officer, according to law and the ordinances of the city. The bond shall be fixed at an amount of money that is not less than two (2) times the latest federal census population or any subsequent census figure used for motor fuel tax purposes, or fifty thousand dollars ($50,000.00), whichever is greater; but in no event shall the amount of the bond be fixed at less than fifty thousand dollars ($50,000.00). This bond shall be filed with the Municipal Clerk.

(D) Compensation. The City Collector shall receive an annual sum payable in bi-weekly installments out of the City Treasury as established by the City Council from time to time. All fees payable by law to the City Collector shall be the property of the city.

(Ord. 1414, passed 5-21-84)

(E) Duties.

(1) It shall be the duty of the City Collector to collect and receive all money due on special assessments and special taxes which are not paid directly to the City Treasurer, and to keep such records pertaining to such collections as may be required by statute or ordinance.

(2) A collector shall maintain regular office hours at city hall at least two (2) days per week.

(Ord. 1414, passed 5-21-84; Am. Ord. 1768, passed 1-4-93)

(F) Reports.

(1) The City Collector shall make such reports regarding delinquent special assessments as are required by statute, and shall make a quarterly report to the City Council, showing what money has been received and the source thereof.

(2) The City Collector shall also make an annual report, during the last month of the fiscal year, showing all the activities of his office.

(Ord. 1330, passed 3-16-81)

§ 30.38 CITY ATTORNEY

(A) Appointment. The City Attorney shall be appointed by the Mayor with the consent of the City Council for a period of one (1) year and until the successor is appointed. The position shall be filled by an attorney licensed to practice law in the State of Illinois, who may represent a professional law firm.

(B) Duties. The City Attorney shall act as legal advisor to the city in the conduct of all its legal business; prepare and draft ordinances and legal business; prepare and draft ordinances and legal documents and render legal opinions when requested by the Mayor and City Council on all questions concerning city interests; attend all regular and special meetings of the Mayor and City Council; in addition, he shall perform other such duties or special services which the Mayor and City Council may require.

(C) Additional duties.

(1) The City Attorney shall be the legal advisor of the Mayor and City Council, its committees and all other city officers, in matters pertaining to the transactions of the city's business, and when so required shall give his opinion in writing.

(2) The City Attorney shall institute, prosecute, and defend all suits in which the city is a party; shall cause executions to be issued or judgments which may be collected, and attend to their prompt collection; and pay all money received by him to the Office Manager.

(D) Special counsel. The Mayor and City Council may employ additional attorneys to assist the City Attorney in any legal matter or proceeding, or to conduct any particular legal matter or proceeding.

(E) Compensation. The City Attorney shall receive reasonable compensation for such legal services as he is directed to perform by the City Council from time to time.

(Am. Ord. 1484, passed 3-3-86; Am. Ord. 1768, passed 1-4-93; Am. Ord. 1859, passed 8-1-94)

§ 30.39 REPEALED UNDER ORDINANCE 3046 (Formerly CITY ENGINEER)

EMPLOYMENT POLICIES

§ 30.65 ADOPTION BY REFERENCE; APPLICATION

The employment policies and practices set forth in the personnel manual, as adopted by the City Council, as amended from time to time is hereby adopted by reference and shall remain in effect until changed by resolution or ordinance and shall apply to all employees of the city.

(Ord. 1265, passed 4-19-79)

§ 30.99 PENALTY

Whoever violates § 30.07 shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) for each offense.

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CHAPTER 31

CITY COUNCIL

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CITY COUNCIL

§ 31.01 COMPOSITION

The City Council shall consist of the Mayor and Aldermen. It shall sit with open doors; and shall keep a journal of its own proceedings.

§ 31.02 ELECTION OF ALDERMEN; TERM AND OATH

(A) Two Aldermen shall represent each ward, one (1) from each ward being elected every two (2) years to serve four (4) years and the eight (8) Aldermen so elected shall comprise the City Council.

(B) Aldermen shall hold office for a term of four (4) years, and until their successors are elected and have qualified.

(C) Before entering upon the duties of his office, each Alderman shall take the oath prescribed for all city officials.

§ 31.03 MEETINGS

(A) Regular and adjourned.

(1) The City Council shall hold regular meetings on the first and third Monday of each calendar month at the hour of 6:30 p.m.; however, when a date fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the succeeding day not a holiday. All meetings of the Council shall be held in the Council chambers at the city hall. An adjourned meeting may be held for the purpose of completing the unfinished business of a regular meeting at such time as may be determined by the Council.

(2) On the second Monday of each calendar month, or such other time as designated by the Mayor, the Council shall meet at 6:30 p.m. for the purpose of holding standing committee meetings.

(Ord. 1453, passed 5-20-85; Am. Ord. 1616, passed 12-18-89)

(B) Special meetings may be called by the Mayor or by any three (3) members of the Council in writing, filed with the City Clerk. At least twenty four (24) hours written notice shall specify the time and purpose of each meeting and shall be delivered to each member of the Council personally, if he can be found, and if he cannot be found, then by leaving a copy of such notice at the home of the Council member. Special meetings may be held without such notice when all members of the Council are present in person, or consent in writing to the holding of such meeting, such written consent to be filed with the Clerk prior to the beginning of the meeting. Any special meeting attended by all of the members of the Council shall be a regular meeting for the transaction of any business that may come before such meeting.

Cross-reference:

Aldermen required to attend meetings, see § 31.20

§ 31.04 QUORUM

A majority of the corporate authorities shall constitute a quorum to do business. A smaller number, however, may adjourn from time to time, and may compel the attendance of absentees, under whatever penalties, including a fine for a failure to attend, the Council may prescribe by ordinance.

§ 31.05 READING OF MINUTES

Unless a reading of the minutes of a City Council meeting is requested by members of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each member with a copy thereof.

§ 31.06 COUNCIL RESPONSIBILITIES

It shall be the responsibility of the City Council to determine the policy and direction of the city through the supervision of the City Administrator.

(Ord. 1366, passed 8-2-82)

§ 31.07 OTHER PROCEEDINGS OF COUNCIL; ROBERT'S RULES OF ORDER

All proceedings of the City Council not specifically provided for in this chapter shall be in accordance with rules of order and procedure to be adopted by the City Council, otherwise in accordance with ***Robert's Rules of Order***.

§ 31.08 RESIGNATION; VACANCY

An Alderman may resign from his office. A vacancy occurs in the office of Alderman by reason of resignation, failure to elect or qualify, death, permanent physical or mental disability, conviction of a disqualifying crime, abandonment of office, or removal from office or of residence from the ward. If a vacancy occurs in the office of Alderman in any such manner or otherwise, the vacancy shall be filled for the unexpired balance of the term at the next succeeding general municipal election as set forth in Ill. Rev. Stat., Ch. 24, § 3-2-7. The Mayor with the advice and consent of the City Council may appoint a person to serve as an Alderman in the vacancy until the next general municipal election, as provided in this section and until the person elected qualifies.

(Ill. Rev. Stat., Ch. 24, § 3-4-14)

§ 31.09 COUNCIL AS JUDGE OF ELECTION OF ITS MEMBERS

The City Council shall be the sole judge of the election to office of the Alderman. It shall also be the sole judge whether under § 30.21, Aldermen are eligible to their offices. However, a court shall not be prohibited from hearing and determining a proceeding quo warranto.

§ 31.10 DISORDERLY CONDUCT; EXPULSION

The City Council shall determine its own rules of proceeding and punish its members for disorderly conduct. With the concurrence of two-thirds of the Aldermen elected, it may expel an Alderman, but not a second time for the same offense.

ALDERMEN

§ 31.20 ATTENDANCE AT MEETINGS

Aldermen shall attend all meetings of the City Council and all meetings of committees of which they are members.
Cross-reference:
Regular and special meetings, see § 31.03

§ 31.21 REVIEW, APPROVAL OF APPOINTMENTS

The City Council shall review and approve the appointment of boards and officers appointed by the Mayor. The Council shall not approve those appointments which are reserved to the office of the City Administrator.

§ 31.22 OBLIGATIONS OF CITY

The Aldermen shall make no action or statements as an individual which obligates the city. The City Council is a corporate entity. Unless doing something legal delegated to him, a Council member, when not sitting at a legal Council meeting, has no power to prerogative, except as conservator of the peace (Ill. Rev. Stat. Ch. 24, § 3-9-4) than any other citizen of a municipality. The members of a Council may agree specifically and separately to a certain transaction, but such transaction has not force unless acted upon and passed at a legal meeting of the Council.

§ 31.23 HANDLING OF COMPLAINTS AND SUGGESTIONS

The Aldermen shall inform the administration of complaints and suggestions.

§ 31.24 REFERRAL OF COMMUNICATIONS

An Alderman shall, without delay, deliver to the site of the officers of the city and to all committees of the City Council, all communications referred to those officers or committees of that body.

§ 31.25 CONFLICT OF INTEREST

(A) Each Alderman shall abide by the statutes dealing with conflict of interest, as amended from time to time. Although each Alderman is responsible for complying with the state statutes dealing with conflict of interest as they arise, as a matter of convenience, the existing statutes on interest and contracts, work, or business of the municipality is set forth below. No municipal officer shall be interested, directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in any contract, work, or business of the municipality, or in the sale of any article, whenever the expense, price, or consideration of the contract, work, business, or sale is paid either from the treasury or by assessment levied by any statute or ordinance. No municipal officer shall be interested, directly or indirectly, in the purchase of any property which belongs to the municipality, or is sold for taxes or assessments, or is sold by virtue of legal process at the suit of the municipality.

(B) However, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor, if:

(1) The contract is with a person, firm, partnership, association, corporation, or cooperative association in which such interested member is the governing body of the municipality has less than a seven and one-half percent (7½%) share in the ownership;

(2) Such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract;

(3) Such interested member abstains from voting on the award of the contract, though he shall be considered present for the purpose of establishing a quorum;

(4) Such contract is approved by a majority vote of those members presently holding office;

(5) The contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds one thousand five hundred dollars ($1,500.00), but the contract may be awarded without bidding if the amount is less than one thousand five hundred dollars ($1,500.00); and

(6) The award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed twenty five thousand dollars ($25,000.00).

(C) In addition to the above exemptions, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:

(1) The award of the contract is approved by a majority vote of the governing body of the municipality provided that any such interested member shall abstain from voting;

(2) The amount of the contract does not exceed one thousand dollars ($1,000.00);

(3) The award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed two thousand dollars ($2,000.00);

(4) Such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and

(5) Such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(D) A contract for the procurement of public utility services by a municipality with a public utility company is not barred by this section by one or more members of the governing body being an officer or employee of the public utility company or holding an ownership interest of no more than seven and one-half percent (7½%) in the public utility company. An elected or appointed member of the governing body having such an interest shall be deemed not to have a prohibited interest under this section.

(E) Nothing contained in this section, including the restrictions set forth in divisions (B), (C), and (D), shall preclude a contract of deposit of monies, loans or other financial services by a municipality with a local bank or local savings and loan association, regardless of whether a member or members of the governing body of the municipality are interested in such bank or savings and loan association as an officer or employee or as a holder of less than seven and one-half percent (7 ½%) of the total ownership interest. A member or members holding such an interest in such a contract shall not be deemed to be holding a prohibited interest for purposes of this section. Such interested member or members of the governing body must publicly state the nature and extent of their interest during deliberations concerning the proposed award of such a contract, but shall not participate in any further deliberations concerning the proposed award. Such interested member or members shall not vote on such a proposed award. Any member or members abstaining from participation in deliberations and voting under this section may be considered

present for purposes of establishing a quorum. Award of such a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any such contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the governing body of the municipality.

(Ill. Rev. Stat., Ch. 24, § 3-14-4(f))

§ 31.26 COMPENSATION

Each Alderman shall receive a sum for attending regular meetings of the City Council and a sum for attending special meetings of the City Council. Each Council member shall be entitled to be paid for two (2) regular meetings per year absent for good cause shown. The salary of each Alderman shall be paid in quarterly installments out of the City Treasury.

(Am. Ord. 1299, passed 8-4-80)

§ 31.40 STANDING COMMITTEES; DUTIES

(A) The City Council shall be organized into the following standing committees:

(1) Finance (general office; fiscal; personnel).

(2) Public Works (water and sewer; streets and alleys; building and grounds; and cemetery).

(3) Public Safety (police, fire; rescue; and ESDA).

(B) The standing committees shall consist of at least three members, each to be appointed by the Mayor, by and with the consent of the Council.

(C) The Mayor shall have the power to appoint such other committees of the Council as may be desirable consisting of at least three (3) members who shall be appointed by and with the consent of the Council.

(Am. Ord. 1305, passed 5-19-80)

(D) It shall be the duty of the standing committees of the City Council to be cognizant of the affairs of their respective departments of the city government. Each committee shall promptly and thoroughly investigate all matters which may be referred to it, and make policy recommendations to the Council. Each committee shall keep minutes and records of each committee meeting shall be made available to the City Council at the Council meeting immediately following each committee meeting. All committee meetings shall be open to the public.

§ 31.41 POLICE SUPERVISOR SELECTION COMMITTEE

There is hereby created a Police Supervisor Selection Committee, which shall be comprised of the City Administrator, the Chair of the Public Safety Committee, and the Chair of the Finance Committee. The Chair of the Public Safety Committee shall serve as the Chair of the Police Supervisor Selection Committee.

The Police Supervisor Selection Committee shall have the authority, by a majority vote of its members, to appoint individual police officers to serve as Sergeants in the Department of Police, as well as the authority, by a majority vote of its members, to remove said individual police officers from the position of Sergeant in the Committee's discretion upon the recommendation of the Chief of Police. The Police Supervisor Selection Committee shall further have the authority, upon recommendation of the Chief of Police and a majority vote of its members, to discipline any individual appointed by said Committee to the position of Sergeant.

Upon a vacancy in the position of Sergeant in the Department of Police, the Chief of the Police shall provide the Police Supervisor Selection Committee with a list of recommended candidates from the police officer members of the Department of Police, as well as a list of any recommended candidates from outside the Department of Police who possess prior supervisory and/or command experience in law enforcement or the military. A notice of vacancy in the position of Sergeant shall also be posted at the Washington Police Department, and thereafter any patrol officer with at least four (4) years of police experience may make written application for appointment to the Police Supervisor Selection Committee in the manner set forth in the notice of vacancy. The Police Supervisor Selection Committee shall thereafter review the background and experience of all recommended candidates, and all patrol officers making application for appointment to the position of Sergeant, and may in its discretion conduct interviews of the candidates and applicants. With respect to candidates from outside the Department of Police, the Police Supervisor Selection Committee may, in its discretion, provide for examination of said candidates, including background investigations, medical examinations, psychological examinations, and polygraph examinations. The Police Supervisor Selection Committee shall thereafter by a majority vote appoint an individual to the position of Sergeant from the list of recommended candidates and applicants. In the event that no one on the list of recommended candidates is acceptable to the Police Supervisor Selection Committee, the Committee shall request a new list of recommended candidates from the Chief of Police and may in its discretion post further notice of vacancy in the position of Sergeant at the Washington Police Department.

Upon recommendation of the Chief of Police that it is necessary and/or desireable for any reason to remove from the position of Sergeant any individual appointed by the Police Supervisor Selection Committee, the Committee may, in its discretion, terminate said appointment and

remove the individual from the position of Sergeant effective upon a majority vote of the Committee.

Ord. 3198, passed 9-6-16

§ 31.42 SPECIAL COMMITTEES

Special committees shall be appointed by the Mayor, by and with the consent and approval of the City Council.

§ 31.43 MONTHLY REPORT

Upon the request of any two (2) Aldermen present, any report of a committee of the City Council shall be deferred, for final action thereon, to the next regular meeting of the Council after the report is made.

ORDINANCES AND RESOLUTIONS

§ 31.55 PREPARATION OF ORDINANCES

The City Attorney shall cause to be prepared all ordinances, resolutions, and other instruments pertaining to City Council business, pursuant to the direction of the Council, or which he is requested to prepare by any member of the Council, by the Mayor, or he shall prepare on his own initiative.

§ 31.56 PROCEDURE FOR PASSAGE OF ORDINANCES

No ordinance can be passed unless it is read at least two (2) meetings of the City Council unless the Council unanimously votes to waive this requirement at a meeting at which a quorum of the Council is present. It is not necessary to read the full text of an ordinance if copies are made available to the press and public prior to the reading of the ordinance; in such situations, the formal reading of the title only is sufficient.

(Am. Ord. 1232, passed 3-20-78)

§ 31.57 FILING OF RESOLUTION

All reports and resolutions shall be filed with the City Clerk and entered on the minutes by title unless otherwise specified by the City Council.

§ 31.58 VOTE REQUIRED; YEAS AND NAYS

The passage of all ordinances for whatever purpose, and of any resolution or motion to create any liability against a city or for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the City Council, including the Mayor, unless otherwise expressly provided by this code or any other act governing the passage of any ordinance, resolution, or motion; provided, that, where the Council consists of an odd number of Aldermen, the vote of the majority of the Aldermen shall be sufficient to pass an ordinance. The passage of an ordinance, resolution, or motion to sell city property shall require the concurrence of three-fourths (¾) of all Aldermen then holding office. The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the City Council.

§ 31.59 ORDINANCES TO BE RECORDED BY CLERK

All ordinances passed by the City Council shall be deposited in the office of the City Clerk, and shall be duly recorded by the Clerk in the record book of ordinances, and appropriately indexed by their titles of subjects, and one copy to be supplied to the Police Department.

§ 31.60 PRESERVATION AND CORRECTION OF ORDINANCES

The City Clerk shall file and carefully preserve the originals of all ordinances deposited in his office. He may correct any errors in the numbering of any chapter, article, or section of any ordinance, and insert the proper numbers; and he may omit words inserted or supply, with brackets, words omitted by clerical mistake.

§ 31.61 DATE OF PASSAGE AND PUBLICATION TO BE RECORDED

The City Clerk shall make, at the foot of the record of each ordinance recorded as aforesaid, a memorandum of the date of its passage and of the publication of such ordinance (when required to be published), together with the name of the paper publishing the same. Publication may take place in pamphlet form when publication in a newspaper is not specifically required by ordinance or statute.

§ 31.62 RECODIFIED ORDINANCES

The recodified ordinances of the city, when published in book form by authority of the City Council, as set forth in § 31.61, shall be deposited in the office of the City Clerk. He shall deliver one copy to each officer of the corporation, and to such other persons as the Mayor or City Council may direct.

§ 31.63 NO SUIT RELEASED BY REPEAL OF ORDINANCE

No suit, proceeding, fine, penalty, forfeiture, debt, right, or other liability whatever, instituted, incurred, created, given, or accrued, by or under any ordinance of the city, prior to its repeal or modification, shall be annulled, released, discharged, or in any way affected by the passage of such repealing or modifying ordinance; but the same may be prosecuted, recovered, completed, and enjoyed, as fully in all respects as if such ordinance or part thereof had remained in full force, unless otherwise expressly provided in the ordinance making such repeal.

§ 31.64 OFFICERS MAY ELECT REMEDIES FROM WHICH TO PROCEED

When any fine or penalty shall be provided by different ordinances, or by different sections or clauses of the ordinances of the city, for the same offense, the officer or person prosecuting may elect under which ordinance or section to proceed; but not more than one recovery shall be had against the same person for the same offense.

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CHAPTER 32

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GENERAL PROVISIONS

§ 32.001 ENUMERATION OF BOARDS AND COMMISSIONS

(A) There are and shall be the following boards and commissions:

(1) Board of Managers of Glendale Cemetery, a municipal cemetery.

(2) City Planning and Zoning Commission.

(3) Board of Local Improvements.

(4) Board of Police Commissioners.

(5) Police Pension Board.

(6) Youth Guidance Council.

(7) Washington Economic Development Commission.

(8) Liquor Control Commission

(B) Such boards and commissions shall be so organized and have such powers and duties as required by the law of the state and this code.

(Am. Ord. 1488, passed 5-19-86; Am. Ord. 3087, passed 8-4-14; Am. Ord. 3102, passed 12-1-14)

§ 32.002 APPOINTMENT; TERMS

All members of boards and commissions appointed by the Mayor, with the approval of the City Council, whose term of office is not otherwise expressly provided for by law or ordinance, shall hold their respective offices for the term of four (4) years from the first Tuesday in May next succeeding the general quadrennial election for city officers; and until their successors are appointed and qualified.

§ 32.003 VACANCIES

In case any vacancy shall occur in the membership of boards or commissions of a fixed term, the vacancy shall be filled in the same manner as the original appointment. All appointments to fill vacancies shall be for the unexpired term.

§ 32.004 CHAIRPERSON

Board members shall elect a chairperson from their own membership.

§ 32.005 QUORUM

A majority of a board constitutes a quorum for the conduct of all business.

§ 32.006 COMPENSATION

Members of boards and commissions shall serve without compensation.

§ 32.007 REPORTS, RECORDS

(A) A report of the activities of each board and commission shall be made to the Mayor from time to time and an annual report shall also be filed with the City Clerk within thirty (30) days after the end of each fiscal year.

(B) The secretary of the boards and commissions shall be held responsible for the preservation of all public records under their jurisdiction and shall provide a system of filing and indexing the same. All public records, reports, correspondence, or other data relative to the business of the board or commission shall be the property of the city and in the event a member of any board or commission or the secretary of any board or commission retires from the service or for any other reason whatsoever, shall be turned over to his successor.

§ 32.008 REMOVAL FROM BOARDS AND COMMISSIONS

(A) Except where otherwise provided by statute, the Mayor may remove any person appointed by him, on any formal charge, whenever he is of the opinion that the interests of the city demand removal, but he shall report the reasons for the removal to the City Council at a meeting to be held not less than five nor more than ten days after the removal.

(B) If the Mayor fails or refuses to report to the City Council the reasons for the removal, or if the City Council by a two-thirds (2/3) vote of all its members authorized by law to be elected, disapproves of the removal, the member thereupon shall be restored to the board from which he was removed. The vote shall be yeas and nays, which shall be entered upon the Council's journal.

(C) Upon restoration, the member shall be given a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

DEPARTMENT OF ADMINISTRATIVE SERVICES

§ 32.020 ESTABLISHMENT; COMPOSITION

There is hereby created the Department of Administrative Services, an administrative department of the city. The Department of Administrative Services shall be under the supervision, direction, and management of the City Administrator, and shall consist of an Office Manager, a Planner, a Civil Engineer, and such other positions as may from time to time be created or directed by the City Council.

(Ord. 1647, passed 10-15-90)

§ 32.021 OFFICE MANAGER; DUTIES; SUPERVISION BY CITY ADMINISTRATOR

(A) The Office Manager shall have the following duties, functions, and responsibilities:

(1) Preparation of checks and maintenance of payroll data;

(2) Maintenance of city financial records not required to be maintained by others;

(3) Issuance of purchase orders, upon receipt of a purchase requisition approved by the City Administrator, for all purchases made by the city;

(4) Preparation of financial reports and statements;

(5) Billing and collection of bills for utilities and other services rendered by the city; and

(6) Supervision of the City Hall custodian and general office personnel.

(B) The Office Manager in the performance of his duties, functions, and responsibilities, shall be subject to the supervision, direction, and management of the City Administrator. The Office Manager shall perform such other services, within or without the Department of Administrative Services, as may be assigned to him by the City Administrator.

(Ord. 1647, passed 10-15-90)

§ 32.022 PLANNER; DUTIES; SUPERVISION BY CITY ADMINISTRATOR

(A) The Planner shall have the following duties, functions, and responsibilities:

(1) Shall be considered to be an administrative assistant to the City Administrator, with his principal duties and functions lying in the area of municipal planning and economic development;

(2) Attend all meetings of the City Council, Planning & Zoning Commission, and Economic Development Commission;

(3) Recommend to the City Council adoption of such measures as he may deem necessary or expedient, and advise the City Council on all matters which come to his attention relating to municipal planning and economic development;

(4) Serve as the Zoning Code Enforcement Officer and Plat Officer for the city;

(B) The Planner, in the performance of his duties, functions, and responsibilities, shall be subject to the supervision, direction, and management of the City Administrator. The Planner shall perform such other services, within or without the Department of Administrative Services, and whether or not they relate to municipal planning and economic development, as may be assigned to him or her by the City Administrator.

(Ord. 1647, passed 10-15-90)

§ 32.023 (RESERVED)

BOARD OF MANAGERS OF GLENDALE CEMETERY, A MUNICIPAL CEMETERY

§ 32.035 ESTABLISHMENT; MEMBERSHIP

There is established a Board of Managers of Glendale Cemetery, a municipal cemetery, which shall be composed of three (3) residents of the city. All members shall be appointed by the Mayor with the consent of the City Council.

§ 32.036 TERM

The term of office of each Board member shall be three (3) years and until his successor is appointed.

§ 32.037 ORGANIZATION; OFFICERS

Said Board of Managers shall organize, elect officers, keep permanent records, annually report to the City Council, and in all respects comply with the provisions of an act in regard to cemeteries and to authorize perpetual trust for the repair, maintenance, upkeep, and ornamentation of cemeteries and lots and graves in cemeteries, and to provide for the management of such trusts, being Ill. Rev. Stat. Ch. 21, § 64.

§ 32.038 ACTIONS OF BOARD TO BE SUPERVISED BY COUNCIL

The actions of the Board of Managers shall be under the supervision of the City Council, and the City Council shall have the power to remove from office any or all of said Board of Managers or the Treasurer of the Board of Managers for nonperformance of duties or for misappropriation or wrongful use of funds or property and to require a just and proper accounting for the same.

BOARD OF LOCAL IMPROVEMENTS

§ 32.050 COMPOSITION

The Chairperson of the Public Works Committee and the Chairperson of the Finance Committee, along with the Mayor, shall constitute the Board of Local Improvements.

(Am. Ord. 1492, passed 6-16-86)

§ 32.051 CITY CLERK TO BE CLERK OF BOARD; DUTIES

The City Clerk shall be the Clerk of the Board of Local Improvements. The City Clerk shall attend all meetings of such Board and keep an accurate record of all proceedings, He shall perform all other duties required by the said Board.

§ 32.052 ABANDONMENT OF PROPOSED IMPROVEMENT

No ordinance for any local improvement, to be paid wholly or in part by special assessment or special taxation, shall be considered or passed by the corporate authorities of any such municipality unless the ordinance is first recommended by the Board of Local Improvements. However, after the ordinance for any local improvement has been adopted by the corporate authorities and before the same is confirmed in court, the corporate authorities, upon recommendation of the Board of Local Improvements, may by ordinance abandon any portion of the proposed improvement without further action by or hearing before the Board.

§ 32.053 PROCEEDINGS PRELIMINARY TO PUBLIC HEARING

(A) All ordinances for local improvements to be paid for wholly or in part by special assessment or special taxation shall originate with the Board of Local Improvements. Petitions for any local improvement shall be addressed to that Board. The Board may originate a scheme for any local improvement to be paid for by special assessment or special tax, either with or without a petition, and in either case shall adopt a resolution describing the proposed improvement. This resolution may provide that specification for the proposed improvement be made part of the resolution by reference to specifications previously adopted by resolution by the municipality, or to specifications adopted or published by the state or a political subdivision thereof, provided that a copy of the specifications so adopted by reference is on file in the office of the Clerk of the municipality. This resolution shall be at once transcribed into the records of the Board.

(B) Whenever the proposed improvement requires that private or public property be taken or damaged, the resolution shall describe the property proposed to be taken or damaged for

that purpose. The Board, by the same resolution, shall fix a day and hour for a public hearing thereon.

BOARD OF POLICE COMMISSIONERS

§ 32.065 ESTABLISHMENT; MEMBERSHIP; APPOINTMENTS

There is a Board of Police Commissioners which shall be composed of three residents of the city. All members shall be appointed by the Mayor, with the consent of the City Council. This Board shall consist of three (3) members, whose terms of office shall be three (3) years and until their respective successors are appointed and have qualified. No such appointment, however, shall be made by any Mayor within thirty (30) days before the expiration of his term of office.

§ 32.066 OATH, BOND

The members of the Board of Police Commissioners shall be considered officers of the municipality, and shall file an oath and a fidelity bond in the amount of one thousand dollars ($1,000.00).

§ 32.067 QUALIFICATIONS

(A) No person holding a lucrative office under a municipality shall be a member of the Board of Police Commissioners or the secretary thereof. The acceptance of any such lucrative office by a member of the Board shall be treated as a resignation of this office as a member of the Board or the secretary thereof.

(B) No person shall be appointed a member of the Board of Police Commissioners who is related, either by blood or marriage up to the degree of first cousin, to any elected official of such municipality.

(C) No more than two members of the Board shall belong to the same political party existing in the municipality at the time of such appointments, and as defined in Ill. Rev. Stat., Ch. 46, § 10-2. If only one or no political party exists in such municipality at the time of such appointments, then state or national political party affiliations shall be considered in making such appointments. Party affiliation shall be determined by affidavit of the person appointed as a member of the Board.

§ 32.068 APPOINTMENT OF POLICE MEMBERS; CERTIFICATES OF APPOINTMENTS

(A) The Board of Police Commissioners shall appoint all full-time police officer members of the Washington Police Department, except for the Chief of Police and Sergeants. Further, the Board of Police Commissioners shall not hire, discipline or discharge part-time police officers.

(B) The sole authority to issue certificates of appointment shall be vested in the Board of Police Commissioners and all certificates of appointments issued to any full-time police officer member of the Police Department of the city shall be signed by the Chairperson and Secretary, respectively, of the Board of Police Commissioners of the city, upon appointment of such police officer member of the Police Department of the city by action of the Board of Police Commissioners. This provision does not include and shall not apply to part-time police officers or Sergeants.

(C) The Board of Police Commissioners shall not appoint an officer to the Police Department unless said officer has executed an employment agreement with the city. That employment agreement shall be in substantially the form authorized by resolution from time to time.

(Am. Ord. 1450, passed 4-15-85; Am. Ord. 3198, passed 9-6-16)

§ 32.069 RULES; PUBLICATIONS

(A) The Board of Police Commissioners shall make rules to carry out the purpose of state statutes, and for appointments, discipline, and removals of full-time police officers in accordance with the provisions of state statute. The Board, from time to time, may make changes in these rules.

(B) All these rules and changes therein shall be printed immediately for distribution. The Board shall give notice of the places where the printed rules may be obtained, and of the date, not less than ten days subsequent to the time of publication, when the rules or changes therein shall go into operation. This notice shall be published in one or more newspapers published in the municipality.

(C) These rules of the Board shall apply only to the conduct of examinations for original appointments of full-time police officers and to the conduct of hearings on charges brought against a full-time police officer member of the Police Department, excluding the Chief of Police and Sergeants appointed by the Police Supervisor Selection Committee. No such rule shall be made by the Board to govern the operation of the Police Department or the conduct of its members.

(Am. Ord. 3198, passed 9-6-16)

§ 32.070 RESTRICTIONS OF AUTHORITY

Policies of the Police Department and the conduct of its members are not to be set by this Board of Police Commissioners but are reserved solely to the jurisdiction of the City Council.

§ 32.071 DISCIPLINARY AUTHORITY

(A) Authority to Suspend Pending Disciplinary Hearing. The Board of Police Commissioners shall have the authority to suspend any full-time police officer member of the police department, excluding the Chief of Police and Sergeants appointed by the Police Supervisor Selection Committee, without pay, not to exceed one hundred eighty (180) calendar days, pending the outcome of a disciplinary hearing. If after a hearing, the Board of Police Commissioners determines that a full-time police officer member of the police department, excluding the Chief of Police and Sergeants appointed by the Police Supervisor Selection Committee, is guilty of the charges which were the subject of the hearing, the Board of Police Commissioners may, but shall not be obligated to, add an additional period of suspension of up to one hundred eighty (180) days without pay.

(B) Authority to Suspend in Excess of Thirty (30) Days. The provision of 65 ILCS 5/10-2.1-17, which limit suspensions of sworn police officer members of the police department to no more than thirty (30) days, are hereby superseded by this Ordinance, and the Washington Board of Police Commissioners is hereby granted the authority to suspend a full-time police officer member of the police department, excluding the Chief of Police and Sergeants appointed by the Police Supervisor Selection Committee, for a period not to exceed one hundred eight (180) calendar days, without pay, pending the outcome of a disciplinary hearing, and after a hearing, to add an additional period of suspension of up to one hundred eighty (180) calendar days without pay.

(C) Additional Disciplinary Sanctions. In addition to the suspension provisions of 65 5/10-2.1-17 as modified herein by this Section 32.071, the Board of Police Commissioners shall have the authority, as part of a disciplinary sanction, after a due process hearing, to: (1) order the performance of random drug testing of any full-time police officer member of the police department, excluding the Chief of Police and Sergeants appointed by the Police Supervisor Selection Committee, for any offense relating to the use of narcotics or who may be found to be otherwise in violation of the City's Drug and Alcohol Policy; (2) terminate the employment of, or discharge from office, any full-time police officer member of the police department, excluding the Chief of Police and Sergeants appointed by the Police Supervisor Selection Committee.

(D) Application of Sanctions. All of the foregoing sanctions as described in this Section 32.071 may be individually or cumulatively applied.

(Ord. 2650, passed 12-5-05; Am. Ord. 3198, passed 9-6-16)

§ 32.072 PROMOTIONAL ELIGIBILITY LISTS

The provisions of the Illinois Municipal Code, at 65 ILCS 5/10-2.1-15, which provides that candidates for promotional appointments shall be stricken from the promotional eligibility register after having remained on said register for more than three years, is hereby suspended by this Ordinance, and the Washington Board of Police Commissioners is hereby granted the authority to set the duration of promotional eligibility lists by its own Rules and Regulations, provided said promotional eligibility lists shall have a duration of no less than two (2) years.

(Ord. 2818, passed 2-16-09)

POLICE PENSION BOARD

§ 32.080 PENSION FUND ESTABLISHED

There is a Police Pension Fund established and administered for the benefit of its police officers and for the benefit of their widows, children, and certain other dependents.

§ 32.081 ESTABLISHMENT; COMPOSITION

(A) A board, composed of five (5) members, a majority of whom shall be residents of the municipality, shall constitute a Board of Trustees to administer the Pension Fund and to designate the beneficiaries thereof. The board shall be known as the Board of Trustees of the Police Pension Fund of the city. It shall meet quarterly as provided by state statutes.

(B) Two (2) members of the Board shall be appointed by the Mayor. The third and fourth members of the Board shall be elected from the regular police force by the active members thereof. The fifth member shall be elected by and from among the beneficiaries of the Fund.

§ 32.082 POWERS, DUTIES

The Police Pension Board shall have the powers and duties stated in state statute. It shall:

(A) Control and manage the Pension Fund, and all moneys donated, paid, or assessed.

(B) Order and direct the payment of pensions and other benefits.

(C) Submit annually to the City Council at the close of the fiscal year a list of persons entitled to payment, the amount and their purpose. It shall also include items of income.

(D) Draw and invest funds.

(E) In addition, the Board, in carrying out its duties, may subpoena witnesses, appoint a clerk, pay expenses, and make rules. The Board shall keep a public record of all its proceedings.

§ 32.083 REPORT BY BOARD

The Police Pension Board shall report to the City Council on the condition of the Police Pension Fund. The report shall be made prior to the meeting of the Council held for the levying of taxes for the year for which such report is made. The Board shall certify to the City Council the assets in their custody at such time; the estimated receipts during the next succeeding calendar year from deductions from the salaries of police officers, and from all other sources; and the estimated amount required during said calendar year to pay all pensions and other obligations provided and maintain the reserve fund.

§ 32.084 COMPENSATION

Members of the Board of Trustees of the Pension Fund shall not receive or have any right to receive any money or moneys from a Pension Fund as salary for service performed as a member of such Board.

PLANNING AND ZONING COMMISSION

§ 32.130 MEMBERSHIP; APPOINTMENT

The City Planning and Zoning Commission shall consist of seven (7) members including a Chairperson. They shall be appointed by the Mayor on the basis of their particular fitness for their duty on said Commission and their appointment shall be subject to the approval of the City Council. Members of the Planning and Zoning Commission shall reside within the municipality or within territory contiguous to the municipality and not more than one and one-half (1½) miles beyond the corporate limits and not included within any other municipality.

(Am. Ord. 3102, passed 12-1-14)

§ 32.131 TERMS

All members of the Planning & Zoning Commission shall serve for a term of five (5) years or until their successors are duly appointed and qualified.

§ 32.132 POWERS AND DUTIES; EXPENDITURES

(A) The Planning & Zoning Commission shall evaluate the social, economic, and environmental goals of the residents of the community.

(1) It shall advise the City Council in policy direction and long range planning.

(2) It shall prepare and recommend to the Council from time to time such changes in the official plan and map of the city or any part thereof as may be deemed necessary by the Council or by the Commission.

(3) It shall prepare and recommend to the Council from time to time plans and/or recommendations for specific improvements in pursuance of such official plan and map.

(4) It shall give aid to the officials of the city charged with the direction of projects for improvements embraced within the official plan, further the making of such improvements and generally promote the realization of the official plan.

(5) It shall arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(6) It shall cooperate with municipal or regional planning or other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

(7) It shall exercise such other powers germane to the powers granted by statute as may be conferred by the City Council.

(Am. Ord. 881, passed 4-4-67; Am. Ord. 2080, passed 7-7-97)

§ 32.133 RECORD TO BE KEPT

The City Planning & Zoning Commission shall keep a public record of its resolutions, findings, and determinations. It shall also file an annual report with the Mayor and City Council setting forth its transactions and recommendations.

ECONOMIC DEVELOPMENT COMMISSION

§ 32.134 ESTABLISHMENT

There is hereby established an Economic Development Commission for the city.
(Ord. 1488, passed 5-19-86)

§ 32.135 DEFINITIONS

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

CHAIRPERSON. The Chairperson of the Economic Development Commission.

COMMISSION. The Washington Economic Development Commission.

WASHINGTON AREA. Includes the city of Washington, Illinois, plus the area encompassed by Peoria County, Tazewell County, and Woodford County.

§ 32.136 MEMBERSHIP; QUALIFICATIONS; QUORUM

(A) Except as provided in division (B) hereof, the Economic Development Commission shall consist of seven (7) members to be appointed by the Mayor on the basis of their particular fitness for their duty on said Commission, and their appointment shall be subject to the approval of the City Council. To be eligible to serve on the Commission, a person must be eighteen (18) years of age or older and must either reside within the city, work within the city, or have a place of business within the city.

(B) On the effective date hereof, the Commission shall consist of such number of members as are currently serving thereon who have been duly appointed. Said number of members so serving shall be allowed to continue to serve until their term in office shall expire. Until the expiration of the term of office or resignation of a sufficient number of members to reduce the size of said Commission to nine members, no new members shall be appointed by the Mayor.

(C) A quorum of said Commission shall consist of and be equal to a majority of active Commissioners. Any positions that may be or remain unfilled on said Commission shall not be counted as active Commissioners when determining the active number of Commissioners for purposes of a quorum.
(Ord. 1562, passed 10-17-88; Am. Ord. 2123, passed 4-20-98)

§ 32.137 TERMS

All members of the Economic Development Commission shall serve for a term of five (5) years or until their successor has been appointed and qualified.

§ 32.138 CHAIRPERSON; DUTIES AND POWERS

(A) The Chairperson of the Economic Development Commission shall be elected by the membership thereof and shall serve as Chairperson for a term of two (2) years or for the remainder of his term of appointment to the Commission, whichever is less. A Chairperson may serve for more than one consecutive term.

(B) The Chairperson of the Commission shall have the following duties and powers:

(1) To preside over meetings of the Commission;

(2) To recommend to the Mayor for appointment those persons to serve as members of the Commission; to recommend to the Mayor the removal of any member of the Commission;

(3) To delegate duties to members, to such other officers as the Commission may create, and to such committees and subcommittees of the Commission as may be created;

(4) To obtain performance by each of the committees of the Commission, or subcommittees, of its functions and to otherwise cause the functions and duties of the Commission to be performed;

(5) To address clubs and organizations and make other public appearances as to keep the public informed as to the functions, activities, and plans of the Commission and so as to secure cooperation from clubs, organizations, and the general public;

(6) To provide general leadership and direction to the Commission;

(7) To work cooperatively with the Mayor and to keep the Mayor informed as to the activities and plans of the Commission and as to its recommendations and needs;

(8) To carry out the directions of the City Council;

(9) To appear regularly before the City Council to give information as to the Commission's activities, plans, needs, and recommendations, and to answer questions of the members of the City Council.

(10) To be an ex-officio member of all committees and subcommittees of the Commission; and

(11) To perform such other duties as will advance the purposes of the Commission.

§ 32.139 OTHER OFFICERS

The Economic Development Commission shall have such vice chairpersons and other officers as shall be determined from time to time by the Commission, and they shall be elected by the membership of the Commission.

§ 32.140 COMMITTEES AND SUBCOMMITTEES

The Economic Development Commission shall have such committees or subcommittees as shall be determined from time to time by the Commission, and the Chairperson shall appoint a committee or subcommittee chairperson. The membership of the committee or subcommittee shall be appointed by the Chairperson.

§ 32.141 RULES AND REGULATIONS

The Economic Development Commission shall establish such rules and regulations as are needed or are desirable for its administrative operation. Meetings of the Commission may be called by the Chairperson or the Mayor: Regular meetings of the Commission may be established by the Commission.

§ 32.142 FUNCTIONS AND DUTIES

The Economic Development Commission shall have the following functions and duties:

(A) To promote, retain, and expand existing business and industry in the city area;

(B) To seek out and obtain new business and industry appropriate to and for the city area;

(C) To develop, create, establish, administer, maintain, update, and implement the economic development plan for the city; to keep the City Council advised of the status of the economic development plan; and to recommend from time to time changes in the plan to the City Council;

(D) To seek sites and buildings for the location of new businesses and industries and the expansion and relocation of existing business and industry in the city area;

(E) To develop, establish, maintain, and update an inventory of available commercial and industrial properties in the city;

(F) To work and cooperate with other commissions, bodies, committees, councils, and organizations endeavoring to bring new business and industry into the city area;

(G) To work and cooperate with other commissions, bodies, committees, councils, and organizations endeavoring to promote, to retain, or expand existing business and industry in the city area;

(H) To collect, maintain, and update statistics and other data and information pertaining to the city area as well as encourage and assist in the promotion, expansion, and retention of existing business and industry or encourage and assist in the location of new business and industry in the city area;

(I) To consult and negotiate, on behalf of the City Council, with business and industry desiring to expand, relocate or locate within the city, and to present and propose to the City Council plans, programs, and incentives for the City Council's consideration;

(J) To assist business and industry desiring to expand, relocate, or locate within the city by consulting and negotiating with such businesses and industries with regard to federal, state, and local incentives and assistance;

(K) To promote and attempt to secure employment and employment opportunities for residents of the city area, including full-time, part-time, and summer employment, and to work and cooperate with governmental and private agencies promoting employment within the city area;

(L) To promote the city area as a place to live, work, and do business;

(M) To recruit or cause efforts to recruit such business and industry as are or may be appropriate and necessary to the city area;

(N) To act as the Zone Management Organization for the Washington Enterprise Zone, should such be certified by the State Department of Commerce and Community Affairs;

(O) To endeavor to discover in apt time for action any plans of business or industry to construct or locate new plants which might be appropriate for the city, and, with the approval of the City Council to take such steps and submit information to encourage such industries to locate plants in the city area;

(P) To keep informed upon, and to inform the Mayor and City Council of, such state and federal grants and benefits that could aid the economic development of the city area as

may be available, and, with the approval of the City Council, to prepare applications for such grants and benefits;

(Q) To suggest to the Mayor and City Council such ordinances or changes in ordinances as will, in the opinion of the Commission, aid the economic development of the city;

(R) To prepare and present to the City Council a suggested annual budget for the Commission in ample time for consideration by the City Council in connection with its consideration of the city's annual budget and appropriation ordinance, and to answer questions before the City Council as to such suggested budget;

(S) To aid business and industry expanding, relocating, or locating in the city with obtaining and securing financing, and, subject to the approval of the City Council, to implement and operate such programs as may be necessary for that purpose;

(T) Consistent with available funds, to develop or encourage the development of, such publications and to do such advertising, or encourage such advertising, as will promote the development of the city area;

(U) To prepare or develop such feasibility studies, surveys, and other studies and plans as may be helpful for industry or business to consider the city area as a location;

(V) To keep the public informed as to the activities and plans of the Commission and to endeavor to secure the support and help of clubs, organizations, businesses, industries, and others in the economic development of the city;

(W) To issue press releases to newspapers and communications media as to the activities and plans of the Commission and to endeavor to obtain such publicity as will promote the economic development of the city area; and to arrange for presentations before clubs, organizations, and groups about the activities and plans of the Commission;

(X) To maintain liaison with other governmental bodies and with such commissions, agencies, and organizations as are working toward the economic development of the city area, and to work to secure the participation of such governmental bodies, commissions, agencies, and organizations in the plans for economic development of the Commission; and

(Y) To perform such other duties and functions as may be directed by the Mayor or City Council.

(Ord. 1488, passed 5-19-86)

EMERGENCY SERVICES AND DISASTER AGENCY (ESDA)

§ 32.175 ESTABLISHMENT; MEMBERSHIP

(A) There is created the City Emergency Services and Disaster Agency, ESDA, to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with the Illinois Emergency Services and Disaster Agency Act of 1988 (PA 85-1027, H.B. 4011)

(Ord. 1378, passed 5-16-83)

(B) ESDA shall consist of the Coordinator and such additional members as may be selected and appointed as ESDA Members by the Mayor or his delegatee.

(Ord. 1184, passed 4-5-76)

(C) Those persons appointed members will serve in their capacity as ESDA members at the sole discretion of the Mayor or his delegatee. The decision to remove a member from ESDA membership is solely at the discretion of the Mayor or his delegatee.

(D) Any member who is removed from ESDA membership must immediately without delay return to the ESDA Coordinator any equipment he or she was issued including but not limited to identification cards, shoulder patches, radios and any other equipment that is the property of the ESDA Unit or the City of Washington.

(Ord. 1184, passed 4-5-76)

§ 32.176 COORDINATOR

(A) The Coordinator of the City ESDA shall be appointed by the Mayor with consent of the City Council and shall serve until removed by same.

(B) The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the Mayor or his delegatee. The Mayor may delegate oversight, control and direction of ESDA and the Coordinator, the appointment of members of ESDA, and all other authority granted to the Mayor regarding ESDA, with the exception of the appointment of the Coordinator, to the Chief of Police of the City of Washington. Any such delegation may be revoked from time to time by the Mayor, in his sole discretion. In the event of such delegation, the Coordinator shall report directly to, and be under the direction and control of the Chief of Police, until such time as the delegation is revoked.

(C) In the event of the absence, resignation, death, or inability to serve as the Coordinator, the first, second, and third assistants to the Coordinator shall act, in that order, as Coordinator until a new appointment is made by the Mayor. Any appointment made by the Mayor shall take precedence over the Coordinator's assistants.

(Am. Ord. 1378, passed 5-16-83)

§ 32.177 OATH

Every person, whether compensated or non-compensated, who is appointed to serve in any capacity in the City ESDA organization shall, before entering upon his duties, subscribe to the following oath, in writing, before the Coordinator or other person authorized to administer oaths in the state, which oath shall be filed with the Coordinator with which he shall serve and which shall be substantially as follows:

I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the (name of political subdivision), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.

(Ill. Rev. Stat., Ch. 127, § 1070)

(Ord. 1184, passed 4-5-76)

§ 32.178 COMPENSATION

Members of the ESDA who are paid employees or officers of the city, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held. Members who are not such city employees or officers shall receive for such training time such compensation as may be established by the Mayor and City Council.

(Ord. 1184, passed 4-5-76)

§ 32.179 FUNCTIONS

The City ESDA shall perform such ESDA functions within the city as shall be prescribed in and by the state ESDA plan and program prepared by the Governor, and such orders, rules, and

regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in the state ESDA laws.

(Ord. 1184, passed 4-5-76)

§ 32.180 SERVICE AS MOBILE SUPPORT TEAM

(A) All or any members of the City ESDA organization may be designated as members of a mobile support team created by the Director of the State ESDA as provided by Ill. Rev. Stat., Ch. 127, § 1058.

(B) The leader of this mobile support team shall be designated by the Coordinator of the City ESDA organization.

(C) Any member of a mobile support team, who is a city employee or officer while serving on call to duty by the Governor or the State Director, shall receive compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the city, while so serving, shall receive from the state reasonable compensation as provided by law.

(Ord. 1184, passed 4-5-76)

§ 32.181 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS

The Coordinator of ESDA, *under the direction of the Mayor of his delegatee*, may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the Mayor and City Council and by the State Director of ESDA.

(Ord. 1184, passed 4-5-76)

§ 32.182 EMERGENCY ACTION

If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the state of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the City ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

(Ord. 1184, passed 4-5-76)

§ 32.183 REIMBURSEMENT BY STATE

The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the city for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a mobile support team while serving outside the city in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law.

(Ord. 1184, passed 4-5-76)

§ 32.184 PURCHASE AND EXPENDITURES

(A) The Mayor and City Council may, on recommendation of the Coordinator, authorize any purchase of contracts necessary to place the city in a position to combat effectively any disaster resulting from the explosion of any nuclear bomb or missile or other, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

(B) In the event of enemy caused or other disaster, the City Coordinator of ESDA is authorized, *at the direction of the Mayor or his* delegatee, on behalf of the city to procure such services, supplies, equipment, or material as may be necessary for such purposes, in view of the emergency without regard to the statutory procedures or formalities normally prescribed by law pertaining to city contracts or obligations as authorized by the State ESDA Act, provided that if the Mayor and City Council meet at such time he shall act subject to the directions and restrictions imposed by that body.

(Ord. 1184, passed 4-5-76)

§ 32.185 APPROPRIATION; LEVY OF TAXES

The Mayor and City Council may make an appropriation for ESDA proposed in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five cents ($.05) per one hundred dollars ($100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by the State ESDA Act. However, the amount collectible under such levy shall in no event exceed twenty five cents ($0.25) per capita.

(Ord. 1184, passed 4-5-76; Am. Ord. 1320, passed 11-17-80; Am. Ord. 1378, passed 5-16-83; Am. Ord. 2634, passed 8-1-05)

DEPARTMENT OF PUBLIC WORKS

§ 32.190 ESTABLISHMENT

There is hereby created the Department of Public Works. The Department shall be under the management, supervision and coordination of the Director of Public Works. The Director of Public Works position shall be a department head position, appointed by, and under the supervision, direction and management of the City Administrator. Department of Public Works personnel shall consist of the Director of Public Works, Public Works Manager and such supervisory, professional and field or technical employees as may be provided for from time to time by the City Council.

(Ord. 1780, passed 3-1-93; Am. Ord. 3101, passed 12-1-14)

§ 32.191 DIRECTOR OF PUBLIC WORKS; DUTIES, SUPERVISION BY CITY ADMINISTRATOR

(A) The Director of Public Works shall, at a minimum, have a Bachelor of Science degree in Civil Engineering, be a registered Professional Engineer, and have prior public works supervisory experience.

(B) The Director of Public Works shall have the following duties, functions and responsibilities:

(1) Provide engineering services and support in connection with public works capital project design and construction.

(2) Provide supervision and coordination of the various Public Works Department operations, programs, projects and activities.

(3) Assist in the development of the Multi-Year Capital Improvement Plan and Annual Operating Budget. Prepare quantity and cost estimates for labor and materials for proposed capital projects and operations.

(4) Assist in the development and implementation of stormwater management programs, floodplain regulations, solid waste management/recycling programs, computerized geographical information systems and mapping, and other Public Works related special projects.

(5) Review all construction plans for infrastructure improvements in proposed subdivisions to assure conformance with city standards and requirements.

(6) Provide staff support to assigned committee(s) of the City Council. Attend all meetings of such committee(s), and of the City Council, unless directed otherwise by the City Administrator.

(C) The Director of Public Works shall be subject to the supervision, direction and management of the City Administrator, and shall perform such other services, within or without the Department of Public Works, as may be assigned by the City Administrator.

(Ord. 1780, passed 3-1-93; Am. Ord. 3101, passed 12-1-14)

§ 32.192 ORGANIZATION

The Department of Public Works shall be comprised of two divisions: Operations and Support Services.

(A) The Operations Division shall be responsible for the following operations, programs and activities:

(1) Streets and alley repair and maintenance.

(2) Snow and ice control.

(3) Sidewalk, curb and gutter repair and maintenance.

(4) Storm sewer, drainage way and creek repair and maintenance.

(5) Maintenance of Glendale Cemetery and other public grounds under the jurisdiction of the city.

(6) Repair and maintenance of city-owned public buildings.

(7) Water and sanitary sewer treatment, facility operations, maintenance and repair, including wells, water towers, pumping stations, and any other appurtenances.

(8) Repair and maintenance of water distribution system, including mains, hydrants, valves and all appurtenances.

(9) Repair and maintenance of sanitary sewer collection system, including mains and all appurtenances.

(B) The Support Services Division shall be responsible for the following operations, programs and activities:

(1) Engineering services.

(2) Public Works contract administration.

(3) Motor vehicle fleet and equipment repair and maintenance.

(4) Stormwater management.

(5) Floodplain regulations.

(6) Subdivision construction plan review.

(7) Solid waste management.

(8) Public Works dispatch.

(9) Records maintenance.

(Ord. 1780, passed 3-1-93; Am. Ord. 3101, passed 12-1-14)

BUILDING BOARD OF REVIEW

§ 32.200 ESTABLISHMENT; MEMBERSHIP

There is hereby established a Building Board of Review which shall consist of five (5) residents of the City who are, or have been, actively employed in the building trades. All members shall be appointed by the Mayor with the consent of the City Council.

(Ord. 2088, passed 10-6-97; Am. Ord. 2514, passed 2-16-04)

32.201 DEFINITIONS

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

BUILDING OFFICIAL shall mean the city official or duly authorized representative with the responsibility for enforcing the Building Codes.

BUILDING CODES shall mean the building and/or housing codes in Chapters 150, 151 and 160 of the Code of Ordinances of the City of Washington.

BOARD or BOARD OF REVIEW shall mean the Building Board of Review established in this subchapter.

(Ord. 2088, passed 10-6-97)

§ 32.202 TERM OF MEMBERS

All members of the Building Board of Review shall serve a term of five (5) years or until their successor has been appointed and qualified.

(Ord. 2088, passed 10-6-97)

§ 32.203 ELECTION OF CHAIRPERSON

The Board shall annually elect one (1) of its members to serve as chairperson.

(Ord. 2088, passed 10-6-97)

§ 32.204 DUTIES AND AUTHORITY

The Building Board of Review shall be empowered with the following duties and shall have the following authority:

(A) To review proposed changes to the Building Codes and advise the City Council thereon.

(B) To perform all duties required of a board of appeals or similar entity by the Building Codes, with the exception of the Plumbing Code and the Illinois Accessibility Code.

(C) To hear and decide appeals under the Building Codes as provided under this subchapter.

(Ord. 2088, passed 10-6-97)

§ 32.205 MEETINGS

The Building Board of Review shall meet regularly to review and act upon matters which come before the board. All meetings of the Board of Review shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on every question.

(Ord. 2088, passed 10-6-97)

§ 32.206 RIGHT OF APPEAL

Any person aggrieved by a decision or action pursuant to the Building Codes of the Building Official shall have the right to appeal the decision or action of the Building Official to the Board of Review. An application for appeal must be submitted on a form proscribed by the Board of Review; one copy served on the Building Official and one copy served on the City Clerk within thirty (30) days of the decision or action being appealed. All applications must be based upon one of the following grounds:

(A) That the true intent of the Building Code(s) or rules legally adopted thereunder have been incorrectly interpreted; or

(B) That a specific provision of the Building Code(s) does not fully apply to the applicant's factual situation and therefore the applicant should be relieved from strict compliance with the provision; or

(C) That an equivalent form of construction should be allowed to be used.

(Ord. 2088, passed 10-6-97)

§ 32.207 HEARING AND DECISION

(A) The Board of Review shall, in every appeal, hold a hearing without unreasonable or unnecessary delay. At least ten (10) days prior to the hearing, the Building Official shall forward to the Board, copies of all documents and information in the Building Official's files regarding the appeal. The applicant, the applicant's representative, the Building Official, and any person whose interests are affected shall be permitted to present relative evidence.

(B) Every decision of the Board shall be based upon the evidence presented at the hearing, shall be in writing, shall set forth findings of fact, conclusions and a finding either in favor of or against the application for appeal, and shall be promptly filed with the office of the Building Official. A copy of the written decision shall be sent by mail to the applicant.

(C) In any appeal pursuant to § 32.206(2) or (3), the Board of Review must first, before it can find in favor of the applicant, make specific findings of fact that (1) strict compliance with the Building Codes) would cause exceptional practical difficulties or particular hardship upon the applicant and (2) the relief requested can be granted without substantially impairing the general purpose or intent of the Building Code(s) to protect the health, safety and welfare of the citizens of the City.

(Ord. 2088, passed 10-6-97)

§ 32.208 APPEALS TO COURT

All final decisions of the Board of Review shall be subject to judicial review under the Administrative Review Act.

(Ord. 2088, passed 10-6-97)

JOINT REVIEW BOARD
(Washington Road TIF District)

§ 32.220 ESTABLISHMENT; MEMBERSHIP

There is hereby established a Joint Review Board for the Washington Road Tax Increment Redevelopment Project Area, which shall consist of a representative selected by each community college district, local elementary school district, high school district, park district, library district, township, fire protection district, and county, that will have the authority to directly levy taxes on the property within the Washington Road Tax Increment Redevelopment Project Area, and a representative selected by the City, and a public member. The public member shall be selected by a majority vote of the other Board members present and voting. After selecting the public member, the Board's Chairperson shall be selected by a majority vote of the Board members present and voting.

§ 32.221 DEFINITIONS

ACT. "Act" shall mean the Illinois Tax Increment Redevelopment Act (65 ILCS 5/11-74.4-1 et seq.).

JOINT REVIEW BOARD. "Joint Review Board" shall mean the Joint Review Board for the Washington Road Tax Increment Redevelopment Project Area.

PROJECT AREA. "Project Area" shall mean the Washington Road Tax Increment Redevelopment Project Area.

REDEVELOPMENT PLAN. "Redevelopment Plan" shall mean the Washington Road Tax Increment Redevelopment Plan.

REDEVELOPMENT PROJECT. "Redevelopment Project" shall mean the Washington Road Tax Increment Redevelopment Project.

§ 32.222 TERMS OF MEMBERS

All members of the Joint Review Board shall serve a term of three (3) years, or until their successors have been appointed and qualified.

§ 32.223 ELECTION OF CHAIRPERSON

The Joint Review Board shall annually elect one of its members to serve as Chairperson.

§ 32.224 DUTIES AND AUTHORITY

The Joint Review Board shall be empowered with the following duties and shall have the following authority:

(A) To review the public record, planning documents, and any proposed ordinances approving the Redevelopment Plan and the Redevelopment Project; and

(B) To review proposed amendments to the Redevelopment Plan or additions of parcels of property to the Project Area; and

(C) To hold public hearings on proposed amendments to the Redevelopment Plan, or additions of parcels of property to the Project Area; and

(D) To make non-binding advisory recommendations to the City Council as to any proposed amendments to the Redevelopment Plan or Redevelopment Project; and

(E) To submit to the City Council an annual review of the effectiveness and status of the Redevelopment Plan and Project Area, up to the date of the end of the City's fiscal year.

§ 32.225 MEETINGS

The Joint Review Board shall meet annually, within 180 days after the close of the City's fiscal year, or as soon as the Redevelopment Project audit for the fiscal year becomes available for the purpose of reviewing the effectiveness and status of the Project Area up to the date of the audit. The Joint Review Board may meet at such other times as necessary and appropriate. The meetings of the Joint Review Board shall be open to the public. The Joint Review Board shall keep minutes of its proceedings showing the vote of each member on every question.

§ 32.226 ACTION BY JOINT REVIEW BOARD

The Joint Review Board's recommendation shall be an advisory, non-binding recommendation. The recommendation shall be adopted by a majority of those members present and voting. The recommendations shall be submitted to the City Council within 30 days after any recommendation is made. Failure of the Joint Review Board to submit its report on a timely basis as required by the Act shall not be cause to delay any public hearing or any other step in the process of designating or amending the Redevelopment Project or the Project Area, but shall be deemed to constitute approval by the Joint Review Board of the matters before it.

§ 32.227 BASIS FOR RECOMMENDATIONS

(A) The Joint Review Board shall base its recommendation to approve or disapprove the Redevelopment Plan and the designation of the Project Area, the amendment of the

Redevelopment Plan, or additions of parcels of property to the Project Area, on the basis of the Redevelopment Project, the Project Area, and the Redevelopment Plan satisfying the Redevelopment Plan requirements, the eligibility criteria defined in state statutes, and the objectives of the Act.

(B) The Joint Review Board shall issue a written report describing why the Redevelopment Plan and Project Area, or the amendment thereof, meets or fails to meet, one or more of the objectives of the Act, and both the Redevelopment Plan requirements and the eligibility criteria defined in the Act. In the event the Board does not file a report, it shall be presumed that the taxing bodies represented on the Board find the Project Area and the Redevelopment Plan to satisfy the objectives of the Act, and the Redevelopment Plan requirements and eligibility criteria.

§ 32.228 RECOMMENDATION TO REJECT MATTERS

If the Joint Review Board recommends rejection of the matters before it, the City Council will have 30 days within which to resubmit the plan or amendment. During this period, the City Council, or representatives thereof, will meet and confer with the Joint Review Board and attempt to resolve those issues set forth in the Joint Review Board's written report that lead to the rejection of the plan or amendment. In the event that the City Council and the Joint Review Board are unable to resolve these differences, or in the event that the resubmitted plan or amendment is rejected by the Joint Review Board, the City Council may proceed with the plan or amendment, but only upon a 3/5ths vote of the corporate authorities responsible for approval of the plan or amendment, excluding positions of members that are vacant, and those members that are ineligible to vote because of conflicts of interest.

JOINT REVIEW BOARD
(Downtown TIF District)

§ 32.230 ESTABLISHMENT; MEMBERSHIP

There is hereby established a Joint Review Board for the Downtown Tax Increment Redevelopment Project Area, which shall consist of a representative selected by each community college district, local elementary school district, high school district, park district, library district, township, fire protection district, and county, that will have the authority to directly levy taxes on the property within the Downtown Tax Increment Redevelopment Project Area, and a representative selected by the City, and a public member. The public member shall be selected by a majority vote of the Board members present and voting. After selecting the public member, the Board's Chairperson shall be selected by a majority vote of the Board members present and voting.

§ 32.231 DEFINITIONS

ACT. "Act" shall mean the Illinois Tax Increment Redevelopment Act (65 ILLS 5/11-74.4-1 et seq.).

JOINT REVIEW BOARD. "Joint Review Board" shall mean the Joint Review Board for the Downtown Tax Increment Redevelopment Project Area.

PROJECT AREA. "Project Area" shall mean the Downtown Tax Increment Redevelopment Project Area.

REDEVELOPMENT PLAN. "Redevelopment Plan" shall mean the Downtown Tax Increment Redevelopment Plan.

REDEVELOPMENT PROJECT. "Redevelopment Project" shall mean the Downtown Tax Increment Redevelopment Project.

§ 32.232 TERMS OF MEMBERS

All members of the Joint Review Board shall serve a term of three (3) years, or until their successors have been appointed and qualified.

§ 32.233 ELECTION OF CHAIRPERSON

The Joint Review Board shall annually elect one of its members to serve as Chairperson.

§ 32.234 DUTIES AND AUTHORITY

The Joint Review Board shall be empowered with the following duties and shall have the following authority:

(A) To review the public record, planning documents, and any proposed ordinances approving the Redevelopment Plan and the Redevelopment Project; and

(B) To review proposed amendments to the Redevelopment Plan or additions of parcels of property to the Project Area; and

(C) To hold public hearings on proposed amendments to the Redevelopment Plan, or additions of parcels of property to the Project Area; and

(D) To make non-binding advisory recommendations to the City Council as to any proposed amendments to the Redevelopment Plan or Redevelopment Project; and

(E) To submit to the City Council an annual review of the effectiveness and status of the Redevelopment Plan and Project Area, up to the date of the end of the City's fiscal year.

§ 32.235 MEETINGS

The Joint Review Board shall meet annually, within 180 days after the close of the City's fiscal year, or as soon as the Redevelopment Project audit for the fiscal year becomes available for the purpose of reviewing the effectiveness and status of the Project Area up to the date of the audit. The Joint Review Board may meet at such other times as necessary and appropriate. The meetings of the Joint Review Board shall be open to the public. The Joint Review Board shall keep minutes of its proceedings showing the vote of each member on every question.

§ 32.236 ACTION BY JOINT REVIEW BOARD

The Joint Review Board's recommendation shall be an advisory, non-binding recommendation. The recommendation shall be adopted by a majority of those members present and voting. The recommendations shall be submitted to the City Council within 30 days after any recommendation is made. Failure of the Joint Review Board to submit its report on a timely basis as required by the Act shall not be cause to delay any public hearing or any other step in the process of designating or amending the Redevelopment Project or the Project Area, but shall be deemed to constitute approval by the Joint Review Board of the matters before it.

§ 32.237 BASIS FOR RECOMMENDATIONS

(A) The Joint Review Board shall base its recommendation to approve or disapprove the Redevelopment Plan and the designation of the Project Area, the amendment of the Redevelopment Plan, or additions of parcels of property to the Project Area, on the basis of the Redevelopment Project, the Project Area, and the Redevelopment Plan satisfying the Redevelopment Plan requirements, the eligibility criteria defined in state statutes, and the objectives of the Act.

(B) The Joint Review Board shall issue a written report describing why the Redevelopment Plan and Project Area, or the amendment thereof, meets or fails to meet, one or more of the objectives of the Act, and both the Redevelopment Plan requirements and the eligibility criteria defined in the Act. In the event the Board does not file a report, it shall be presumed that the taxing bodies represented on the Board find the Project Area and the Redevelopment Plan to satisfy the objectives of the Act and the Redevelopment Plan requirements and eligibility criteria.

§ 32.238 RECOMMENDATION TO REJECT MATTERS

If the Joint Review Board recommends rejection of the matters before it, the City Council will have 30 days within which to resubmit the plan or amendment. During this period, the City Council, or representatives thereof, will meet and confer with the Joint Review Board and attempt to resolve those issues set forth in the Joint Review Board's written report that lead to the rejection of the plan or amendment. In the event that the City Council and the Joint Review Board are unable to resolve these differences, or in the event that the resubmitted plan or amendment is rejected by the Joint Review Board, the City Council may proceed with the plan or amendment, but only upon a 3/5ths vote of the corporate authorities responsible for approval of the plan of amendment, excluding positions of members that are vacant, and those members that are ineligible to vote because of conflicts of interest.

(Ord. 2220, passed 1-18-00)

HISTORIC PRESERVATION COMMISSION

§32.240 ESTABLISHMENT; MEMBERSHIP

It is hereby established a Historic Preservation Commission, which shall consist of seven (7) voting members. All members shall be appointed by the Mayor, with the consent of the City Council. No appointment to the Commission may be made by any Mayor within thirty (30) days before the expiration of his term of office. Members shall serve without compensation.

§32.241 OATH OF OFFICE

The members of the Historic Preservation Commission shall be considered officers of the City, and shall file an oath of office with the City Clerk.

§32.242 QUALIFICATIONS

The members of the Historic Preservation Commission shall be residents of the City at the time of their respective appointments and at all times as they shall respectively serve thereafter. Appointment of members shall be based upon expertise, experience, and interest in architectural history, building construction, engineering, finance, historical preservation, architectural preservation, neighborhood organizing, or real estate.

§32.243 TERMS

All members of the Historical Preservation Commission shall serve for three (3) years, and until their respective successors are appointed and have been qualified. Of those members first being appointed, two (2) shall be appointed for one (1) year, three (3) for two (2) years, and two (2) for

three (3) years. No member shall serve more than two (2) successive three-year terms. Vacancies shall be filled for the unexpired term only.

§32.244 POWERS AND DUTIES

The Commission shall have the following powers and duties:

(A) To adopt its own procedural regulations;

(B) To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas;

(C) To investigate and recommend to the Council the adoption of ordinances designating or decertifying properties or structures having special historic, community, or architectural value as “landmarks”;

(D) To investigate and recommend to the Council the adoption of ordinances designating groups of properties or structures having special historic, community or architectural value as “historic districts”;

(E) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;

(F) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;

(G) To advise owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the State or National Register of Historic Places;

(H) To inform and educate the citizens of Washington concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;

(I) To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures or historic districts and issue or deny Certificates of Appropriateness for such actions;

(J) To develop specific guidelines for the alteration, demolition, construction, or removal of landmarks or property and structures within historic districts;

(K) To review proposed zoning amendments, applications for special use permits or variances that affect proposed or designated landmarks and historic districts. Such review shall be made and findings submitted to the City Planning and Zoning Commission prior to the date of the hearing of these respective bodies;

(L) To administer, on the behalf of the City of Washington, any property or full or partial interest in real property, including a conservation right as that term is used in 765 ILCS 120/1, which the City may have or accept as a gift or otherwise, upon designation by the Council;

(M) To accept and administer on behalf of the City of Washington, upon designation by the Council, such gifts, grants and money as may be appropriate for the purpose of this ordinance;

(N) To call upon available City staff members as well as other experts for technical advice;

(O) To testify before all boards and commissions, including the City Planning and Zoning Commission, on any matter affecting historically and architecturally significant property and landmarks;

(P) To periodically review the Washington Zoning Ordinance and to recommend to the City Planning and Zoning Commission and the Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.

§32.245 OFFICERS

The officers of the Historic Preservation Commission shall consist of a Chairman, Vice-Chairman, and a Secretary elected by the Commission who shall serve a term of one (1) year. All officers shall be eligible for re-election, but no officer shall hold the same office for more than two (2) consecutive years.

(A) The Chairman shall preside over meetings. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. If both are absent, an Acting Chairman shall be elected by those present.

(B) The Secretary to the Commission shall have the following duties:

(1) Take minutes of each Commission meeting;

(2) Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Commission to the members of the Commission;

(3) Give notice as provided herein or by law for all public hearings conducted by the Commission;

(4) Advise the Mayor of vacancies on the Commission and expiring terms of members; and

(5) Prepare and submit to the Council a complete record of the proceedings before the Commission on any matter requiring Council consideration.

§32.246 MEETINGS

(A) A quorum shall consist of a majority of the members. All decisions or actions of the Commission shall require the affirmative vote of a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the Commission at the beginning of each fiscal year of the City, or at any time upon the call of the Chairman.

(B) No member of the Commission shall vote on any matter that may materially affect the property, income or business interest of that member.

(C) No action shall be taken by the Commission that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the Commission, as provided herein.

(D) The Chairman, and in his absence the Vice-Chairman or Acting Chairman, may administer oaths and compel the attendance of witnesses.

(E) All meetings of the Commission shall be open to the public and be called and conducted in accordance with the Illinois Open Meetings Act. The Commission shall keep minutes of its proceedings, showing the vote, and shall keep records of its examinations and other official actions, all of which shall be filed with the City Clerk of the City of Washington and shall be a public record.

§32.247 SURVEYS AND RESEARCH

The Commission shall undertake an ongoing survey and research effort in the City of Washington to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The

Commission shall identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

(A) The potential landmarks in one identifiable neighborhood or district geographical area of the City of Washington;

(B) The potential landmarks associated with a particular person, event, or historical period;

(C) The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman;

(D) Such other criteria as may be adopted by the Commission to assure systematic survey and nomination of all potential landmarks within the City of Washington.

(Ord. 2750, passed 10-1-07)

LIQUOR CONTROL COMMISSION

§32.248 ESTABLISHMENT; MEMBERSHIP

A Liquor Control Commission is hereby created consisting of three (3) members to be appointed by the Mayor, as Local Liquor Control Commissioner, with approval of the City Council.

§32.249 TERMS

All members of the Liquor Control Commission shall serve a term of three (3) years, or until their successors have been appointed and qualified.

§32.250 POWERS AND DUTIES

The Liquor Control Commission shall be empowered with the following duties and shall have the following authority:

(A) To adopt such rules and regulations as are necessary for its procedure and the conduct of its functions; and

(B) To receive, review and consider all applications and the investigation of applicants for liquor licenses and to submit findings and recommendations to the Local Liquor Control Commissioner setting forth its conclusions regarding such applicants; and

(C) To conduct hearings at the request of the Local Liquor Control Commissioner and to make recommendations to the Local Liquor Control Commissioner regarding the issuance, denial, renewal, continuation or termination of any liquor license; and

(D) To be present at disciplinary hearings conducted by the Local Liquor Control Commissioner in order to hear testimony and recommend the appropriate disciplinary action to be taken, if any, by the Local Liquor Control Commissioner; and

(E) Such other duties as determined by the Local Liquor Control Commissioner.

(Ord. 3087, passed 8-4-14)

CHAPTER 33

POLICE DEPARTMENT

General Provisions
33.01 Establishment
33.02 Definition
33.03 Police Officer Ranks within the Department
33.04 Chief of Police; Appointment; Removal; Responsibilites
33.05 Sergeants; Appointment; Removal; Responsibilities
33.06 Duties
33.07 Emergencies; Members to be on Duty
33.08 Residency

Part-Time Police
33.20 Part-time Police Officers

Arrest Procedure
33.35 Arrest without process
33.36 Order of commitment
33.37 Witnesses
33.38 Municipal Bail Fee

GENERAL PROVISIONS

§ 33.01 ESTABLISHMENT

There is hereby created an executive department of the municipal government of the City which shall be known as the Department of Police. Such Department shall embrace the offices and positions enumerated in this chapter, and such others as may be provided for from time to time by the City Council.

(Ord. 896, passed 8-7-67; Am. Ord. 2602, passed 4-5-05; Am. Ord. 3198, passed 9-6-16)

§ 33.02 DEFINITION

For the purpose of this chapter the following definition shall apply unless the context clearly indicates or requires a different meaning:

> **POLICE OFFICER**. Any member of the regularly constituted Police Department of the City, sworn and commissioned to perform police duties. Such police officers shall constitute the Police Force of the City and the members of the Police Force shall be and are officers of the City.
> (Ord. 896, passed 8-7-67; Am. Ord. 2602, passed 4-5-05; Am. Ord. 3198, passed 9-6-16)

§ 33.03 POLICE OFFICER RANKS WITHIN THE DEPARTMENT

The ranks of the commissioned police officers in the Department, in descending order, shall be:

(1) Chief of Police, who shall be the commanding officer of the Department of Police;

(2) Sergeant, whose duties shall include general management and supervisory responsibility and authority; and

(3) Patrol Officer.

(Am. Ord. 3198, passed 9-6-16)

§ 33.04 CHIEF OF POLICE; APPOINTMENT; REMOVAL; RESPONSIBILITIES

(A) Appointment. The Chief of Police shall be appointed by the Mayor with the advice and consent of the City Council, and not by the Board of Police Commissioners.

(B) Removal. The Chief of Police may be removed or discharged from the position of Chief by the Mayor, with the consent of the City Council, and said removal or discharge of the Chief of Police shall not become effective unless confirmed by a majority vote of the City Council.

(C) Oath of Office. Before entering upon the duties of his office, the Chief of Police shall take the oath prescribed for all city officers.

(D) Bond. The Chief of Police shall execute and deliver a bond, payable to the city, in an amount of five thousand dollars ($5,000.00), with sureties, conditioned upon the faithful performance of the duties of his office.

(Am. Ord. 1302, passed 5-5-80)

(E) Duties. The Chief of Police shall be the head of, and the commanding officer of, the Police Department, and shall have control of the assignment and supervision of all members of the department, and shall direct all of the police work of the city. The Chief of Police shall also have the authority to hire, subject to the approval of the City Administrator, unsworn and non-commissioned administrative and support personnel within the Department of Police, including dispatchers, administrative assistants and records clerks. The Chief of Police shall be responsible for the performance by the Police Department of its functions, and all persons who are members of the Police Department shall serve subject to the orders of the Chief of Police. The Chief of Police shall be responsible for the control and regulation of all equipment belonging to the Department, and shall keep such records and make such reports concerning the activities of the department as may be required by statute or by the City Council.

(Ord. 896, passed 8-7-67; Am. Ord. 2967, passed 2-20-12)

(F) Residence. The Chief of Police shall reside within the City of Washington within six (6) months of assuming the office of Chief of Police.

(Ord. 1657, passed 2-4-91)

§ 33.05 SERGEANT; APPOINTMENT; REMOVAL; RESPONSIBILITIES

(A) Rank Within Department. The Sergeant shall be subordinate in rank to the Chief of Police and superior in rank to Patrol Officer.

(B) Appointment. Except only as expressly provided herein in the last paragraph of this §33.05(B) below, the Sergeant shall be appointed by, and serve at the discretion and pleasure of, the Police Supervisor Selection Committee. An individual appointed to the position of Sergeant by the Police Supervisor Selection Committee shall have no property rights in the appointment, shall serve in the position of Sergeant on an at-will basis, and shall not be under or subject to the authority of the Board of Police Commissioners. Further, upon recommendation from the Chief of Police, the Police Supervisor Selection Committee shall have authority to discipline any Sergeant appointed by said Committee.

Upon a vacancy in the position of Sergeant in the Department of Police, the Chief of the Police shall provide the Police Supervisor Selection Committee with a list of recommended candidates from the police officer members of the Department of Police, as well as a list of any recommended candidates from outside the Department of Police who possess prior supervisory and/or command experience in law enforcement or the military. A notice of vacancy in the position of Sergeant shall also be posted at the Washington Police Department, and thereafter any patrol officer with at least four (4) years of police experience may make a written application for appointment to the Police Supervisor Selection Committee in the manner set forth in the notice of vacancy. The Police Supervisor Selection Committee shall thereafter review the background and experience of all recommended candidates, and all patrol officers making application for appointment to the position of Sergeant, and may in its discretion conduct interviews of the candidates and applicants. With respect to candidates from outside the Department of Police, the Police Supervisor Selection Committee may, in its discretion, provide for examination of said candidates, including background investigations, medical examinations, psychological examinations, and polygraph examinations. The Police Supervisor Selection Committee shall thereafter by a majority vote appoint an individual to the position of Sergeant from the list of recommended candidates or applicants. In the event that no one on the list of recommended candidates is acceptable to the Police Supervisor Selection Committee, the Committee shall request a new list of recommended candidates from the Chief of Police and may in its discretion post further notice of vacancy in the position of Sergeant at the Washington Police Department.

Where a candidate from outside the Department of Police is appointed Sergeant by the Police Supervisor Selection Committee, the Chief of Police shall file the individual's fingerprints as required by 65 ILCS 5/10-2.1-6.2, and the Chief of Police shall perform all other legal requirements to be satisfied to employ such person.

Those individuals who were promoted to Sergeant by the Board of Police Commissioners prior to being appointed to the position of Commander and/or Deputy Chief of Police under the prior Ordinance, shall, effective upon elimination of the position of Commander and Deputy Chief of Police by adoption of this current Ordinance, automatically return to the rank of Sergeant with all authority, responsibility and compensation commensurate with such prior rank. The Board of Police Commissioners shall retain jurisdiction over the demotion, discipline greater than five (5) days, and discharge of those individuals returned to the rank of Sergeant following the elimination of the positions of Commander and Deputy Chief of Police.

(C) Removal. Except only as expressly provided herein in the last paragraph of this §33.05(C) below, upon the recommendation by the Chief of Police that it is necessary and/or desirable for any reason to remove an individual from the position of Sergeant, the Police Supervisor Selection Committee may, at any time, in its discretion, terminate an individual's appointment to Sergeant and remove the individual from the position of Sergeant effective upon a majority vote of said Committee.

Any individual who was a Patrol Officer in the Department of Police immediately prior to appointment by the Police Supervisor Selection Committee to the position of Sergeant shall, upon removal from the position of Sergeant, automatically return to the rank of Patrol Officer together with all authority, responsibility and compensation commensurate with such prior rank. The Board of Police Commissioners shall retain jurisdiction to discipline greater than five (5) days and/or discharge those individuals removed from the rank of Sergeant and returned to the rank of Patrol Officer by the Police Supervisor Selection Committee

Any Sergeant who was not a member of the Department of Police prior to being appointed Sergeant is employed at will, without property rights in either his or her appointment as Sergeant or his or her employment by the department, and upon removal from the positon of Sergeant said individual's employment with the Department of Police shall terminate.

Those individuals who were automatically returned to the rank of Sergeant upon the elimination of the positions of Commander and Deputy Chief of Police in the manner set forth in the last paragraph of §33.05(B) above, shall only be removed from the position of

Sergeant and demoted to Patrol Officer after hearing before the Board of Police Commissioners, and the Board of Police Commissioners shall further retain jurisdiction over the demotion, discipline greater than five (5) days, and discharge from the Department of Police of those individuals returned to the rank of Sergeant following the elimination of the positions of Commander and Deputy Chief of Police.

(D) Duties and Responsibilities. The Sergeant shall be responsible for the direct supervision of all subordinate personnel, and shall perform such other duties and responsibilities as shall be assigned from time to time to him or her by the Chief of Police. In the absence of the Chief of Police or the Chief's designee, the Sergeant shall be responsible for the overall operation of the Police Department during his or her assigned tour of duty. Sergeants shall be in such number as may be authorized or provided for in the annual budget of the City.

(Am. Ord. 1454, passed 6-3-85; Am. Ord. 2204, passed 10-18-99; Am. Ord. 2602, passed 4-5-05; Am. Ord. 2967, passed 2-20-12; Am. Ord. 3198, passed 9-6-16)

§ 33.06 DUTIES

The Department of Police, under the supervision of the Chief of Police, shall:

(A) Preserve the peace and order of the city;

(B) Protect persons and property from harm;

C) Prevent crime and detect and apprehend persons suspected of crimes or misdemeanors;

(D) Regulate traffic upon public thoroughfares;

(E) Enforce all criminal laws and ordinances;

(F) Secure all necessary complaints, warrants, and other documents for the enforcement of these duties;

(G) Have custody of lost and stolen property; and

(H) Maintain proper records of crimes and criminals and matters related thereto; and

(I) Perform such other duties and responsibilities as the Mayor may delegate from time to time.

(Ord. 896, passed 8-7-67)

§ 33.07 EMERGENCIES; MEMBERS TO BE ON DUTY

In the case of public necessity, the Chief of Police shall have the power to require any or all members of the Police Department to be on duty or to continue on duty during such period of emergency. To the extent the Mayor has delegated oversight responsibility over the Emergency Services and Disaster Agency (E.S.D.A.) to the Chief of Police, the Chief of Police shall also have the power to oversee and direct the activities of the E.S.D.A.

(Ord. 896, passed 8-7-67)

§ 33.08 RESIDENCY

Except for the Chief of Police, City police officers may reside outside the corporate limits of the city both at the time of appointment and while serving as such police officers.

(Ord. 982, passed 2-16-70)

PART-TIME POLICE

§ 33.20 PART-TIME POLICE OFFICERS

(A) Employment. The City of Washington may employ part-time police officers from time to time as deemed necessary. The number of part-time police officers shall not exceed more than ten (10) part-time police officers for and during the City fiscal year 2016 – 2017, or such other numbers as the corporate authorities shall from time to time specify by ordinance.

(B) Duties. A part-time police officer shall have such specific duties as delineated in the General Orders of the Washington Police Department, subject to the approval of the City Administrator. The number of hours a part-time officer may work within a calendar year is restricted and shall be determined by the Chief of Police with the approval of the City Administrator. The Chief of Police, subject to the approval of the City Administrator, may in his discretion appoint part-time Sergeants and remove part-time Sergeants, provided that part-time police sergeants or officers shall not at any time 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 Illinois Law Enforcement Training and Standards Board (I.L.E.T.S.B.).

(C) Hiring Standards. Part-time police officers shall be hired by the Chief of Police subject to the approval of the City Administrator. At a minimum, any person employed as a part-time police officer must meet the following standards:

(1) Be of 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 background investigation, a medical examination, a polygraph examination and a psychological 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 police officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the Chief of Police and City Administrator, shall not have any property rights in said employment, and may be removed for any reason by the Chief of Police with the approval of the City Administrator at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

(Ord. 948, passed 11-18-68; Am. Ord. 1698, passed 11-4-91;
Am. Ord. 2314, passed 7-2-01; Am. Ord. 2986, passed 5-7-12)

ARREST PROCEDURE

§ 33.35 ARREST WITHOUT PROCESS

The several members of the Police Force of the city are hereby severally authorized to arrest, with or without process, or on view, any person who may break the peace, or violate any of the ordinances of the city, when they have reasonable grounds for believing that delay will permit the escape of the person committing such violation, and to take such person forthwith before a judge or magistrate of a circuit court of the state; or in case such arrest is made in the night, or on Saturday, to detain such person in custody overnight, or over Saturday, in the city jail, or any other safe place, until such person can be brought before such judge or magistrate for trial.

§ 33.36 ORDER OF COMMITMENT

Commitment of any person as provided by this subchapter shall be by process, under the hand of the court, which shall have made the order of commitment.

§ 33.37 WITNESSES

All officers making arrests shall attend as witnesses before the court where the trial may be had, and shall procure all necessary evidence in their power, and furnish a list of witnesses to the court; and no city officer shall be entitled to any witness fee to be taxed against the city on any action for a violation of any ordinance where the city is plaintiff.

§ 33.38 MUNICIPAL BAIL FEE

In addition to any bail required in accordance with the laws of the State of Illinois, or of any other State, or of the United States of America, any person arrested for violating a bailable municipal ordinance or State or federal law within the City of Washington, shall pay a fee of $20.00 for bail processing.

(Am. Ord. 2633, passed 8-1-05; Am. Ord. 2897, passed 5-7-12; Am. Ord. 3198, passed 9-6-16)

CHAPTER 34

FINANCE AND REVENUE

34.01 Annual budget
34.02 Fiscal year

§ 34.01 ANNUAL BUDGET

During the last quarter of each fiscal year, as required by state statute, the City Council shall enact a budget in which shall be itemized all anticipated expenditures to be met during the coming year, other than those payable from bond issues, and all anticipated revenues to be received or accrued during the coming year. This budget document shall be available for public inspection at least ten (10) days prior to its passage and a public hearing shall be held after due publication as required by statute.

§ 34.02 FISCAL YEAR

The fiscal year of the city shall commence on May 1 of each year and end on April 30.

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CHAPTER 35

TAXATION

Foreign Fire Insurance Companies Tax
35.01 Compliance with provisions relating to engaging in business
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FOREIGN FIRE INSURANCE COMPANIES TAX

§ 35.01 COMPLIANCE WITH PROVISIONS RELATING TO ENGAGING IN BUSINESS

It shall be unlawful for any corporation, company, or association, not incorporated under the laws of the state, to engage in the city in effecting fire insurance, or to transact any business of fire insurance in the city, while in default by not fully complying with any of the requirements of this subchapter and until such requirements shall have been fully complied with; but, this provision shall not relieve any company, corporation, or association from the payment of any risk that may be undertaken in violation of this subchapter.

§ 35.02 ANNUAL GROSS RECEIPTS TAX

Any corporation, company, or association not incorporated under the laws of the state, which is engaged in the city in effecting fire insurance, shall pay to the City Treasurer for the maintenance, use and benefit of the Fire Department a sum of money equal in amount to two percent (2%) per annum of the gross receipts received for premiums by any and all agents of any such corporation, company, or association during the year ending on every July 1, for any

insurance effected or agreed to be effected in the city by or with any such corporation, company, or association during such year.

§ 35.03 ANNUAL REPORT; PAYMENT OF TAX

Every person acting in the city as agent for or on behalf of any corporation, company, or association under this subchapter shall, on or before July 15, of each and every year, render to the City Collector a full, true, and just account, verified by his oath, of all premiums which, during the year ending on July 15, preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company, or association. Such agent shall also, at the time of rendering the aforesaid report, pay to the City Treasurer the sum of money for which such company, corporation, or association represented by him is chargeable by virtue of the provisions of this subchapter.

§ 35.04 RECOVERY OF TAX BY SUIT

(A) The sum of money for which any company, corporation, or association is so chargeable under the provisions of this subchapter may be recovered of it, or its agent or agents, by an action in the name of and for the use of the city, as for money had and not received.

(B) Nothing in this section shall be held to exempt any person, corporation, company, or association from indictment and conviction under the provisions of an act entitled, ***An Act to Enable Cities, Towns, and Villages; Organized under any General or Special Law, to Levy and Collect a Tax ox License Fee from Foreign Insurance Companies for the Benefit of Organized Fire Department***, in force July 1, 1985.

§ 35.05 PLACEMENT OF INSURANCE BY BROKER RESTRICTED

No insurance broker in the city shall place any insurance with any company, association, or corporation not incorporated under the laws of this state, which shall be in default for not reporting or making payment as provided in this division, until it shall have complied with all the requirements of this subchapter.

MUNICIPAL RETAILERS' OCCUPATION TAX

§ 35.15 IMPOSITION OF TAX

A tax is imposed upon all persons engaged in the business of selling tangible personal property at retail in this city at the rate of one percent (1%) of the gross receipts from such sales made in the

course of such business while this division, municipal retailers' occupation tax, is in effect, in accordance with the provisions of Ill. Rev. Stat. § 8-11-1.

(Ord. 974, passed 8-18-69)

§ 35.16 REPORT TO STATE TO BE FILED

Every such person engaged in such businesses in the city shall file on or before the last 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.

(Ord. 974, passed 8-18-69)

§ 35.17 PAYMENTS

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed on account of the receipts from sales of tangible personal property during the preceding month.

(Ord. 974, passed 8-18-69)

HOMERULE MUNICIPAL RETAILERS' OCCUPATION TAX

§ 35.20 IMPOSITION OF TAX

A tax is imposed upon all persons engaged in the business of selling property, other than an item of tangible personal property titled or registered, and other than food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, at the rate of 1.25% of the gross receipts from such sales made in the course of such business while this division is in effect.

The imposition of this Home Rule Municipal Retailers' Occupation Tax is in accordance with the provisions of § 8-11-1 of the Illinois Municipal Code (65 ILCS 5/8-11-1). The provisions and definitions of that section are hereby incorporated into this Division by reference thereto.

(Ord. 2171, passed 12-21-98; Am. Ord. 2662, passed 02-20-06)

§ 35.21 COLLECTION OF TAX

The tax hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Division.

(Ord. 2171, passed 12-21-98; Am. Ord. 2662, passed 02-20-06)

MUNICIPAL SERVICE OCCUPATION TAX

§ 35.30 IMPOSITION OF TAX

A tax is 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 such service people 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 Ill. Rev. Stat. § 8-11-5.

(Ord. 975, passed 8-18-69)

§ 35.31 REPORT TO STATE TO BE FILED

Every supplier or service person 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 (9) of the "Service Occupation Tax Act," approved July 10, 1961, as amended.

(Ord. 975, passed 8-18-69)

§ 35.32 PAYMENTS

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed.

(Ord. 975, passed 8-18-69)

HOME RULE MUNICIPAL SERVICE OCCUPATION TAX

§ 35.35 IMPOSITION OF TAX

A tax is imposed upon all persons engaged in the business of sales of service, other than food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, at the rate of 1.25% of the selling price of all

tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale or service while this division is in effect.

The imposition of this Home Rule Municipal Service Occupation Tax is in accordance with the provisions of the § 8-11-5 of the Illinois Municipal Code (65ILCS 5/8-11-5). The provisions and definitions of that section are hereby incorporated into this Division by reference thereto.

(Ord. 2171, passed 12-21-98; Am. Ord. 2662, passed 02-20-06)

§ 35.36 COLLECTION OF TAX

The tax hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Division.

(Ord. 2171, passed 12-21-98; Am. Ord. 2662, passed 02-20-06)

SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

§ 35.101 DEFINITIONS

As used in this Division, the following terms shall have the following meanings:

(A) "Amount paid" means the amount charged to the taxpayer's service address in this municipality regardless of where such amount is billed or paid.

(B) "Department" means the Illinois Department of Revenue.

(C) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this municipality and for all services and equipment provided in connection therewith by a retailer, valued in money, whether paid in money or otherwise, including cast, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within a municipality that has imposed a tax under this Chapter and charges for the portion of the inter-office channels provided within that municipality. Charges for that portion of the inter-office channel connecting 2 or more channel termination points, one or more of which is located within the jurisdictional boundary of such municipality, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the

number of channel termination points that are located within the jurisdictional boundary of the municipality, and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, "gross charge" shall not include any of the following:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this Ordinance, (ii) the tax imposed by the Telecommunications Excise Tax Act, (iii) the tax imposed by Section 4251 of the Internal Revenue Code, (iv) 911 surcharges, or (v) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act;

(2) charges for a sent collect telecommunication received outside of this municipality;

(3) 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;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(6) charges for telecommunications and all services an 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 Ordinance has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has

become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(8) charges paid by inserting coins in coin-operated telecommunications devices; or

(9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(10) charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(D) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

(E) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(F) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

(G) "Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for

telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(I) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within 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.

(J) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(K) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) "Taxpayer" means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Ordinance.

(M) "Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Ordinance, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified

locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Ordinance. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupations Tax Act.

§ 35.102 SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS 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. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of the tax properly due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.

(B) The act or privilege of originating in the 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 multi-state or multi-municipal taxation of the act or privilege that is subject to taxation under this paragraph, any taxpayer, upon proof that the taxpayer has paid a tax in another state or municipality in this State on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state or local tax in this State.

(C) The tax imposed by this Ordinance is not imposed on such at or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made subject of taxation by the municipality.

§ 35.103 COLLECTION OF TAX BY RETAILERS

(A) The tax authorized by this Ordinance 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 Ordinance 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 Ordinance 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 Ordinance shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

§ 34.104 RETURNS TO DEPARTMENT

On or before the last day of February 2006, and on or before the last day of every month thereafter, the tax imposed under this Ordinance 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 the Act.

§ 35.105 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 Division 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 tot he retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

§ 35.106 SEVERABILITY

If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

§ 35.107 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all bills issued on or after the first day of January, 2006. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to September 20, 2005.

(Am. Ord. 2636, passed 9-6-05; Am. Ord. 2640, passed 9-19-05)

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CHAPTER 36

GIFT BAN

36.01 Definitions
36.02 Gift ban
36.03 Exceptions
36.04 Attendance at events
36.05 Disposition of Gifts
36.06 Reimbursement
36.07 Ethics officer
36.08 Complaints
36.99 Penalty

§ 36.01 DEFINITIONS

EMPLOYEE. All full-time, part-time, and contractual employees, and appointed and elected officials of the City of Washington or any entity of the City of Washington. However, the terms shall not include all non-salaried appointed or elected officials.

GIFT. Any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an Employee.

ENTITY. Each office, board, commission, agency, department, authority, or council of the City of Washington.

POLITICAL ORGANIZATION. A party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not the individual or electors are selected, nominated, elected, or appointed. The term includes the making of an expenditure relating to an office described in the preceding sentence that, if incurred by the individual, would be allowable as a federal income tax deduction for trade or business expense.

PROHIBITED SOURCE. Any person or entity who:

(1) Is seeking official action by an Employee or other Employee directing the Employee.

(2) Does business or seeks to do business with the Employee or other Employee directing the Employee.

(3) Conducts activities regulated by the Employee or other Employee directing the Employee.

(4) Has interests that may be substantially affected by the performance or non-performance of the official duties of the Employee; or

(5) Is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act.

§ 36.02 GIFT BAN

(A) Except as otherwise provided in this Chapter, no Employees shall solicit or accept any Gift from any Prohibited Source or in violation of any federal or State statute, rule or regulation. All non-salaried appointed or elected officials are exempted from the provisions of this Ordinance.

(B) This ban applies to and includes spouses of and immediate family living with the Employee.

(C) No Prohibited Source shall offer or make a gift in violation of this Chapter.

§ 36.03 EXCEPTIONS

The prohibition in §36.02 does not apply to the following:

(A) Anything for which the Employee pays the market value or anything not used and promptly disposed of as provided in §36.05.

(B) A contribution, as defined in Article 9 of the Election Code that is lawfully made under that Act or attendance at a fundraising event sponsored by a political organization.

(C) A gift from a relative, meaning those people related to the Employee as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancee.

(D) Anything provided by an individual on the basis of a personal friendship unless the Employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the Employee, and not because of the

personal friendship. In determining whether a gift is provided on the basis of personal friendship, the Employee shall consider the circumstances under which the gift was offered, including the following:

(1) the history of the relationship between the individual giving the Gift and the recipient of the Gift, including any previous exchange of Gifts between those individuals;.

(2) whether, to the actual knowledge of the Employee, the individual who gave the Gift personally paid for the Gift or sought a tax deduction or business reimbursement for the Gift; and

(3) whether, to the actual knowledge of the Employee, the individual who gave the Gift also at the same time gave the same or similar Gifts to other Employees of the City, or other public officials.

(E) A commercially reasonable loan evidenced in writing with repayment due by a date certain made in the ordinary course of the lender's business.

(F) A contribution or other payments to a legal defense fund established for the benefit of the Employee that is otherwise lawfully made.

(G) Intra-office and inter-office Gifts. For purposes of this exception, "intra-office" Gifts means any Gift given by an Employee of the City to any other Employee of the City. For purposes of this exception, "inter-office" Gifts means any Gift given to or by an Employee of the City to or from a full-time, part-time, and contractual employees, and appointed or elected official of any entity of local, federal or State government.

(H) Food, refreshments, lodging, transportation, and other benefits:

(1) resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the Employee with regard to the City) of the Employee, if the benefits have not been offered or enhanced because of the official position with the City of the Employee, and are customarily provided to others in similar circumstances;

(2) customarily provided by a prospective employer and actually provided in connection with bona fide employment discussions; or

(3) provided by a political organization in connection with a fundraising or campaign event sponsored by that organization.

(I) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(J) Informational materials that are sent to the office of the Employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(K) Awards or prizes that are given to competitors in contests or events open to the public, including random drawings.

(L) Honorary degrees (and associated travel, food, refreshments, and entertainment provided in the presentation of degrees and awards).

(M) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to an Employee if the training is in the interest of the City.

(N) Educational missions, including meetings with government officials either foreign or domestic, intended to educate on matters of public policy, to which the Employee may be invited to participate along with other federal, state or local public officials and community leaders.

(O) Bequests, inheritances, and other transfers at death.

(P) Anything that is paid for by the federal government, the State, or a governmental entity under a government contract.

(Q) A gift of personal hospitality of an individual other than a registered lobbyist or agent of a foreign principal, including hospitality extended for a non-business purpose by an individual, not a corporation or organization, at the personal residence of that individual or the individual's family or on property or facilities owned by that individual or the individual's family.

(R) Free attendance at a widely attended event permitted under §36.04.

(S) Opportunities and benefits that are:

(1) available to the public or to a class consisting of all full-time, part-time, and contractual employees, and appointed and elected officials or not restricted on the basis of geographic consideration;

(2) offered to members of a group or class in which membership is unrelated to employment or official position;

(3) offered to members of an organization such as an employee's association or credit union, in which membership is related to employment or official position and similar opportunities are available to large segments of the public through organizations of similar size;

(4) offered to any group or class that is not defined in a manner that specifically discriminates among government employees on the basis of branch of government or type of responsibility, or on the basis that favors those of higher rank or rate of pay;

(5) in the form of loans from banks and other financial institutions on terms generally available to the public; or

(6) in the form of reduced membership or other fees for participation in organization activities offered to all government employees by professional organizations of the only restrictions on membership related to professional qualifications.

(T) A plaque, trophy, or other item that is substantially commemorative in nature and that is extended for presentation.

(U) Golf or tennis; food or refreshments of nominal value and catered food or refreshments; and meals or beverages consumed on the premises from which they were purchased.

(V) Donations of products from an Illinois company that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

(W) An item of nominal value such as a greeting card, baseball cap, or t-shirt.

§ 36.04 ATTENDANCE AT EVENTS

(A) An Employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if:

(1) the Employee participates in the event as a speaker or panel participant, by presenting information related to government, or by performing a ceremonial function appropriate to the Employee's official position or employment; or

(2) attendance at the event is appropriate to the performance of civic affairs in Illinois or the official duties or representative function of the Employee.

(B) An Employee who attends an event described in subsection (A) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual.

(C) An Employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with such event.

(D) For purposes of this Section, the term "free attendance" may include waiver of all or part of a conference or other fee, the provision of transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees, except as authorized under subsection (U) of §36.03.

§ 36.05 DISPOSITION OF GIFTS

The recipient of a gift that is given in violation of this Chapter may, at his or her discretion, return the item to the donor or give the item or an amount equal to its value to an appropriate charity.

§ 36.06 REIMBURSEMENT

(A) A reimbursement (including payment in kind) to an Employee from a private source other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, fact finding trip, or similar event in connection with the duties of the Employees as an office holder or employee shall be deemed to be a reimbursement to the governmental entity and not a gift prohibited by this Chapter, if the Employee:

(1) receives advance authorization from the City Administrator to accept reimbursement; and

(2) discloses the expenses reimbursed or to be reimbursed to the City Administrator within thirty (30) days after the travel is completed.

(B) For purposes of subsection (A), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of the Employee, and therefore not subject to the exclusion from the definition of gift provided in this Section.

(C) In order to obtain advance authorization from the City Administrator to accept reimbursement, the Employee must disclose to the City Administrator the name of the

employee seeking reimbursement authorization; the name of the person who will make the reimbursement payment to the Employee; the time, place and purpose of the travel; and a sufficient explanation of the connection between the travel and the duties of the Employee to allow the City Administrator to make a determination that the travel is in connection with the duties of the Employee and would not create the appearance that the employee is using public employment for private gain. In addition, such disclosure shall include at least the following information:

(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed; and

(5) a full description as to why all expenses are necessary transportation, lodging and related expenses.

The disclosure must be in writing and signed by the Employee seeking reimbursement.

(D) The City Administrator shall sign a document entitled "Advance Authorization for Reimbursement of Travel Expenses" which sets forth the City Administrator's determinations based upon the information provided by the Employee under Subsection (C) if the City Administrator approves the request for reimbursement.

§ 36.07 ETHICS OFFICER

(A) The City of Washington hereby appoints the City Administrator as the Ethics Officer under this Chapter.

(B) The Ethics Officer shall:

(1) review statements of economic interest and disclosure forms of Employees, and contract monitors before they are filed with the Secretary of State; and

(2) provide guidance to Employees in the interpretation and implementation of this Chapter.

§ 36.08 COMPLAINTS

(A) Complaints alleging violations of this Chapter shall be filed with the legislative ethics commission created under State law. Any complaint received by or incidentally reported to the City alleging a violation of this Chapter or the State Gift Ban Act shall be forwarded by the Ethics Officer to the legislative ethics commission. A complaint alleging a violation of this Ordinance must be filed within one year after the alleged violation.

(B) It shall be unlawful for any person to knowingly file a frivolous complaint alleging a violation of this Ordinance.

§ 36.99 PENALTY

(A) Any Employee who violates any provision of this Chapter or the State Gift Ban Act may be subject to such disciplinary action as the City Council deems appropriate, in addition to any recommendation by the legislative ethics commission, including, but not limited to a reprimand, an order to cease and desist the offensive action, an order to return or refund money or other items or provide restitution for services received in violation of this Chapter, dismissal from office or employment, or an order to donate to charity an amount equal to the value of the gift.

(B) Any person who violates subsection (B) of Section 36.08 shall be subject to a fine of not less than nor more than $5,000.

(C) In addition to any action taken pursuant to paragraph (A) herein, an employee who knowingly violates this Chapter shall be subject to a fine of not less than $100 and not more than $5,000.

(Ord. 2189, passed 6-21-99)

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TITLE V

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CHAPTER 50

COMBINED WATERWORKS AND SEWERAGE SYSTEM

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Cross-reference: Department of Public Works, see §§ 32.195 and 32.196

GENERAL PROVISIONS

§ 50.01 ESTABLISHMENT OF SYSTEM

The existing waterworks system in its entirety, together with all additions, improvements, and extensions thereto that may hereafter be made, and the existing sewerage system in its entirety, together with all additions, improvements, and extensions thereto that may hereafter be made, including the sewage treatment plant and a system of intercepting sewers, of the city, are declared to be a combined system, and such combined waterworks system and sewerage system shall be maintained and operated as a single utility, and that a charge or rate be established for the use of such combined system, which shall be reasonable and commensurate with the service performed by such combined system and shall be sufficient to maintain, operate, provide an

adequate depreciation fund, and pay the principal and interest on any bonds which may be issued which by their terms are made payable from the revenues of such combined system.

§ 50.02 FAILURE TO COMPLY WITH REGULATIONS

No person, firm, or corporation shall in any manner violate, disobey, omit, neglect, or refuse to comply with any provision of this chapter; nor shall any person, from, or corporation omit, neglect, or refuse to comply with the orders or regulations concerning the use of water; nor shall any person, firm, or corporation resist any officer of the city in discharging the duties imposed upon such officer by any of the provisions of this chapter.

Penalty, see § 50.99

CONNECTION TO AND USE OF SYSTEM

§ 50.15 PERMIT REQUIRED; DETERMINATION OF COST

(A) Before any party shall connect with or have a connection made to any part of the city water system, the party shall first secure a permit from the City Administrator or his designee. The cost of this permit shall be as determined by the City Council from time to time.

(B) The amount of pipe used in determining the cost of the connection shall be figured from the center of the street to the cut-off.

(Am. Ord. 1643, passed 9-17-90)

Penalty, see § 50.99

§ 50.16 RESPONSIBILITY FOR FURNISHING MATERIALS IN ORDER TO MAKE CONNECTION

Except in a subdivision, the Superintendent of Water and Sewer Maintenance shall make all connections and furnish all the material for the connection from the main to the cut-off. However, if the connections are in a subdivision, the subdivider shall make all of the connections and furnish all of the materials for the connection from the main to the cut-off.

(Am. Ord. 1182, passed 4-5-76)

§ 50.17 PLACEMENT OF CUT-OFF

The cut-off shall be placed as near the outside of the sidewalk as it is practical.

Penalty, see § 50.99

§ 50.18 TYPE OF PIPE TO BE USED

The pipe used in making the connection from the main to the cut-off shall be three-quarter (3/4) inch internal diameter and shall be either copper pipe, government standard type K, or polyethylene plastic tubing pipe.

(Am. Ord. 1643, passed 9-17-90)

Penalty, see § 50.99

§ 50.19 SERVICE PIPE; RECORD

(A) Every person desiring to connect a service pipe to the city water system shall pay the cost of connections to each distinct tenement or place of business or to any premises regardless of how the connection or connections are made or regardless as to whether the connections are made to a city water main or to another service pipe.

(B) Each service pipe to a distinct tenement, place of business, or to any premises shall have an individual cut-off so that the service may be cut off at any time without interruption of any other service.

(C) All service pipes shall be laid to such a depth so they will be covered with not less than three (3) feet six (6) inches of earth at all times.

(D) In the business district the service pipe shall be extended under the sidewalk and into the buildings intended to be serviced.

(E) Service pipes laid in the same ditch with a sewer or drain shall be of the same type or weight as specified for the connection from the main to the cut-off or, in case it is necessary or it is desired to lay a service pipe in a ditch with a sewer or drain the water meter shall be installed at the cut-off in a suitable meter pit. This pit shall be constructed of concrete, masonry or vitrified tile and shall be of such size as to permit the meter to be removed or repaired. The pit shall be fitted with a removable cast iron cover so as to permit the meter to be read. The meter shall be mounted on a Ford meter yoke or other suitable device to properly hold and protect the meter.

(F) The City Clerk shall keep or cause to be kept in a book prepared for that purpose a record of all water service pipes forming a part of the waterworks system of the city, which record shall show the exact location of said service pipes.

Penalty, see § 50.99

§ 50.20 CHART OF MAINS, PIPES, AND THE LIKE TO BE KEPT

The Superintendent of Water and Sewer Maintenance shall cause to be prepared a full and complete map of charts showing the location of all mains and distributing pipes belonging to the system of waterworks, together with the location of all valves, fire hydrants, and fire plugs connected therewith, and shall keep the same corrected to date, whenever so required by the City Council, which shall be kept in the office of the City Clerk at all times.

§ 50.21 SEALS ON WATER METERS AND CONNECTIONS

All meters and connections shall be sealed in at least three places so placed that the meters cannot be disconnected without breaking the seals. Said seals shall not be tampered with or removed except by direction of the City Collector or Superintendent of Water and Sewer Maintenance.

§ 50.22 MAINTENANCE OF CONNECTIONS AFTER INSTALLATION

In all cases where the connections from the main to the cut-off are made from either copper or lead pipe of the quality and type hereinafter specified, the city shall maintain and keep in repair such connections after installation. The property owner shall furnish and keep in repair, at his own expense, all of the pipe from the cut-off to the meter and any and all collections not made from copper or lead pipe of the quality and type hereinafter specified.

Penalty, see § 50.99

§ 50.23 USE OF CITY WATER FOR SPRINKLING OR FOUNTAIN PURPOSES PROHIBITED WHEN DEEMED NECESSARY

The City Council in either regular or special session at any time when in their judgment the public interest requires it, prohibit the use of city water for street and lawn sprinkling purposes or for fountains for such time as they may deem proper. No person shall use city water during the time for which such use shall have been prohibited.

Penalty, see § 50.99

§ 50.24 FIRE PLUGS OR HYDRANTS

No person shall deposit any earth or other material in any fire plug or hydrant, or in any box or appendage thereto or turn any private or public stopcock, or commit any act tending to obstruct the use thereof or injure in any manner any building, machinery, pipes, apparatus, or fixtures of the city waterworks system. When fire hydrants or plugs are placed on public or private grounds by companies or individuals the use of the same, except in case of fire, is prohibited.

Penalty, see § 50.99

§ 50.25 EXTENSION OF SERVICE OUTSIDE CITY LIMITS

Neither water nor sewer service shall be extended to users located outside the city limits except when a majority of the corporate authorities vote to allow such an extension and the following conditions have been met:

(A) All of the property owners of record of the real property within the area to receive service file with the City Clerk a petition for water or sewer service. The petition must be signed by all of said owners and must contain an accurate legal description of the property to be serviced.

(B) Prior to the extension of water or sewer service, all of the property owners must also sign an agreement, that shall bind all present and future owners of the real estate, in which they must agree to annex to the city when requested to do so by the city.

(C) In the event the property owner receiving service, or their successor in title, fails to file a valid and irrevocable petition for annexation to the city, without condition, within 45 days of receiving a written request from the city to do so, the city may terminate all water or sewer service to their property without further notice.

(D) The rates for service outside the city shall include a surcharge as established by the city pursuant to § 52.105, as amended from time to time.

(E) In the event water or sewer service is terminated pursuant to division (c) of this section, no rebate, in whole or in part, shall be paid to the owner for any fees, hook-up charges, or the like previously paid to the city.

(F) Nothing contained herein shall be construed to create any obligation on the part of the city to provide water or sewer service to any property outside the city limits nor shall it be construed to create any right in any third party to receive water or sewer service outside the city limits even if they agree to the conditions stated herein.

§50.26 WATER RATIONING.

(A) WHEN WATER SAVING IS REQUIRED. The following water conservation stages shall be in effect at the following times. Total water consumption per day shall be determined by totaling all the treated water pumped by the entire city water works system. When either Stage 2, Stage 3 or Stage 4 water rationing is in effect, no person, firm or corporation shall use any water in violation of any provision of this ordinance.

(1) STAGE 1 VOLUNTARY WATER CONSERVATION. Voluntary water conservation shall be in effect whenever the City Administrator declares that the

water supply or the capacity of the waterworks system to deliver water is approaching levels at which water rationing will be required to preserve the ability of the City to deliver a necessary amount of water to each water user.

Procedure for Stage I shall be as follows:

(a) The City Administrator will make public announcements in the news media that Stage 1 voluntary water conservation is in effect. The announcements will include a description of the provisions in effect.

(b) Persons will be urged to conserve water in every way possible, in their homes and in their businesses.

(c) People will be urged to avoid sprinkling their lawns and avoid watering gardens, shrubs or trees with a hose, unless the lawn, garden, shrubs or plants need the water to avoid damage, and at any rate not oftener than every second day for not more than fours hours a day.

(2) STAGE 2 WATER RATIONING. Stage 2 water rationing will be in effect whenever total water availability requires, in the discretion of the City Administrator, that mandatory rationing be in effect. The following requirements will be in effect:

(a) The City Administrator will make public announcements through the news media concerning Stage 2 water rationing, whenever Stage 2 water rationing is in effect. The announcement will include a description of the restrictions.

(b) No person shall use water to sprinkle a lawn or use water through a hose to water any garden, tree or shrub, except between the hours of 8:00 p.m. and midnight or between the hours of 6:00 a.m. and 10:00 a.m. of any day on which sprinkling is permitted. Sprinkling shall be permitted on even numbered calendar days at locations with even numbered addresses and on odd numbered calendar days at locations with odd numbered addresses. These restrictions shall apply to all residences and to all businesses and institutions having lawns, gardens, trees or shrubs, and shall be followed at all parks and public buildings owned by the City. These restrictions shall not apply to any person, firm, or corporation engaged in the business of growing or selling plants of any kind.

(c) No water shall be used from a hose to wash motor vehicles, except at places of business where motor vehicles are washed on every business day

either with attendants, with automatic equipment or by self service. Any person may wash a motor vehicle with water from a bucket.

(d) No swimming pools shall be filled. Swimming pools that were filled before Stage 2 water conservation went into effect may have water added to make up losses through evaporation or splashing. Water lost through draining or through leaks in the pool may not be made up during Stage 2 water rationing.

(3) STAGE 3 WATER RATIONING. Stage 3 water rationing will be in effect whenever the total water consumption on the preceding day was determined by the City Administrator to warrant more stringent rationing. The following requirements will be in effect.

(a) The City Administrator will make public announcements that Stage 3 water rationing is in effect. The announcement will include a description of the restrictions.

(b) No person shall use any water to sprinkle any lawn or use water through a hose to water any garden, tree or shrub, except between the hours of 8:00 p.m. and midnight or between the hours of 6:00 and 10:00 a.m. of any day on which sprinkling is permitted. Sprinkling will be permitted on Mondays at all locations having even numbered addresses and on Thursdays at all locations having odd numbered addresses. These restrictions shall apply to all residences and to all businesses and institutions having lawns, gardens, trees or shrubs, and shall be followed at all parks and public buildings owned by the City and the Washington Park District. These restrictions shall not apply to any person, firm or corporation engaged in the business of growing or selling plants of any kind.

(c) No water shall be used from a hose to wash motor vehicles, except at places of business where motor vehicles are washed on every business day either with attendants, with automatic equipment or by self service. Any person may wash a motor vehicle with water from a bucket.

(d) No swimming pools will be filled and no water shall be added to any swimming pool.

(4) STAGE 4 WATER RATIONING. So that no water customer inside or outside the city limits will be without water, the City Administrator shall impose Stage 4 water rationing when, in his opinion, such restrictions are required under the

terms of this paragraph, provided that the City Council will consider the action of the City Administrator at each council meeting at which the matter may be considered, and the City Council may continue Stage 4 in effect, continue it in effect with changes, or discontinue Stage 4 water rationing. The following restrictions will be in effect:

(a) The City Administrator will make public announcements that Stage 4 water rationing is in effect. The announcement will include a description of the restrictions in effect.

(b) No water will be used for sprinkling lawns, and no water will be used from a hose to water any garden, trees or shrubs. These restrictions will not apply to any person, firm or corporation engaged in the business of growing or selling plants of any kind.

(c) No water shall be used from a hose to wash motor vehicles, except at places of business where motor vehicles are washed on every business day either with attendants, with automatic equipment or by self service. Any person may wash a motor vehicle with water from a bucket.

(d) No swimming pools will be filled and no water shall be added to any swimming pool.

(e) It is the policy of the City to keep Stage 4 in effect for no longer than absolutely necessary. The City Council shall take steps to lift Stage 4 restrictions as soon as lifting the restrictions will not result in any water user inside or outside the City limits being unable to obtain water.

(B) RESPONSIBILITY. No person shall be convicted of violating this ordinance unless such person in fact turned on water, directed the turning on of water, or kept water turned on after learning it was turned on in violation of this ordinance, or failed to turn off automatic devices capable of turning on water in violation of this ordinance. It will not be necessary, however, to present a witness who saw the accused turning on the water, if the circumstances indicated the accused did turn on the water.

(C) REPORTS AND REVIEW OF RATIONING. The City Administrator will make reports to the Mayor and City Council at least once a week while water rationing is in effect. The Mayor and City Council will review the reports and consider any changes that may be desirable in the regulations set out in this ordinance at each of its regular and special Council meetings and any Committee Meeting of the Whole.

(D) EXPLANATIONS. The City Administrator will from time to time send, along with monthly water bills, an explanation of the regulations set out in this ordinance.

(E) SEPARABILITY. The provisions of this ordinance are separable, and the invalidity of any part of this ordinance shall not affect the validity of the rest of the ordinance.

(F) DETERMINATION OF PENALTY AND COLLECTION. In addition to the amount due under the water rates in effect for water consumed, the following penalties shall be charged for any water used by a customer in violation of this §50.26: fifty dollars ($50.00) for each day during which one or more offenses occur or continue.

The City Attorney may file court action to collect any penalties provided for by this ordinance, if the penalties are not promptly paid by the customer. The amount of the penalty shall be added to the customer's water bill until paid.

(Am. Ord. 1460, passed 7-15-85; Am. Ord. 2400, passed 8-19-02)

WATER METERS

§ 50.35 WATER METER REQUIRED; SPECIAL PERMITS; NEW CONSTRUCTION

(A) No person, firm, or corporation shall use any city water that is not measured by a meter, unless such use is pursuant to and in accordance with a written special permit issued by the City Clerk previous to the time of using city water.

(B) The special permit hereinabove provided shall, in the case of new construction, require the owner of the premises for which City water shall be provided to pay such sums as shall from time to time be deemed reasonable and necessary, by resolution of the City Council, for water use prior to connection to the City water system.

(Ord. 1775, passed 2-15-93; Am. Ord. 1813, passed 10-4-93; Am. Ord. 2206, passed 10-18-99)

Penalty, see § 50.99

§ 50.36 TYPES OF METERS; COST; PLACEMENT

(A) All water meters shall be of the kind designated by the City Council, the cost of which shall be borne by the user. The city will furnish consumers with meters at cost. They shall be placed in accessible places.

(B) No person, firm, or corporation shall install or cause to be installed any water meter in connection with new construction which does not have an outdoor meter reading.

(C) Such outdoor meter reading shall be afforded by an outside register (i.e. touch read, radio controller, etc.) on the front corner of the residence or principal building. In the case of a residence, it shall typically be on the side opposite the side upon which the garage is located and shall be a minimum of four (4) feet above grade level and twelve (12) inches from the corner of the house and as approved by the City. An electrician shall rough wire from the meter location of the outside register at the expense of the property owner.

(Am. Ord. 845, passed 9-7-65; Am. Ord. 879, passed 4-4-67; Am. Ord. 3187, passed 6-20-16)

Cross-reference: Seals on water meters, see § 50.21

§ 50.37 ENTRY UPON PREMISES; FAILURE OF OWNER TO COMPLY

The City Administrator, or his authorized agent, shall have free access at all reasonable hours to all parts of any premises to which city water is supplied for the purpose of making necessary examination, and, in case any water meter is found out of repair, may require the same at once to be repaired or a new one provided, and in the event no water meter is found, may require the immediate installation of same. Upon failure of the owner to repair such meter or supply a new one, or upon refusal to permit the above examination, the water shall be shut off to such premises and shall not be turned on again until such meter is repaired or a new one provided, or in case of refusal to allow an examination, until satisfactory arrangements have been made concerning future examinations; and not, in any case, except upon the payment of twenty dollars ($20.00) for the turning off and on of such water.

(Am. Ord. 1182, passed 4-5-76; Am. Ord. 1266, passed 4-16-79;
Am. Ord. 1775, passed 2-15-93)

§ 50.38 FAILURE TO PROVIDE METER

In all cases where the owner of any premises or building supplied with city water shall fail to provide a water meter, the City Administrator, or his authorized agent, may shut off such water, or may provide a water meter and charge such sum for the water used as shall be fixed by general rule applicable to such cases, and the ownership of such meter shall remain in the city.

(Ord. 1775, passed 2-15-93)

§ 50.39 WATER SHUT OFFS FOR VACANT PROPERTIES

At such time that any person, firm, or corporation vacates a building with water service, a final reading will be obtained and whenever possible, the water service will be turned off. In the case of a multi-unit space that does not have an individual shut off, a final reading will be obtained and the water service will remain on. Any water used in such multi-unit spaces prior to a subsequent user establishing a water account will be billed to and the responsibility of the property owner. The water service will be reestablished at such time as a new user sets up a water account.

(Ord. 3204, passed 9-19-16)

RATES AND CHARGES

§ 50.50 RATES FOR CITY WATER SERVICE

(A) The rates for city water service shall be as affixed from time to time by ordinance of the City Council.

(1) From and after January 1, 2004, the flat rate for water service provided to residents of the City of Washington shall be $2.88 per 1,000 gallons of water used, as shown by the water meter readings. Said rate shall apply to all water used beginning January 1, 2004.

(2) Notwithstanding Subsection (1) above, from and after January 1, 2004, the flat rate for water service provided to residents of the City of Washington determined to be qualified under the Illinois Circuit Breaker Program as administered by the Illinois Department of Revenue shall be two dollars and thirty-seven ($2.37) per one thousand (1,000) gallons of water used, as shown by the water meter readings. The application of and eligibility for this rate shall be in accordance with paragraph (I) of §50.50. Said rate shall apply to all water used beginning January 1, 2004.

(3) The rates for water service described in subsections (1) and (2) above shall automatically increase on January 1, 2005, and annually each January 1 thereafter, by two and one-half percent (2.5%) or the rate of inflation, whichever is greater, and rounded to the nearest whole cent. The rate of inflation shall be calculated annually on November 1 using the most recent twelve (12) month period as measured by the Consumer Price Index (CPI). Effective May 1, 2017 and annually each May 1 thereafter, the automatic water service rate increase shall be applied on the May bill for April water usage.

(B) Effective October 1, 2016 for September 2016 usage, and each month thereafter, a minimum charge for water service supplied and provided by the City of Washington shall be imposed equal to the otherwise applicable rate per 1,000 gallons of water used multiplied by 850 gallons of water in a one-month period.

(C) The rates and charges for water service provided to non-residents of the City of Washington and the minimum charge for water service provided to non-residents of the City of Washington shall be equal to 120 percent of the rate and charge for water services provided to residents of the City of Washington, as shown by the water meter reading.

(D) The rates and charges for water service provided to Qualified Senior Citizens shall be equal to the rate that is otherwise applicable as provided above, less a discount equal to 10 percent of said otherwise applicable rate.

(1) A Qualified Senior Citizen is defined as a resident of the city who has attained the age of sixty-two (62) years, is retired and receiving social security or a retirement pension, and who receives water services from the City of Washington and makes it available to no one else except a spouse and/or a dependent as defined herein. A dependent, for the purpose of this ordinance, is defined as a person who has no income whatsoever.

(2) In order to qualify for the senior citizens' rate and charge as hereinabove set forth, the applicant must sign, under oath, a statement conforming to the requirements of this paragraph (D).

(3) In case any applicant shall make an affidavit stating facts that would qualify him or her for the discounted rate or charge which proves to be false, the same shall constitute a violation of this ordinance and such violation shall be punishable by a fine not to exceed $100 for each offense. Each day any violation of this ordinance shall continue shall constitute a separate offense.

(E) The rates and charges for water service provided to Qualified Disabled Citizens shall be equal to the rate that is otherwise applicable as provided above, less a discount equal to 10 percent of said otherwise applicable rate.

(1) A Qualified Disabled Citizen is a person who is totally and permanently disabled. Such a person is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months. The impairment must result from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical or laboratory diagnostic techniques. A physical or mental impairment must be established by medical evidence consisting of signs, symptoms, and laboratory findings, and not only by the citizen's statement of symptoms.

(2) In order to qualify for the discount provided for herein, the applicant must be a resident of the city, and must not qualify for and receive the Senior Citizen discount. In addition, the applicant must provide and submit to the city a statement from a licensed practitioner of medicine, psychiatry, or psychology attesting to and certifying the applicant's qualifications under division (A) above.

(3) The applicant must be the head of the household receiving the water service, must reside at said household, and may not make the water service available to anyone else except a spouse and/or a dependent as hereinafter defined. A **DEPENDENT** for the purposes of this section is defined as a person who has no income whatsoever.

(4) Upon receipt of an application for totally and permanently disabled user status, the City Administrator, or his designee, shall promptly review the application within ten days of it submission by the applicant. The City Administrator, or his designee, shall determine, based upon the information contained within the application, the statement from a licensed physician, and any other information available to the City Administrator, whether or not the applicant qualifies under the criteria herein established for totally and permanently disabled user status. Within twenty one (21) days of the submission of the application, the City Administrator, or his designee, shall notify the applicant of his decision. Failure of the City Administrator, or his designee, to so notify an applicant shall be deemed to be a denial of the total and permanently disabled user status.

(5) Any person aggrieved by any notice and decision of the City Administrator, or his designee, under this section may obtain a hearing upon the filing of a written request for same with the City Clerk. The request for a hearing must be filed with the City Clerk within ten days after receipt of the notice of the City Administrator's determination. The written request for hearing shall contain, at a minimum, the following information: the date of the original application; the name and address of the person requesting the hearing; the address of the property at which the applicant resides; and a brief statement of the reasons for requesting a hearing. The hearing shall be held before the City Council, and shall be placed on the agenda for the next regularly scheduled Council meeting after the request for hearing has been filed. The applicant may present additional facts or arguments as he may desire to the City Council. The City Administrator may present additional facts or arguments as he may desire to the City Council. The City Council may affirm, modify, or reverse any decision of the City Administrator by a vote of the majority of said Council in attendance.

(6) In case the applicant shall make an application stating facts which prove to be false, it shall constitute a violation of this section.

(F) Effective October 1, 2016 for September 2016 usage, and each month thereafter, a monthly technology fee shall be assessed for a single water meter. The initial technology fee shall be $3.85 per month. The technology fee shall be capped at $5.50 per month for dual water meter accounts.Technology fees may be changed from time to time as authorized by City Council.

(G) Effective October 1, 2016 for September 2016 usage, and each month thereafter, users of water service provided by the City of Washington shall be billed monthly for water used during the prior month, as shown by the water meter readings, at the applicable rates provided above. Each such bill shall state thereon the date payment is due. If any bill is not paid on or before the stated due date, a late charge will be imposed, which late charge shall be equal in amount to the greater of 1.5% of the total bill or $10.00.

(H) It is hereby made the duty of the Controller of the City of Washington to render bills for water service and other charges in connection therewith and to collect all monies due therefor.

(I) All revenues and money derived from the operation of the waterworks system shall be held by the Controller of the City, and separately accounted for from all other monies that may come into his or her hands, and shall be deposited to the account of the City of Washington, without any deductions whatsoever, within ten (10) days after receipt thereof. Said funds shall be administered in every respect as provided by law.

(J) The application of and eligibility for the rates and charges for water service provided to residents determined to be qualified under the Illinois Circuit Breaker program as administered by the Illinois Department of Revenue shall be subject to the following:

(1) Eligibility for the Circuit Breaker Program rate shall be established during the month of January each year based upon documentation provided by the Illinois Department of Revenue which identifies those residents that have qualified under the Illinois Circuit Breaker Program during the immediately preceding calendar year. Eligibility must be re-established each and every year to qualify for the Circuit Breaker Program rate.

(2) In order to qualify for the Circuit Breaker Program rate, the individual qualified under the Illinois Circuit Breaker Program must:

(a) be a resident of the City of Washington;

(b) reside within the residence receiving the water service;

(c) be named as the individual responsible for the payment of the water bill; and

(d) permit the water service to be used by no one else except a spouse and/or dependent.

(3) Users who qualify for the Circuit Breaker Program rate shall not be eligible to receive the additional discounts available to Qualified Senior Citizens and Qualified Disabled Citizens described herein

(K) In the event that the City Administrator or his designee determines that a leak or other malfunction has occurred within a private water distribution system which leak or malfunction has caused a higher than normal water/sewer bill, an adjustment may be made to the affected water, sewer, or combined water and sewer service bill in accordance with the following: (i) an adjustment shall only be made when the excess water usage estimated to have resulted from the leak or malfunction is at least two times the account's average water usage based on a uniform calculation methodology as established by the City Administrator, and (ii) said adjustment shall be equal to fifty percent (50%) of the difference between the actual metered water usage and the calculated average water usage. Notwithstanding the above, in no event shall any adjustment be made to water usage registered through a "water only" meter which meter registers water for outside usage only and, as such, such usage is exempt from sewer fees.

(Am. Ord. 2496, passed 12-15-03; Am. Ord. 2521, passed 4-19-04; Am. Ord. 2859, passed 10-19-09; Am. Ord. 3187, passed 6-20-16; Am. Ord. 3232, passed 4-17-17)

§ 50.51 DEPOSITS

(A) At the time of paying the permit fee or when otherwise making application for water and/or sewer service, the user shall pay to the city a deposit, which shall be retained by the city as a guarantee that the premises shall not be vacated leaving any unpaid charges for water, sewer, or combined water and sewer service. In the event that the premises are so vacated, the city shall have the right to apply said deposit toward any such unpaid charges, and if any charges remain unpaid, shall have all the rights given to the city under the provisions of this chapter. The amount of the deposit fee shall be $100.00 for all deposits made and received on or after January 1, 2010.

(B) Deposits are not transferrable between users.

(Am. Ord. 857, passed 4-5-65; Am. Ord. 879, passed 4-4-67; Am. Ord. 1425, passed 8-20-84; Am. Ord. 2859, passed 10-19-09)

(C) Upon vacation of a premises, a user may transfer his deposit from his original premises to his new premises, provided the new premises is served by City of Washington water and/or sewer services. In such event, any and all bills and charges incurred at the user's original premises shall be transferred to the user's account at his new premises if such bills and charges remain unpaid after the due date.

(Am. Ord. 923, passed 4-1-68; Am. Ord. 1425, passed 8-20-84; Am. Ord. 2859, passed 10-19-09)

§ 50.52 WATER RENTS; RECORD; COLLECTION

(A) The City Controller shall keep a complete record of all takers and users of city water, sewer, or combined water and sewer service, causing a separate account to be made of each specific piece of property and/or premises where such services are used, showing the rate that each is paying for the services, the date when the services began, the amount used during each billing period, and such other data in connection therewith and such other records as shall be necessary to preserve a complete record of all receipts from the sale of city water, sewer, or combined water and sewer service.

(B) It shall be the City Controller's duty to collect all water, sewer, or combined water and sewer service rents due to the city, and said water, sewer, or combined water and sewer service rents shall be payable at his office. He shall keep a complete record of all such payments.

(Ord. 1775, passed 2-15-93; Am. Ord. 2859, passed 10-19-09)

§ 50.53 SUBDIVISION DEVELOPMENT FEES AND UTILITY CONNECTION FEES

(A) A subdivision development fee shall be paid by the developer of a subdivision after City Council approval of a Final Plat, but prior to obtaining City signatures for recording. Said fee shall be comprised of a water distribution component and a sanitary sewer collection component. Revenue generated by said fee shall be independently segregated in separate component accounts and shall be restricted to and spent solely on extensions, improvements, or upgrades to the distribution or collection systems as necessary to support future growth and development.

(1) The subdivision development fee for a residential development shall be one thousand one hundred twenty-five dollars ($1,125.00) per individual dwelling unit, of which five hundred sixty-twodollars and fifty cents ($562.50) shall be charged for water distribution improvements and five hundred sixty-two dollars and fifty cents ($562.50) for sanitary sewer collection improvements. The term ‘residential development’ shall include those lots within a subdivision that are zoned for residential purposes and those lots zoned C-2 and C-3 that receive special use permits for “senior independent housing,” “supportive living facilities,” or “assisted living facilities.” The term ‘individual dwelling unit’ shall include each house, each apartment unit, each condominium unit, and each unit of a duplex, triplex, or quadruplex.

(a) Said fee shall be based on an estimate by the developer of the maximum number of units that may be constructed in the subdivision; said estimate to be approved by the Public Works Director or the City Plat Officer.

(b) If at the time a building permit is applied for and if the sum paid as a subdivision development fee for that lot was too great or too small based on the actual number of units to be constructed on the lot, then the owner of the lot shall provide the unpaid amount before the building permit is issued or the City shall refund the developer the amount of overpayment.

(2) The subdivision development fee for a non-residential development shall be three thousand three hundred sixty dollars($3,360.00) per acre, or portion of an acre, of which one thousand six hundred eighty dollars ($1,680.00) shall be charged for water distribution improvements and one thousand six hundred eighty dollars ($1,680.00) for sanitary sewer collection improvements. The term 'non-residential development' shall include those lots within a subdivision that are zoned for non-residential purposes. The above fee shall be based on the total land area of such buildable lots in the subdivision.

(3) The subdivision development fee shall only be assessed for those municipal utility services to be used within the subdivision. If only one municipal utility will be used, the above fee shall be reduced accordingly. If neither municipal utility will be used in the subdivision subject to Final Plat, the developer shall not be assessed the above fee.

(4) The subdivision development fee shall be calculated and charged according to those rates in effect at the time of Final Plat approval by the City Council. However, any unit or lot that is subject to a binding, written contract for the sale of real estate and executed on or before December 15, 2003, may be eligible for a reimbursement equal to the difference between the current fee and the prior fee in effect on the date of that written contract. In such instance, the City shall make reimbursement to the developer subject to the following:

(a) A copy of the signed contract is provided to the Plat Officer no later than February 1, 2004; and

(b) The real estate transaction between the seller and purchaser named on the written contract is closed and documentation of closure is provided to the Plat Officer no later than June 1, 2004.

(5) The subdivision development fee shall automatically increase on January 1, 2005, and annually on January 1 thereafter, by three and one-half percent (3.5%) or the rate of inflation, whichever is greater, and rounded to the nearest five dollar ($5.00) increment. The rate of inflation shall be calculated annually on November 1 using the most recent twelve-(12) month period as measured by the Consumer Price Index (CPI).

(B) A utility connection fee shall be paid by the owner or applicant upon issuance of a utility connection permit. Said fee shall be comprised of a water treatment component and a sanitary sewer treatment component. Revenue generated by said fee shall be independently segregated in separate component accounts and shall be restricted to and spent solely on improvements to and expansion of the treatment plants as necessary to support growth and development.

(1) Findings and Purpose.

(a) It is declared to be the policy of the City that the provision of various public facilities required to serve new development is subject to the control of the City in accordance with the comprehensive Plan of the City for the orderly, planned, efficient, and economical development of the City.

(b) New residential developments cause and impose increased and excessive demands upon public facilities and services that are specifically and uniquely attributable to those new developments.

(c) Planning projections indicate that new residential development will continue and will place ever-increasing demands to provide the necessary public facilities to provide waste water treatment to the new development.

(d) Development potential and property values are influenced and affected by City policy as expressed in the Comprehensive Plan and as implemented by the City.

(e) To the extent that new residential developments place demands on public facilities that are specifically and uniquely attributable to such developments, those demands should be satisfied by requiring that the new residential developments creating the demands pay the cost of meeting the demands.

(f) The City Council, after careful consideration, hereby finds and declares that imposition of Sewer Connection Fees upon new residential developments to finance specified public facilities, the demand for which is created by such developments within the City, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such developments.

(g) The City Council deems it necessary and desirable to adopt this ordinance as herein set forth.

(h) The estimated capital cost for Phase I of the wastewater capital improvements is $5.6 million as identified within the Wastewater Facilities Planning report prepared by Strand Associates, Inc.

(i) The Wastewater Facilities expansion will provide capacity for existing load and provide net new plant BOD capacity of 594/lbs/day. This additional capacity will increase the number of additional connections that can be accommodated by the system.

(j) The current facility exceeds current IEPA organic loading standards but does perform within the IEPA permit issued for the facility. Facility expansion will entail improvements to meet current organic loading which is above the existing IEPA organic loading standards.

(k) Improvements to the existing plant would not be required but for the need to provide additional capacity for new housing units.

(l) Facility improvements will provide capacity to serve an additional 727 housing units, however the City anticipates that it will only be able to collect increased sewer connection fees from 500 housing units.

(m) The Strand report estimates that the capacity required to serve 500 housing units is 213/lbs/day. This represents 35.80% of the net new plant capacity of 594/lbs/day.

(n) The City anticipates financing facility improvements with an IEPA loan over a twenty year period at 2.5% interest costs.

(o) The City anticipates that an average of 100 housing units annually will be connected to the City waste water treatment facility.

(p) The City has identified a connection fee of $4,105 per housing unit.

(q) The City Attorney has caused to be prepared an independent sewer connection fee analysis. This analysis supports a connection fee of up to $4,317 per housing unit.

(r) Estimated Sewer Connection Fee revenues, at $4,317 per housing unit, represent 30.1% of total waste water facility debt service costs compared to 35.8% of new growth facility capacity.

(s) The City Attorney recommends that the City monitor the actual connection fee revenues collected and adjust user rates as needed to assure sufficient revenues to cover debt service costs.

(t) Sewer Connection Fee revenue will be segregated in a separate fund for payment of debt service and other costs related to the expansion of waste water treatment capacity required by and for new development.

(2) Utility Connection Fee – Residential Use. The utility connection fee for a residential use shall be as provided below. The term 'residential use' shall include any lot or structure that contains residential dwelling units. The term 'individual dwelling unit' shall include each house, each apartment unit, each condominium unit, and each unit of a duplex, triplex, or quadruplex, and any dwelling unit contained in an assisted or supportive living facility or senior independent housing facility.

(a) The water connection fee shall be Four Hundred Fifteen Dollars ($415.00) per individual dwelling unit.

(b) The sewer connection fee shall be as follows:

(i) beginning on the effective date of this ordinance and continuing until December 31, 2006, the sewer connection fee shall be Four Thousand One Hundred Five Dollars ($4,105) per individual dwelling unit.

(ii) beginning on January 1, 2007 and continuing thereafter until December 31, 2007, the sewer connection fee shall be Four Thousand Two Hundred Ten Dollars ($4,210) per individual dwelling unit.

(iii) beginning on January 1, 2008 and continuing thereafter, the sewer connection fee shall be Four Thousand Three Hundred Seventeen Dollars ($4,317) per individual dwelling unit.

(3) Utility Connection Fee – Non-Residential Use. The utility connection fee for a non-residential use shall be charged per meter to be installed.

(a) The water connection fee shall be charged per water meter and determined by size of water meter as listed below:

Water Meter Size	Water Connection Fee
5/8-inch meter	$ 415.00
3/4-inch meter	$ 620.00
1-inch meter	$1,035.00
1 ½-inch meter	$2,070.00
2-inch meter	$3,310.00
Larger sizes	Prorated by continuous flow capacity of meter

(b) The sewer connection fee shall be charged per water meter and determined by size of water meter as listed below. Said fee shall not be charged when none of the metered water will be discharged to the City sanitary sewer system.

(i) beginning on the effective date of this ordinance and continuing until December 31, 2006, the sewer connection fee shall be:

Water Meter Size	Sewer Connection Fee
5/8-inch meter	$ 4,105.00
3/4-inch meter	$ 6,157.50
1-inch meter	$10,262.50
1 ½-inch meter	$20,525.00
2-inch meter	$32,840.00
Larger sizes	Prorated by continuous flow capacity of meter

(ii) beginning on January 1, 2007 and continuing thereafter until December 31, 2007, the sewer connection fee shall be:

Water Meter Size	Sewer Connection Fee
5/8-inch meter	$ 4,210.00
3/4-inch meter	$ 6,315.50
1-inch meter	$10,525.00
1 ½-inch meter	$21,050.00
2-inch meter	$33,680.00
Larger sizes	Prorated by continuous flow capacity of meter

(iii) beginning on January 1, 2008 and continuing thereafter, the sewer connection fee shall be:

Water Meter Size	Sewer Connection Fee
5/8-inch meter	$ 4,317.00
3/4-inch meter	$ 6,477.50
1-inch meter	$10,795.00
1 ½-inch meter	$21,590.00
2-inch meter	$34,544.00
Larger sizes	Prorated by continuous flow capacity of meter

(4) The utility connection fee shall not be charged for the following:

(a) Fire suppression systems; or

(b) Reconstruction or redevelopment of a site with an existing service connection where the number and size of water meters remain unchanged.

(5) The utility connection fee shall be reduced by fifty (50) percent for any of the following local taxing districts: Tazewell County, Washington Township, District 50 Schools, District 51 Schools, District 52 Schools, Washington Community High School District 308, Illinois Central College District 514, Northern Tazewell Fire Protection District, Washington Park District, and Washington District Library. In no event shall the reduced fee be less than the minimum fee charged for an individual dwelling unit.

(6) The utility connection fee shall be calculated and charged according to those rates in effect at the time of receipt by the City of a building permit application, complete with all plans and documentation as required by the City.

(Am. Ord. 1256, passed 1-15-79; Ord. 2241, passed 7-17-00; Am. Ord. 2495, passed 12-15-03; Am. Ord. 2523, passed 4-19-04; Am. Ord. 2642, passed 9-26-05; Am. Ord. 2720, passed 3-5-07)

§ 50.54 BILLINGS; DELINQUENCY; LIENS

(A) The word service shall mean water service, sewer service, or combined water and sewer service.

(B) Bills:

(1) The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the city only upon the condition that the owner of the premises, occupant, and user of the services are jointly and severally liable therefor to the city. In the event of tenant-occupied premises, the owner's liability shall be limited to only those specific instances where the city is unable to turn off water service furnished to the tenant-occupied premises, by means of a city-approved valve, without affecting water service to other premises.

(2) Billing periods for water, sewer, or combined water and sewer service shall be established by the City Council by resolution and/or ordinance from time to time. Bills for water, sewer, or combined water and sewer service shall be sent out by the City Controller on or about the first day of the month succeeding the period for which the service is billed. All water, sewer, or combined water and sewer bills are due and payable 30 days after being sent out. Bills not paid within said 30 days are delinquent

(3) The maximum interest allowable by law, as amended from time to time, may be charged from the date of delinquency to the date of payment; provided, however, a minimum charge, as determined from time to time by the resolution of the City Council, may be charged for each month that a bill remains unpaid.

(C) Liens. Charges for water, sewer, or combined water and sewer services shall be a lien upon the premises as soon as the bill becomes delinquent, and the City Clerk may file with the County Recorder of Deeds a statement of claim for a lien. The statement shall contain a legal description of the premises served, the amount of the unpaid bill and the notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the City Clerk has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Clerk, whenever such bill becomes delinquent. Failure of the City Clerk to record such lien 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 following section.

(D) Foreclosure of lien. Property subject to a lien for unpaid charges may 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 foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the city. The City Attorney is hereby authorized (when directed by the City Council) to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill has remained unpaid for sixty (60) days after it has been rendered.

(Ord. 1362, passed 6-7-82; Am. Ord. 1775, passed 2-15-93; Am. Ord. 2859, passed 10-19-09)

§ 50.55 FAILURE TO PAY CHARGES; PROCEEDINGS

If any person, firm, or corporation shall neglect to pay his or their charges for water, sewer, or combined water and sewer service when due or shall fail to pay the deposit required by §50.51(C), the City Administrator may, in addition to the other penalties and remedies herein provided, elect to terminate water and sewer service to the property by complying with the following procedure:

(A) Effective October 1, 2016 for the September 2016 billing, and for each month thereafter, if the charges or deposit remain unpaid for a period of more than 30 days after the bill therefore was first rendered the account will be subject to a late fee as described in §50.50. If the bill remains unpaid, a shutoff notice will be sent no earlier than the 15th of the month following the issue month indicating that termination of service will occur if payment is not received within seven (7) days. The user shall have the right to a hearing in front of the City Administrator or his or her designee concerning the delinquency, if such hearing is requested within ten (10) days after the due date of the delinquent bill. If a request for hearing is received within the ten (10) day period, a hearing will be scheduled in front of the City Administrator or his or her designee within forty-eight (48) hours (excepting weekends and holidays) of receipt of the request for a hearing. The hearing shall occur after the forty-eight (48) hour scheduling period.

(B) If no hearing is requested within the ten- (10) day period, the City Administrator may cause the water and sewer service to be turned off.

(C) If a hearing is requested and held, notice of the City Administrator's decision must be sent to the user and the owner, if the owner's address is known, informing them of the decision, and if the decision is against the user, informing them that his water and sewer service shall be terminated ten (10) days after the date of the notice unless the charge or deposit is paid in full prior to that time. Appeals of the decision of the City Administrator may be made directly to the Mayor and City Council if requested in writing within ten (10) days of the date of mailing notice of the decision.

(D) Once turned off, water services shall not be restored until all delinquencies, damages, charges and restoration fees for turning the water off and on are paid in full or satisfactory arrangements have been made for the payment thereof. Said restoration fee shall be $50.00 provided restoration occurs between the hours of 8:00 a.m. and 3:00 p.m. on Monday through Friday, excluding city designated holidays, or $100.00 if restoration occurs at any other times (after hours). The after hour's restoration fee shall automatically increase on May 1, 2011, and annually on May 1st thereafter, by three and one-half percent (3.5%) or the rate of inflation, whichever is greater, and rounded to the nearest

five dollar ($5.00) increment. The rate of inflation shall be calculated annually on November 1 using the most recent twelve- (12) month period as measured by the Consumer Price Index (CPI).

(E) In the event any personal or business check is returned to the city unpaid due to insufficient funds, a fee of $25.00 shall be assessed to the responsible individual or party

(Am. Ord. 1362, passed 6-7-82; Am. Ord. 1425, passed 8-20-84; Am. Ord. 2134, passed 7-6-98, Am. Ord. 2255, passed 11-6-00; Am. Ord. 2855, passed 10-19-09; Am. Ord. 3187, passed 6-20-16; Am. Ord. 3241, passed 7-17-17)

§ 50.56 SUPPLEMENTAL CHARGES

The City Administrator is hereby authorized to allow for the metered sale of potable water from a hydrant located behind City Hall, 115 W. Jefferson Street, and to establish accounts with customers desiring to make such water purchases. The charges for such sales shall be based on the current water rate being charged by the City plus a per diem administrative fee of twenty five dollars ($25.00).

(Ord. 2253, passed 10-16-00)

§ 50.57 SPECIAL CONNECTION FEES AND CHARGES

(A) Any person connecting their property onto and receiving, on and after the adoption of this Ordinance, public water and/or public sanitary sewer service, either directly or indirectly, from any of the public water mains and/or public sanitary sewer mains delineated in subsection C below shall be charged a fee equal to the Subdivision Development Fees for similar properties and uses as stipulated in Section 50.53(A) of the Washington City Code, provided the Section 50.53(A) fees have not been otherwise paid on the subject property.

(B) The charge provided for in subsection A above shall be in addition to 1) the utility connection fees provided for in Section 50.53 (B) and 2) any and all other fees and costs routinely charged to other customers connecting onto the City's water or sewer system, including but not limited to, fees for inspections, meters, remotes, connectors, etc.

(C) The fees and charges delineated in subsections A and B above shall be assessed to any person connecting, either directly or indirectly, onto any of the following public water mains and/or sanitary sewer mains:

Water Mains

- Dallas Road – from Westminster to Cruger

- W. Cruger – from Main to Breeze Way
- W. Cruger – from Wellington to Kensington
- W. Cruger – from Dallas to Independence
- Nofsinger – from Cruger to North Corp. Limits
- S. Main – from Oakland to Guth
- W. Guth – from Main to West Corp. Limits
- N. Main – from Devonshire to Cruger
- Kern Road – from Muller to Hillcrest
- Hillcrest Drive – from Kern to Washington Rd., subject to the exceptions noted in Ordinance 991, dated July 6, 1970
- S. Cummings – from Kern to English Oak
- N. Cummings – from Constitution to North Corp. Limits
- Santa Fe – from Cummings to Pin Oak
- Freedom Parkway – from Cummings to McCluggage
- Washington Road – from Cummings to Ernest
- All water mains from Ernest Street to School St. for properties not assessed for the Beverly Manor water main project.

Sanitary Sewer Mains

- Sewer from south of Cruger Rd. and west of Dallas Rd.
- Cruger Road – from Dallas Rd. to Cummings
- N. Cummings – from Cruger Rd. to U.S. 24
- Independence Ct.

(D) No permit authorizing a connection, either directly or indirectly, to the above listed municipal water or sanitary sewer mains shall be issued unless and until 1) all fees have been paid as required herein, 2) if the property to be served is not currently located within the Washington corporate limits but is contiguous thereto, the property owner applying for a connection permit files a valid, unconditional and irrevocable petition for annexation to the City in a form acceptable to the City, and 3) if the property to be served is not currently located within the Washington corporate limits and is not contiguous thereto, the property owner signs an agreement that shall bind all present and future owners of the real estate to annex to the city when requested to do so by the city.

(E) All other City regulations and ordinances, including but not limited to those specifically pertaining to user fees, and the methods, means and materials required for making connections to the municipal water and sanitary sewer system, shall apply to all persons making said connections, without limitation.

(F) The revenues generated from the fees collected pursuant to paragraph A above shall be deposited into the city's Water and Sewer Subdivision Development Fee accounts, respectively.

(Ord. 2997, passed 8-6-12)

§ 50.98 CIVIL ACTION AGAINST OCCUPANT

The City Council may from time to time direct the City Attorney to sue the occupant or user of the real estate in a civil action to recover the money due for services rendered, plus a reasonable attorney's fee, to be fixed by the court. Whenever a judgment is obtained in such a civil action, the foregoing provisions in this section with respect to filing sworn statements of such delinquencies in the office of Recorder of Deeds and creating a lien against the real estate shall not be effective thereafter as to the charges sued upon and no lien shall exist thereafter against the real estate for the delinquency. Judgment in such a civil action operates as a release and waiver of the lien for the amount of the judgment.

(Ord. 1362, passed 6-7-82)

§ 50.99 PENALTY

Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) for each offense.

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CHAPTER 51

GARBAGE AND REFUSE

General Provisions
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51.03 Prima facie evidence of occupancy

Waste Storage, Removal, and Disposal
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51.21 Transporting garbage or loose refuse; equipment requirements
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GENERAL PROVISIONS

§ 51.01 DEFINITIONS

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

BULKY WASTES. Any or all of the following: stoves, refrigerators and other large appliances, furniture, bedding, large crates, and flotage.

CITY ADMINISTRATOR. An officer as designated from time to time by the City Council.

CONSTRUCTION AND DEMOLITION WASTES. Any or all of the following: lumber, roofing, rubble, plaster, pipe, wire insulation, and other building materials.

GARBAGE. Wastes resulting from the handling, preparation, cooking, and consumption of food; wastes from the handling, storage, and sale of produce.

PERSON. The owner, occupant, or lessee of any premises and a firm, corporation, or organization of any kind.

PREMISES. Any house, residence building, flat, apartment, dwelling place or place of abode, commercial or industrial establishment, office building, hotel, church, school, nursing home, club building, or meeting hall.

REFUSE. Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles; but REFUSE shall not mean earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps, and shavings.

SPECIAL WASTES. Any or all of the following: hazardous wastes, paint, sludges, chemical wastes, metal scraps, and metal shavings.

WASTE. Any or all of the following: garbage, refuse, ashes, tin cans, bottles, cartons, books, newspapers, boxes and other household rubbish, discarded household furniture, furnishings, fixtures and appliances of all kinds, manure, dead animals or parts thereof, trees, tree branches, tree roots, tree trunks, brush, grass clippings, plant stalks, leaves, and all other rubbish of any kind, and shall be further classified as herein defined.

§ 51.02 SUPERVISION BY CITY ADMINISTRATOR

(A) Whenever directed by the provisions of this chapter, the City Administrator shall carry out such directions and perform such duties as provided thereby, unless the Mayor and City Council shall designate some other officer to perform such duties.

(B) All matters relating to or affecting the accumulation, collection, removal, or disposal of waste, unless specifically otherwise assigned, shall be subject to and under the supervision of the City Administrator.

§ 51.03 PRIMA FACIE EVIDENCE OF OCCUPANCY

The occupancy of any premises for residential purposes shall be prima facie evidence that waste is being produced and accumulated on such premises.

WASTE STORAGE, REMOVAL, AND DISPOSAL

§ 51.15 REMOVAL OF WASTE FROM PREMISES

Waste shall be removed from the premises at least once a week and every person shall keep his premises at all times free and clean from same.

Penalty, see § 51.99

§ 51.16 WASTE TO BE PLACED IN CONTAINERS

(A) No person shall permit any garbage or rubbish to accumulate within the city unless the same shall be suitably enclosed in waste containers.

(B) Every person shall cause all garbage, rubbish, or yard refuse produced in or on such premises to be properly bundled or placed in such waste containers as soon as practicable after same is produced.

(C) A sufficient number of waste containers for a weekly accumulation of normal waste shall be provided and at all times maintained in good order by the owner, lessee, or head of household of any premises in the city.

Penalty, see § 51.99

§ 51.17 WHEN CONTAINERS SHOULD BE PLACED FOR SCHEDULED PICK-UP

It shall be unlawful for any person to place waste in front of any premises, or the front line extended of said premises, even though in a proper container, sooner than forty eight (48) hours prior to or later than forty eight (48) hours after the scheduled pick-up time by a waste disposal firm.

Penalty, see § 51.99

§ 51.18 CONTAINERS PROVIDED BY CITY FOR PUBLIC USE

In the event waste containers are provided by the city in public places for public use, it shall be unlawful to deposit in said containers any accumulations of waste or garbage from any premises.

Penalty, see § 51.99

§ 51.19 DISPOSAL OF WASTE IN STREETS AND PUBLIC PLACES PROHIBITED

It shall be unlawful to dispose of or place any waste in any street or other public place in the city except as otherwise permitted by this chapter.

Penalty, see § 51.99

§ 51.20 WASTE DISPOSAL, BURIAL WITHIN CITY LIMITS RESTRICTED

No waste shall be dumped, scattered, or buried within the city limits, unless properly zoned and permitted by the State Environmental Protection Agency and the city.

Penalty, see § 51.99

§ 51.21 TRANSPORTING GARBAGE OR LOOSE REFUSE; EQUIPMENT REQUIREMENTS

(A) No person shall transport garbage or loose refuse, or cause garbage or loose refuse to be transported, over the streets or other public ways in the city unless such garbage or loose refuse being transported is entirely and securely covered, and meeting the requirements of the State Environmental Protection Agency, county, and city.

(B) Garbage shall not be transported over or along the streets of the city or other public property thereof except in a leak-proof compaction type body commonly referred to as a packer type refuse body. Such equipment shall be cleaned frequently enough to prevent nuisance and insect breeding; and shall be maintained in good condition, repair, and appearance.

(C) A waste disposal firm shall immediately clean up any waste that he may have caused to spill on private premises, parkways, streets, alleys, or other public places, in a neat and workmanlike manner, and shall replace, at his expense, containers or other property which may be seriously damaged by carelessness of his employees.

Penalty, see § 51.99

§ 51.99 PENALTY

Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions 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. Each day that a violation is permitted to exist shall constitute a separate offense.

(Am. Ord. 1234, passed 4-17-77)

CHAPTER 52

SEWERS, DRAINS, AND SEWAGE DISPOSAL

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Cross-reference:
Department of Public Works, see §§ 32.195 and 32.196

GENERAL PROVISIONS

§ 52.001 DEFINITIONS

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

ACT. The Federal Water Pollution Control Act, as amended, 33 U.S.C. et seq.

ADMINISTRATOR. The Administrator of the U.S. Environmental Protection Agency.

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C., expressed in milligrams per liter.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet 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.

CITY, WITHIN THE. All territory within the perimeter of the city boundaries.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria., plus additional pollutants identified in the NPDES permit.

DIRECTOR. The chief administrative officer of a state water pollution control agency or interstate agency. In the event responsibility for water pollution control and enforcement

is divided among two or more state or interstate agencies, the term DIRECTOR means the administrative officer authorized to perform the particular procedure to which reference is made.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FEDERAL GRANT. The U.S. or state government participation in the financing of the constructing of treatment works as provided for by Title II - Grants for Construction of Treatment Works of the Act.

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.

INCOMPATIBLE POLLUTANT. Any pollutant which is not a compatible pollutant as defined in this section.

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

(a) Division A: Agriculture, forestry, and fishing.

(b) Division B: Mining.

(c) Division D: Manufacturing.

(d) Division E: Transportation, communications, electric, gas, and sanitary services.

(e) Division I: Services.

A user in the division listed above may be excluded if it is determined by the Superintendent of Sewage Works that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

INDUSTRIAL WASTES. The wastewater discharges from industrial manufacturing processes, trade, or business as distinct from their employees domestic wastes or waste from sanitary conveniences.

MAJOR CONTRIBUTING INDUSTRY. An industrial user of the publicly-owned treatment works that:

(1) Has a flow of twenty seven thousand (27,000) gallons or more per average work day;

(2) Has a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste;

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

(4) Is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

MILLIGRAMS PER LITER. A unit of the concentration of water or wastewater constituent. It is one thousandth (0.001) grams of the constituent in one thousand (1,000) milliliters of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

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

PERSON. Any individual, firm, company, association, society, corporation, or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

ppm. Parts per million by weight.

POPULATION EQUIVALENT. A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day containing 0.17 pounds of BOD and 0.20 pounds of suspended solids. The impact on a treatment works is evaluated as the equivalent of the highest of the three (3) parameters. Impact on a stream is the higher of the BOD and suspended solids parameters.

PRETREATMENT. The treatment of wastewaters from sources before introduction into the wastewater treatment works.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

PRIVATE SEWER. Any sewer which is not a public sewer.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

RESIDENTIAL OR COMMERCIAL USER or **NON-INDUSTRIAL USER**. Any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided by this section.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT. Any arrangements of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collection, pumping, treatment, and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

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 times the average twenty four (24) hour concentration or flows during normal operation.

STORM DRAIN or **STORM SEWER**. A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The Superintendent of Sewage Works of the city, or his authorized deputy, agent, or representative.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

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 provided.

USER CLASS. The type of user either residential, commercial, or industrial as defined by § 52.101(A).

WASTEWATER. The spent water of a community. From this standpoint, of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER FACILITIES. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 987, passed 3-16-70)

§ 52.002 DEPOSITING OBJECTIONABLE WASTE ON PUBLIC OR PRIVATE PROPERTY

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(Ord. 987, passed 3-16-70)

Penalty, see § 52.999

§ 52.003 DISCHARGE OF POLLUTED WATERS TO NATURAL OUTLETS

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. 987, passed 3-16-70)

Penalty, see § 52.999

§ 52.004 PRIVIES, SEPTIC TANKS, AND OTHER FACILITIES

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.

(Ord. 987, passed 3-16-70)

Penalty, see § 52.999

§ 52.005 OWNER'S RESPONSIBILITY TO INSTALL SUITABLE TOILET FACILITIES

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is 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 such public sewer is within one hundred (100) feet of the property line; and provided capacity is available in downstream sewers, lift stations, pumping stations, force mains, and the sewage treatment plant, including pollutant removal capacity for BOD and suspended solids.

Notwithstanding the foregoing, however, the City Council may waive such requirement for a particular property to connect to the sanitary sewer system when a property owner shows that a strict application of the terms of this Section imposes upon him practical difficulties or particular hardship. The Council may, in the following instances only make such waiver of the strict

application of terms of this Section as are in harmony with its general purpose and intent when the Council is satisfied, under the evidence heard before it, that the ranting of such waiver will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a waiver:

(A) To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire or act of God, or the public enemy.

(B) To make a waiver, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this Section would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general and intent of this Section.

(Ord. 987, passed 3-16-70; Am. Ord. 1228, passed 11-7-77, Am. Ord. 2273, passed 1-22-01)

Penalty, see § 52.999

§ 52.006 TAMPERING WITH OR DAMAGING CITY EQUIPMENT

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, 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. 987, passed 3-16-70)

§ 52.007 RIGHT OF ENTRY FOR PURPOSE OF INSPECTION; INDEMNIFICATION; EASEMENTS ON PRIVATE PROPERTY

(A) The City Administrator or his designee and other duly authorized employees of the city bearing proper credentials and identification and representative of the United States or State Environmental Protection Agency 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 City Administrator or his representatives 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 waterways or facilities for waste treatment.

(Ord. 987, passed 3-16-70; Am. Ord. 1228, passed 11-7-77)

(B) While performing the necessary work on private properties referred to in division (A) of this section, the City Administrator or his designee shall observe all safety rules applicable to the premises established by the company; and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city 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 § 52.072.

(C) The City Administrator or his designee and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 987, passed 3-16-70) Penalty, see § 52.999

§ 52.008 SEWER CONTRACTORS; REGISTRATION; BOND

(A) Any person who desires to engage in or who shall hereafter at any time engage in the business of the construction, alteration, or repair of any sewer, sanitary connection, or storm drain within the city shall, before commencing such work, make application to the City Clerk for registration as a sewer contractor, and shall deliver to the Clerk his certificate of bond in the amount of ten thousand dollars ($10,000.00), payable to the city, conditioned that such person shall indemnify and save harmless the city, its officers, and employees, of and from all liability for damages to persons or property by reason of or resulting directly or indirectly from the construction, alteration, maintenance, or repair by such person of any sewer, sanitary connection or storm drain, or any work or act of omission or commission incidental thereto, or in connection therewith; conditioned upon the conformance by such person with all provisions of this code with respect to such work and upon the restoration by such applicant of any street, alley, sidewalk, or pavement disturbed by him, so as to leave the same in as good condition as before the work was commenced. However, any owner or occupant of a single-family residence or duplex building shall not be considered a sewer contractor for the purposes of this section if he personally does all the work involved in the construction, alteration, or repair of the sewer sanitary connection or storm drain.

(B) Upon approval of the said bond by the City Council, the Clerk shall forthwith issue to such applicant a certificate of registration to operate as a sewer contractor within the city. Registration shall be valid until April 30 of the year in which issued.

(Ord. 1204, passed 12-30-76) Penalty, see § 52.999

PRIVATE SEWAGE DISPOSAL SYSTEM

§ 52.020 CONNECTING BUILDING SEWER TO PRIVATE DISPOSAL SYSTEM

Where a public sanitary or combined sewer is not available under the provisions of § 52.005, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(Ord. 987, passed 3-16-70) Penalty, see § 52.999

§ 52.021 WRITTEN PERMIT TO BE OBTAINED

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the City Administrator or his designee. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City Administrator or his designee. A permit and inspection fee as set by City Council from time to time shall be paid to the City Collector at the time the application is filed.

(Ord. 987, passed 3-16-70)
Penalty, see § 52.999

§ 52.022 INSPECTION AND APPROVAL OF INSTALLATION

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Administrator or his designee. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City Administrator or his designee when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty (40) hours of the receipt of notice by the City Administrator or his designee.

(Ord. 987, passed 3-16-70)

§ 52.023 COMPLIANCE WITH STATE DEPARTMENT OF PUBLIC HEALTH; RECOMMENDATIONS

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than a size suitable for installation of an effective system. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

(Ord. 987, passed 3-16-70)
Penalty, see § 52.999

§ 52.024 CONNECTING PRIVATE SEWAGE DISPOSAL SYSTEM TO PUBLIC SEWER

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 52.023, a direct connection shall be made to the public sewer in compliance with this chapter; and any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Ord. 987, passed 3-16-70)
Penalty, see § 52.999

§ 52.025 CONNECTING BUILDING SEWER TO PUBLIC SEWER

When a public sewer becomes available, the building sewer shall be connected to such sewer within twenty (20) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. 987, passed 3-16-70)
Penalty, see § 52.999

§ 52.026 MAINTENANCE OF PRIVATE SEWAGE DISPOSAL FACILITIES

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(Ord. 987, passed 3-16-70)

§ 52.027 NONINTERFERENCE WITH ADDITIONAL REQUIREMENTS

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the health office of the city, or the State.

(Ord. 987, passed 3-16-70)

BUILDING SEWERS AND CONNECTIONS

§ 52.040 CONNECTION PERMIT REQUIRED

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Administrator or his designee.

(Ord. 987, passed 3-16-70)
Penalty, see § 52.999

§ 52.041 SEWER CONNECTION CHARGE

Before a property is connected to the city sewer, the corporate authorities shall have the power to collect a fair and reasonable charge for connection to the city sewer system or the combined sewer and water system, in addition to any other fees required, for the construction, expansion and extension of the works of the system, the charge to be known as a connection charge. The funds thus collected shall be used by the municipality for its general corporate purposes with primary application thereof being made for the necessary expansion of the works of the system to meet the requirements of the new users thereof. The City Council shall from time to time establish by resolution the amounts of connection charges.

(Ord. 1188, passed 6-7-76)

§ 52.042 BUILDING SEWER PERMITS

(A) There shall be two (2) classes of building sewer permits:

(1) For residential and commercial service; and

(2) For service to establishments producing industrial wastes.

(B) In either case, the owner or his agent shall make application on a special permit furnished by the city. The permit application shall be supplemented by the plans, specifications or other information considered pertinent in the judgment of the City Administrator or his designee.

(Ord. 987, passed 3-16-70)

§ 52.043 TRUNK EXTENSIONS OF SEWER AND WATER LINES; FUNDS

Repealed by Ordinance No. 2241, passed 7-17-2000

§ 52.044 COSTS AND EXPENSES OF INSTALLATION AND CONNECTION OF BUILDING SEWER; INDEMNIFICATION

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 city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 987, passed 3-16-70)

§ 52.045 SEPARATE BUILDING SEWER PROVIDED FOR EVERY BUILDING, SEWER

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. 987, passed 3-16-70)
Penalty, see § 52.999

§ 52.046 USE OF OLD BUILDING SEWERS WITH NEW BUILDINGS

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Administrator or his designee, to meet all requirements of this chapter.

(Ord. 987, passed 3-16-70)
Penalty, see § 52.999

§ 52.047 ELEVATION AND LAYING OF BUILDING SEWER; ALIGNMENT

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to any bearing wall if within three (3) feet of any such wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction or grade shall be allowed only when a proper manhole is constructed at the location of the change.

(Ord. 987, passed 3-1 6-70)
Penalty, see § 52.999

§ 52.048 PIPE AND JOINT SPECIFICATIONS

(A) Pipes. The below-ground outside building sewer shall be:

(1) Ductile iron pipe, CL. 50, mechanical joint or bell and spigot, AWWA C-151; or

(2) Vitrified clay pipe, extra strength, PVC joints, ASTM C-700; or

(3) PSM PVC sewer pipe, SDR 35, bell and spigot joints, ASTM D-3034; or

(4) PSP PVC sewer pipe, SDR 35, bell and spigot joints, ASTM D-3033; or

(5) ABS sewer pipe, SDR 35, bell and spigot joints, ASTM 2751; or

(6) Other suitable material approved by the City Administrator or his designee.

(B) Joints and connections. Joints shall be tight and waterproof with gasketed elastomeric joints compatible with the pipe materials specified above. Any part of the building sewer that is located within ten (10) feet horizontally and not eighteen (18) inches below the bottom of a water main or water service pipe shall be constructed of ductile iron or PVC pipe meeting water main standards, with pressure tested mechanical or slip-on joints. If installed in filled unstable ground, the building sewer shall be ductile iron or nonmetallic pipe if laid on a suitable concrete bed or cradle.

Penalty, see § 52.999

§ 52.049 SIZE AND SLOPE

The size and slope of the building sewer shall be subject to the approval of the City Administrator or his designee, but in no event shall the diameter be less than six (6) inches. The slope of such six (6) inch pipe shall be not less than one-eighth (1/8) inch per foot. For larger sizes of pipe, the minimum slopes shall be according to all state and local regulations.

(Ord. 987, passed 3-16-70)

Penalty, see § 52.999

§ 52.050 GRAVITY FLOW OF BUILDING DRAIN TO PUBLIC SEWER

The applicant for the building sewer permit shall notify the City Administrator or his designee when the building sewer is ready for inspection and connection to the public sewer. The connection In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by artificial means as allowed in Title 77, Chapter I, Subtitle r, Part 890 of the Illinois Administrative Code and discharged to the building sewer. However, no groundwater or surface runoff discharges shall be connected to the building sanitary sewer.

(Ord. 987, passed 3-16-70)

Penalty, see § 52.999

§ 52.051 SOURCES OF SURFACE RUNOFF OR GROUNDWATER

No person 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.

(Ord. 987, passed 3-16-70)

Penalty, see § 52.999

§ 52.052 EXCAVATIONS

(A) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City Administrator or his designee. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-58-T) (or most current ASTM designation) except that no backfill shall be placed until the work has been inspected.

(B) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city, and any other governmental agency affected.

(Ord. 987, passed 3-16-70)

Penalty, see § 52.999

§ 52.053 LOCATION OF CONNECTION

The connection of the building sewer into the public sewer shall be made at the Y branch, if such branch is available at a suitable location. If the public sewer is twelve (12) inches in diameter or less, and no properly located Y branch is available, the owner shall, at his expense, install a Y branch in the public sewer at the location specified by the City Administrator or his designee. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located Y branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty five (45) degrees. A forty five (45) degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer, but no higher than a point one-half (½) the vertical distance between the invert and the crown of the sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the City Administrator or his designee. Manholes shall be constructed at any junction of an eight-inch diameter line or larger into a public sewer.

(Ord. 987, passed 3-16-70)

Penalty, see § 52.999

§ 52.054 INSPECTION OF CONNECTION TO PUBLIC SEWER

The applicant for the building sewer permit shall notify the City Administrator or his designee when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Administrator or his designee.

(Ord. 987, passed 3-16-70)
Penalty, see § 52.999

§ 52.055 LIMITATION ON NEW CONNECTIONS

A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewage facilities, including sewers, pump stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(Ord. 1228, passed 11-7-77)

USE OF PUBLIC SEWERS

§ 52.065 DISCHARGE OF STORMWATER AND OTHER UNPOLLUTED DRAINAGE

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, 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 such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City Administrator or his designee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Administrator or his designee, to a storm sewer, combined sewer or natural outlet.

(Ord. 987, passed 3-16-70) Penalty, see § 52.999

§ 52.066 PROHIBITED DISCHARGES TO PUBLIC SEWERS

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public

nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.

(C) 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.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(E) Any mercury or any of its compounds in excess of 0.0005 milligrams per liter Hg at any time except as may be permitted based on the conditions of Title 35, Subtitle C, Chapter I, Part 307 of the Illinois Administrative Code. A special permit must be obtained from the City Administrator or his designee prior to the discharge of any mercury in excess of 0.0005 milligrams per liter Hg.

(F) Any waste containing detectable levels of cyanide at any time except as permitted with the approval of the State Environmental Protection Agency as specified in Title 35, Subtitle C, Chapter I, Part 307 of the Illinois Administrative Code.
(Ord. 987, passed 3-16-70; Am. Ord. 1228, passed 11-7-77) Penalty, see § 52.999

§ 52.067 DISCHARGE OF CERTAIN WASTES RESTRICTED

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 City Administrator or his designee 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 City Administrator or his designee will give consideration to such factors as the, quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F. (65°C.).

(B) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty two degrees (32°) F. and one hundred fifty degrees (150°) F. (0 ° and 65 ° C.) .

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarter (3/4) horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the City Administrator or his designee.

(D) Any waters or wastes containing strong acid from pickling wastes, or concentrated plating solutions whether neutralized or not.

(E) Any waters or wastes containing in excess of the following concentrations and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such materials received in the composite sewage at the treatment works exceed the limits established by the City Administrator or his designee or the current National Pollutant Discharge Elimination System Permit (NPDES) for such materials.

Waste or Chemical	**Concentration Milligrams Per Liter**
Arsenic	0.25
Barium	2.0
Cadmium	0.15
Chromium (Hexavalent)	0.1
Chromium (Total)	1.0
Copper	0.5
Fluoride	15.0
Iron (Total)	2.0
Lead	0.2
Manganese	1.0
Nickle	1.0
Oil (Hexane soluble or equivalent)	15.0
Silver	0.1
Zinc	1.0
Chlorine Demand	30.0
Phenols	0.3

(F) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City Administrator or his designee as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Administrator or his designee in compliance- with applicable state or federal regulations.

(H) Any waters or wastes having a pH in excess of nine and one-half (9.5).

(I) Materials which exert or cause:

(1) 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).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting slugs as defined in § 52.001.

(J) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of the current National Pollutant Discharge Elimination System Permit (NPDES) or other agencies having jurisdiction over discharge to the receiving waters.
(Ord. 987, passed 3-16-70; Am. Ord. 1228, passed 11-7-77) Penalty, see § 52.999

§ 52.068 ADMISSION OF CERTAIN WATERS OR WASTES SUBJECT TO REVIEW; PRE-TREATMENT FACILITIES

(A) The admission into the public sewer of any waters or wastes having any of the following, shall be subject to the review and approval of the City Administrator or his designee:

(1) A five (5) day biochemical oxygen demand greater than two hundred (200) parts per million by weight;

(2) Containing more than two hundred fifty (250) parts per million by weight of suspended solids;

(3) Containing any quantity of substances having the characteristics described in § 52.067; or

(4) Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the city's sewer plant.

(B) Where necessary, in the opinion of the City Administrator or his designee, the owner shall provide, at his expense, such pretreatment as may be necessary to:

(1) Reduce the biochemical oxygen demand to two hundred (200) parts per million and the suspended solids to two hundred fifty (250) parts per million by weight;

(2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 52.067; or

(3) Control the quantities and rates of discharge of such waters or wastes.

(C) Except as required by this division and § 52.067, pretreatment for removal of compatible pollutants is not required. In addition to the prohibitions set forth in §§ 52.066 and 52.067 the pretreatment standard for incompatible pollutants introduced into a treatment works by a major contributing industry shall be that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to Sections 301 (b) and 304 (b) of the Act and subsequent rules and regulations as promulgated by the Administrator.

(D) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Administrator or his designee and of the State Environmental Protection Agency; and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(Ord. 987, passed 3-16-70; Am. Ord. 1228, passed 11-7-77) Penalty, see § 52.999

§ 52.069 PRETREATMENT OR EQUALIZATION OF WASTE FLOWS

(A) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 52.067, and which in the judgment of the City Administrator or his designee, 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 City Administrator or his designee 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; or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 52.072(B).

(B) If the City Administrator or his designee permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Administrator or his designee, and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. 987, passed 3-16-70)

§ 52.070 GREASE, OIL, AND SAND INTERCEPTORS

(A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Administrator or his designee, 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 City Administrator or his designee, and shall be located as to be readily and easily accessible for cleaning and inspection.

(B) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Ord. 987, passed 3-16-70) Penalty, see § 52.999

§ 52.071 PRETREATMENT OR FLOW-EQUALIZING FACILITIES MAINTAINED OPERABLE AT OWNER'S EXPENSE

Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Ord. 987, passed 3-16-70) Penalty, see § 52.999

§ 52.072 CONTROL MANHOLE; MEASUREMENTS, TESTS, AND ANALYSES

(A) When required by the City Administrator or his designee, 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 City Administrator or his designee. 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.

(Ord. 987, passed 3-16-70)

(B) Measurements, tests, and analysis.

(1) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of water and wastes to illustrate compliance with this chapter and any special conditions for discharge established by the City Administrator or his designee or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City Administrator or his designee, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the city at such times and in such manner as prescribed by the City Administrator or his designee. The owner shall bear the expense of all measurements, analyses, and reporting required by the city. At such times as deemed necessary, the City Administrator or his designee reserves the right to take measurements and samples for analysis by an outside laboratory service.

(2) All measurements, tests, and analyses 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 Waste and Wastewater***, published by the American Public Health Association, and the most

current edition of ***Guidelines Establishing Test Procedures for Analysis of Pollutants*** as published in 40 CFS, Part 136. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole exists as provided for in division (A) of this section, the control manhole shall be considered to be at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected, provided the Administrator shall be permitted to take samples within the premises of the user, including lagoons, ponds, and other places. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

(Ord. 987, passed 3-16-70; Am. Ord. 1228, passed 11-7-77; Am. Ord. passed 4-16-79)
Penalty, see § 52.999

§ 52.073 INDUSTRIAL WASTES; SPECIAL AGREEMENT

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment in accordance with the industrial concern.

(Ord. 987, passed 3-16-70; Am. Ord. 1228, passed 11-7-77)

§ 52.074 DISCHARGING WASTE WATER INTO STORM SEVERS PROHIBITED

The discharge of sanitary sewers and industrial waste water into any storm sewer operated by the City of Washington is prohibited.

(Ord. 878, passed 4-4-67; Am Ord. 1671, passed 6-3-91)
Penalty, see § 52.999

SEWER CHARGE SYSTEM

§ 52.100 DEFINITIONS

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

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees (20°) C., expressed in milligrams per liter.

DEBT SERVICE CHARGE. A charge leveled on users of treatment works for the cost of any bond debt to be paid by revenue generated from the operation of the treatment works.

DEPRECIATION. The decrease in the monetary value of an asset with time. Each component of the sewage works shall be assumed to depreciate at a constant rate over its anticipated service life.

INDUSTRIAL USER. (1) Any user of publicly-owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

(a) Division A. Agriculture, forestry, and fishing.

(b) Division B: Mining.

(c) Division D: Manufacturing

(d) Division E: Transportation, communications, electric, gas, and sanitary services.

(e) Division I: Services.

(2) A user in the divisions listed above may be excluded if it is determined by the City Administrator or his designee that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

MILLIGRAMS PER LITER. A unit of the concentration of water or wastewater constituent. It is 0.001 grams of the constituent in one thousand (1,000) milliliters of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

OPERATION AND MAINTENANCE. Those actions, materials, and services necessary for the proper functioning of treatment and collection facilities over their useful life.

PERSON. Any individual, firm, company, association, society, corporation, or group.

ppm. Parts per million by weight.

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

RESIDENTIAL, **COMMERCIAL**, or **NONINDUSTRIAL USER**. Any user of the treatment works not classed as an industrial user or excluded as an industrial user.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWER. A pipe or conduit for carrying sewage.

SEWER RATE A charge for the use of and services supplied by the sewage works of the city. This charge shall consist of a user charge and a debt service charge.

SEWER USE ORDINANCE. Sections 52.001 through 52.074 regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof in the city.

SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

USER CHARGE A charge levied on users of treatment works for the cost of operation and maintenance including replacement.

WASTEWATER. The spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER FACILITIES. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT, WASTEWATER TREATMENT PLANT, or POLLUTION CONTROL PLANT.**

WITHIN THE CITY. All of the territory within the perimeter of the city's boundaries.

(Ord. 1229, passed 11-7-77)

§ 52.101 USER CLASSES; SEWER RATES AND CHARGES

(1) For the purposes of determining sewer rates for the use of and service supplied by the sewerage system of the city, users of the system shall be divided into the following user classes:

(1) User Class I: Residential and commercial users within the city who are also users of the water services of the city.

(2) User Class II: Residential and commercial users within the city who do not use the water services of the city.

(3) User Class III: Industrial users within the city.

(4) User Class IV: Residential and commercial users outside of the city who are also users of the water system of the city.

(5) User Class V: Residential and commercial users outside of the city who do not use the water services of the city.

(6) User Class VI: Industrial users outside of the city.

(7) User Class VII: Senior citizen users within the city who are also users of water services of the city.

(8) User Class VIII: Senior citizen users within the city who do not use the water services of the city.

(9) User Class IX: Totally and permanently disabled users within the city who are also users of water services of the city.

(10) User Class X: Totally and permanently disabled users within the city who do not use the water services of the city.

(11) User Class XI: Illinois Qualified Circuit Breaker Program users, as defined in Section 52.116, within the city who are also users of water services of the city.

(12) User Class XII: Illinois Qualified Circuit Breaker Program users, as defined in Section 52.116, within the city who do not use the water services of the city.
(Ord. 1570, passed 1-2-89; Am. Ord. 2520, passed 4-19-04)

(B) Sewer rates and charges for each user class:

(1) User Class I: The base user charge as defined in §§52.102 and 52.103(A)(1) or (3).

(2) User Class II: The base user charge defined in §§52.102 and 52.103(A)(2) or (3).

(3) User Class III: The base user charge, plus the industrial surcharge if applicable as defined in §§52.102, 52.103(A)(4), and 52.104.

(4) User Class IV: The base user charge plus the service surcharge as defined in §§52.102, 52.103(A)(1) or (3), and 52.105.

(5) User Class V: The base user charge plus the service surcharge as defined in §§52.102, 52.103(A)(2), (3), and 52.105.

(6) User Class VI: The base user charge plus the industrial surcharge if applicable, plus the service surcharge as defined in §§52.102, 52.103(A)(4), 52.104, and 52.105.

(7) User Class VII: The base user charge as defined in §52.103(A)(5).

(8) User Class VIII: The base user charge as defined in §52.013(A)(6).

(9) User Class IX: The base user charge as defined in §52.103(A)(7).

(10) User Class X: The base user charge as defined in §52.103(A)(8).

(11) User Class XI: The base user charge as defined in § 52.103(A)(9).

(12) User Class XII: The base user charge as defined in § 52.103(A)(10).
(Ord. 1229, passed 11-7-77; Am. Ord. 2463, passed 8-4-03; Am. Ord. 2520, passed 4-19-04)

§ 52.102 Deleted, Ordinance 2935

§ 52.103 BASE USER CHARGE; CALCULATION OF RATE

(A) The base user charge shall be defined as follows;

(1) For single-family residences in User Classes I and IV, the base user charge shall be six dollars and sixty-two cents ($6.62) per one thousand (1,000) gallons of water used, or where water consumption does not reflect the actual quantity of wastewater tributary to the wastewater treatment works, six dollars and sixty-two cents ($6.62) per one thousand (1,000) gallons of wastewater as recorded in a control manhole or flow measuring device required by §52.072.

(2) For single-family residences in User Classes II and V, the base user charge shall be one hundred sixteen dollars and eighty cents ($116.80) per quarter for each connection to the sewerage system of the city for those users who do not have water meters or flow measuring devices. Single-family residences in User Classes II and V who have water meters or flow measuring devices available, may be charged six dollars and sixty-two cents ($6.62) per one thousand (1,000) gallons.

(3) For multi-family residences and commercial establishments in User Classes I, II, IV, and V, the base user charge shall be six dollars and sixty-two cents ($6.62) per one thousand (1,000) gallons of water used.

(4) For industrial establishments in User Classes III and VI, the base user charge shall be six dollars and sixty-two cents ($6.62) per one thousand (1,000) gallons of water used, or where water consumption does not reflect the actual quantity of wastewater tributary to the wastewater treatment works, six dollars and sixty-two cents ($6.62) per one thousand (1,000) gallons of wastewater as recorded in a control manhole or flow measuring device required by §52.072.

(5) For senior citizens in User Class VII, the base user charge shall be equal to the rate for User Class I reduced by an amount equal to ten percent (10%) of the rate for User Class I.

(6) For senior citizens in User Class VIII, the base user charge shall be fifty-four dollars and forty-three cents ($54.43) per quarter for each connection to the sewer system of the city.

(7) For totally and permanently disabled citizens in User Class IX, the base user charge shall be equal to the rate for User Class I reduced by an amount equal to ten percent (10%) of the rate for User Class I.

(8) For totally and permanently disabled citizens in User Class X, the base user charge shall be fifty-four dollars and forty-three cents (54.43) per quarter for each connection to the sewer system of the city.

(9) For single family residences in User Class XI, the base user charge shall be five dollars and no cents ($5.00) per one thousand (1,000) gallons of water used, or where water consumption does not reflect the actual quantity of wastewater tributary to the wastewater treatment works, five dollars and no cents ($5.00) per one thousand (1,000) gallons of wastewater as recorded in a control manhole or flow measuring devise required by Section 52.072.

(10) For Single family residences in User Class XII, the base user charge shall be forty-five dollars and seventy cents ($45.70) per quarter for each connection to the sewerage system of the city for those users who do not have water meters or flow measuring devices. Single family residences in User Class XII who have water meters or flow measuring devices available may be charged five dollars and no cents ($5.00) per one thousand (1,000) gallons.

(Am. Ord. 1381, passed 7-5-83; Am. Ord. 1392, passed 11-21-83; Am. Ord. 1546, passed 4-4-88; Am. Ord. 1570, passed 1-2-89; Am. Ord. 1629, passed 5-7-90; Am. Ord. 1914, passed 5-1-95; Am. Ord. 2289, passed 5-7-01; Am. Ord. 2463, passed 8-4-03; Am. Ord. 2497, passed 12-15-03; Am. Ord. 2520, passed 4-19-04; Am. Ord. 2935, passed 6-20-2011)

(B) Calculation of base sewer rate.

(1) The base sewer rate as defined in division (A) (1) and (3) of this section shall be equal to the estimated annual revenue required divided by the total annual wastewater contribution from users in thousands of gallons, where annual revenue required equals the estimated annual revenue required for the operation and maintenance costs including replacement and debt service costs less anticipated costs due to over strength wastes to be paid for by industrial surcharges.

(2) The base sewer rate as defined in division (A) (2) of this section shall be approximately equal to the average quarterly sewer bill for single-family residences.

(Am. Ord. 2289, passed 5-7-01)

(C) The rates and charges for sewer services provided herein shall automatically increase on January 1, 2005, and annually on each January 1st thereafter, by two and one-half percent (2.5%) or the rate of inflation, whichever is greater, and rounded to the nearest whole

cent. The rate of inflation shall be calculated annually on November 1 using the most recent twelve- (12) month period as measured by the Consumer Price Index (CPI).

(Ord. 2497, passed 12-15-03)

(D) In addition to the other provisions herein, the rates and charges for sewer services provided herein shall automatically increase by 4.34% over and above the then prevailing rates and charges effective for usage beginning on each and every of the following dates: July 1, 2011, July 1, 2012 and July 1, 2013. Said increases shall be first reflected in billing made on and after the next succeeding November 1st of each respective year.

(Ord. 2935, passed 6-20-11)

§ 52.104 COMMERCIAL AND INDUSTRIAL USER SURCHARGE

(A) Pursuant to Section 35.925-11 of Subpart B of Federal Register Volume 39, Number 29, and Appendix B, a provision is made herein for payment of a surcharge for discharge of all wastes in excess of base levels for BOD, and suspended solids and other pollutants which may be defined in subsequent amendments, to the city sewerage system.

(B) The base concentration for suspended solids and BOD_5 shall be two hundred fifty (250) milligrams per liter until otherwise redefined.

(C) The total cost of the surcharge shall be calculated as follows: The total volume of the discharge for a billing period shall be multiplied times the sum of the operation and maintenance costs of treatment for one unit of BOD_5 multiplied by the average concentration of BOD_5 in excess of the base level and operation and maintenance cost of treatment for one unit of suspended solids multiplied by the average concentration of suspended solids in excess of the base level.

(D) The unit cost of operation and maintenance shall be determined from the actual cost experience of the last fiscal year and be in effect for the ensuing fiscal year unless amended. The surcharge cost will be added to the user charge as previously determined.

(Ord. 1229, passed 11-7-77; Am. Ord. 1236, passed 6-19-78)

§ 52.105 USERS OUTSIDE CITY TO PAY SERVICE SURCHARGE

Users of the sewerage system of the city outside of the city shall pay a service surcharge equal to twenty percent (20%) of all other applicable user charges. The service surcharge is to equalize the investment in the existing system. This service surcharge shall be reviewed annually and revised periodically to reflect changes in the current investment in the fixed assets of the sewage works due to new construction of facilities financed by general obligation bonds or the corporate taxes collected by the city or due to total depreciation or abandonment of existing facilities.

(Ord. 1229, passed 11-7-77)

§ 52.106 REVIEW OF RATES

The city shall independently audit operation, maintenance, and debt service costs for the wastewater facilities; review sewer rates and charges annually; and revise sewer rates and charges periodically to reflect actual treatment works operation and maintenance costs and the cost of debt services. The city shall also annually review user charges and revise as necessary to insure that the total user charges for each user class are proportional to usage of the wastewater facilities of the city.

(Ord. 1229, passed 11-7-77)

§ 52.107 MEASUREMENT OF FLOW

The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of two hundred fifty (250) gallons.

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the city waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the City Administrator or his designee for the purpose of determining the volume of water obtained from these other sources.

(B) Other devices for measuring the volume of waste discharged may be required by the City Administrator or his designee if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the user. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the City Administrator or his designee.

(D) Where it has been determined by the City Administrator or his designee that metering devices are not required for residential users who do not use city water, the flat rate base user charge defined in § 52.103(A) (2) shall be computed as defined in § 52.103(B).

(Ord. 1229, passed 11-7-77)

§ 52.108 BILLINGS

(A) There shall be quarterly billings made and charged to all users for the use of and service supplied by the sewerage system of the city.

(Ord. 1229, passed 11-7-77) (Am. Ord. 1359, passed 4-19-82; Am. Ord. 2463, passed 8-4-03)

Cross reference: Billings; delinquency; liens, see § 50.54
Failure to pay charges; proceedings, see § 50.55

§ 52.109 FORECLOSURE OF LIEN

Property subject to a lien for unpaid charges may 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 city. The City Attorney is authorized and when directed by the City Council to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty five (45) days in the case of a monthly bill or one hundred five (105) days in the case of a quarterly bill after it has been rendered.

(Ord. 1229, passed 11-7-77)

§ 52.110 ESTABLISHMENT OF SYSTEM ACCOUNTS

(A) The City Administrator or his designee shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

(B) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(1) Flow data showing total gallons received at the wastewater plant for the current fiscal year.

(2) Billing data to show total number of gallons billed.

(3) Debt service for the next succeeding fiscal year.

(4) Number of users connected to the system.

(5) Number of non-metered users.

(6) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

(Ord. 1229, passed 11-7-77)

§ 52.111 ACCESS TO RECORDS

The State Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers, and records of the city which are applicable to the city system of user charges or industrial cost recovery 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. 1229, passed 11-7-77)

§ 52.112 DISPOSITION OF REVENUES

(A) All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the Sewerage Fund. All such revenues and moneys shall be held by the City Collector separate and apart from his private funds and separate and apart from all other funds of the city and all of said sum, without any deductions whatever, shall be delivered to the City Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Mayor and City Council.

(B) The City Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the Sewerage Fund of the city. Said Treasurer shall administer such Fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act", effective January, 1942.

(Ord. 1229, passed 11-7-77)

§ 52.113 NOTICE OF RATES

A copy of the current rates shall be provided to each user annually and shall be deemed a notice to all owners of real estate of the charges of the sewerage system of the city on their properties.

(Ord. 1229, passed 11-7-77)

§ 52.114 USE OF SEWER SERVICE BY QUALIFIED SENIOR CITIZENS

(A) The sewer use charges defined in User Classes VII and VIII are established for the use of the sewer service by qualified senior citizens. A qualified senior citizen is defined as a resident of the city who has attained the age of sixty two (62) years, is retired and

receiving social security or a retirement pension, and who receives water or sewer service or both from the city and makes it available to no one else except a spouse or a dependent as defined herein. A dependent for the purpose of this section is defined as a person who has no income whatsoever.

(B) In order to qualify for the User Class VII or VIII, the applicant must sign, under oath, a statement conforming to the requirements of division (A) above.

(Ord. 1229, passed 11-7-77; Am. Ord. 2463, passed 8-4-03)

§ 52.115 TOTALLY AND PERMANENTLY DISABLED CITIZEN QUALIFICATIONS

(A) The sewer use charges defined in User Classes IX and X are established for the use for the sewer service of the city by totally and permanently disabled citizens. A person is totally and permanently disabled if such person is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months. The impairment must result from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical or laboratory diagnostic techniques. A physical or mental impairment must be established by medical evidence consisting of signs, symptoms, and laboratory findings, and not only by the citizen's statement of symptoms.

(B) In order to qualify for User Classes IX or X, the applicant must be a resident of the city, and must not qualify for and receive User Class VII or VIII status. In addition, the applicant must provide and submit to the city a statement from a licensed practitioner of medicine, psychiatry, or psychology attesting to and certifying the applicant's qualifications under division (A) above.

(C) The applicant must be the head of the household receiving the water and/or sewer service, must reside at said household, and may not make the water or sewer service or both available to anyone else except a spouse and/or a dependent as hereinafter defined. A **DEPENDENT** for purposes of this section is defined as a person who has no income whatsoever.

(D) Upon receipt of an application for totally and permanently disabled user status, the City Administrator shall promptly review the application within ten days of its submission by the applicant. The City Administrator shall determine, based upon the information contained within the application, the statement from a licensed physician, and any other information available to the City Administrator, whether or not the applicant qualifies under the criteria herein established for totally and permanently disabled user status. Within twenty one (21) days of the submission of the application, the City Administrator

shall notify the applicant of his decision. Failure of the City Administrator to so notify an applicant shall be deemed to be a denial of the total and permanently disabled user status.

(E) Any person aggrieved by any notice and decision of the City Administrator under this section may obtain a hearing upon the filing of a written request for same with the City Clerk. The request for a hearing must be filed with the City Clerk within ten days after receipt of the notice of the City Administrator's determination. The written request for hearing shall contain, at a minimum, the following information: the date of the original application; the name and address of the person requesting the hearing; the address of the property at which the applicant resides; and a brief statement of the reasons for requesting a hearing. The hearing shall be held before the City Council, and shall be placed on the agenda for the next regularly scheduled Council meeting after the request for hearing has been filed. The applicant may present additional facts or arguments as he may desire to the City Council. The City Administrator may present additional facts or arguments as he may desire to the City Council. The City Council may affirm, modify, or reverse any decision of the City Administrator by a vote of the majority of said Council in attendance.

(F) In case any applicant in User Classes IX and X shall make an application stating facts which prove to be false, it shall constitute a violation of this section.

(Ord. 1570, passed 1-2-89)

Penalty, see § 52.999

§ 52.116 CIRCUIT BREAKER PROGRAM QUALIFICATIONS

(A) The sewer use charges defined in User Classes XI and XII are established for the use of sewer service by residents determined to be qualified under the Illinois Circuit Breaker program as administered by the Illinois Department of Revenue.

(B) Eligibility for rates defined in User Classes XI and XII shall be established annually during the month of January of each year based upon documentation provided by the Illinois Department of Revenue which identifies those residents that have qualified under the Illinois Circuit Breaker program during the immediately preceding calendar year. Eligibility must be re-established each and every year to qualify for User Class XI and XII rates.

(C) In order to qualify for the sewer use charges defined in User Classes XI and XII, the individual qualified under the Illinois Circuit Breaker program must:

(1) be a resident of the City of Washington;
(2) reside within the residence receiving the sewer service;
(3) be named as the individual responsible for the payment of the sewer bill; and
(4) permit sewer service to be used by no one else except a spouse and/or dependent.

(D) Users who qualify for the rates defined in User Classes XI and XII shall not be eligible to receive the additional discounts available to Qualified Senior Citizens and Qualified Disabled Citizens.

(Am. Ord. 2520, passed 4-19-04)

VIOLATIONS

§ 52.125 NOTICE OF VIOLATION

(A) Notice of violation; time limit.

(1) Any person found violating any provision of this chapter, except § 52.006, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.

(2) The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) No person shall continue any violation beyond the time limit provided in division (A) of this section.

(Ord. 987, passed 3-16-70)

§ 52.126 LIABILITY

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(Ord. 987, passed 3-16-70)

§ 52.999 PENALTY

(A) Whoever violates any provision of this chapter, for which another penalty is not already provided, shall be fined not more than one hundred dollars ($100.00) for each violation. Each day's violation shall constitute a separate offense.

(Ord. 987, passed 3-16-70)

(B) Whoever violates any provision of § 52.074 shall be fined not more than two hundred dollars ($200.00). Each day's violation shall constitute a separate offense.

(Ord. 878, passed 4-4-67)

(C) Whoever violates any provision of § 52.115 shall be fined not more than one hundred dollars ($100.00). Each day's violation shall constitute a separate offense.

(Ord. 1570, passed 1-2-89)

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CHAPTER 53

STORM WATER RUNOFF CONTROL

General Provisions

§53.001 Definitions
§53.002 Applicability
§53.003 General Considerations
§53.004 Design Criteria
§53.005 Flood Route Required

GENERAL PROVISIONS

§53.001 DEFINITIONS

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

CONTROL STRUCTURE. A structure designed to control the flow of storm water runoff that passes through it during a specific length of time.

DEVELOPMENT. Construction, reconstruction, expansion or placement of a building or structure; construction of parking lots or roads; filling, dredging, grading, excavating or other non-agricultural alterations of the ground surfaces; any other activity that might change the direction, velocity or rate of storm water runoff. Development does not include maintenance of existing buildings and facilities, gardening, plowing and similar agricultural practices.

DRY BOTTOM DETENTION BASIN. A facility designed to be normally dry and maintained with a grass vegetative cover that will contain water only when excess storm water runoff occurs.

EXCESS STORM WATER. That portion of the rate of storm water runoff from a specific watershed at a specified rainfall frequency, which exceeds the transportation capacity of storm sewers, natural drainage channels or the runoff rate from the area in its existing or natural undeveloped state.

IMPERVIOUS SURFACE. A relatively non-porous surface over which water will readily pass without any appreciable amount of the water soaking into the surface.

NATURAL DRAINAGE WAYS. Channels formed in the existing surface topography prior to changes made by unnatural causes.

NATURAL UNDEVELOPED STATE. The condition of the existing surface topography and vegetative cover of a parcel of land prior to any development having occurred, with exception of typical agricultural practices.

STORM WATER DETENTION FACILITY. An area designed and designated to store excess storm water.

STORM WATER DRAINAGE SYSTEM. The complete system of pipes, culverts, channels, swales and structures employed to convey and control storm water runoff.

STORM WATER RUNOFF. The flow of water resulting from precipitation, which is not absorbed by the soil or plant material.

STORM WATER RUNOFF RELEASE RATE. The rate at which storm water runoff is released from dominant to subservient land.

TRIBUTARY WATERSHED. All the land area that contributes storm water runoff to a given point.

UNIMPROVED LOT OR PARCEL. Property on which there is no existing building or structure.

WET BOTTOM DETENTION BASIN. A facility designed to be maintained as a pond with a free water surface, and which has capacity to contain excess storm water runoff.

X-YEAR STORM. The average recurrence interval within which a rainfall of given intensity and duration will be equaled or exceeded only once. A one hundred (100) year storm would have an intensity of rainfall which would, on the average, be equaled or exceeded only once in one

hundred (100) years. This does not imply that it will occur only once in one hundred (100) years, or having occurred, will not happen again for one hundred (100) years.

§53.002 APPLICABILITY

The provisions of this chapter shall apply to:

(A) Any subdivision involving one (1) acre or more of property.

(B) Any multi-family residential, commercial, institutional or industrial development where the total area of the lot or parcel of land on which the planned development is to occur, is one (1) acre or more.

§53.003 GENERAL CONSIDERATIONS

(A) An adequate storm water drainage system shall be constructed by the developer or owner as part of the development. If the amount of storm water detention storage can be increased to provide benefit to the City, negotiations for public participation in the cost of development may be initiated.

(B) All components of the storm water drainage system, including conduits, channels, outlet structures, spillways, earthen structures and the like shall be built as permanent facilities and all materials and their manner of construction shall be assembled to accomplish as much permanency as is possible.

(C) For multi-family residential, commercial, institutional and industrial developments, ownership and maintenance responsibilities of the entire storm water drainage system shall remain with the property owner or developer. For single-family residential development, the city will accept maintenance responsibility for the entire storm water conveyance system, including the pipes, culverts, channels and structures, provided that appropriate easements are provided, including adequate public ingress and egress to the storm water detention facilities from the public street. Maintenance of the vegetative cover in and around the storm water detention facilities shall remain the responsibility of the property owner.

(D) Where in the opinion of the Public Works Director, the development of a property presents the threat of flooding or damage by runoff to downstream properties; the facilities for storm water runoff control shall be constructed as part of the first phase of construction.

(E) During the construction phase of development, all practical measures shall be employed to minimize and control soil erosion. A soil erosion and sediment control plan shall be developed and implemented. The developer shall obtain the required State storm water discharge permit for construction site activity for any development involving the disturbance of one acre or more of land.

§53.004 DESIGN CRITERIA

(A) The storm water drainage system, including storm sewers, shall be adequate to properly drain the development and all other upstream areas that are tributary to the development for a minimum of a 25-year rainfall event. Storm water runoff from such upstream areas shall be calculated as if they were fully developed according to the City's Land Use Plan.

(B) The release of storm water from developments onto adjacent downstream properties shall be designed so as not to increase the rate of runoff in conformance with the drainage laws of the State. The design engineer and developer or landowner shall provide certification to this effect on the face of the construction plans and/or drainage plans for the development.

(C) Storm Water Detention Requirements.

(1) Storm water detention facilities shall be provided to control the rate of storm water release from the development so as not to exceed the lesser of either the downstream storm sewer or drainage way capacity, or the storm water runoff rate from the area in its natural undeveloped state at a two (2) year rainfall event. Storm water detention facilities shall be designed to provide sufficient storage volume to detain the twenty-five (25) year rainfall event from the fully developed drainage area for any and all durations.

(2) In the case where the development consists only of expansion, addition or an improvement to an existing building or structure, storm water detention facilities shall be provided to control the rate of storm water release so as not to exceed the

lesser of either the downstream storm sewer or drainage way capacity, or the storm water runoff rate from the area in its existing developed condition at a two (2) year rainfall event. Storm water detention facilities shall be designed to provide sufficient storage volume to detain the twenty-five (25) year rainfall event from the developed drainage area for any and all durations.

(3) Routing of a portion of the storm water runoff within the development away from the detention facility may be allowed where it is absolutely necessary due to topography of the site. However, provisions must be made so the release of storm water from these areas does not adversely impact adjacent property. Particular attention shall be given to the release of storm water from any impervious surfaces, including roof drains, which are not directed to the detention facility. The release rate from the detention facility must be reduced accordingly so the total release rate from the development is no greater than the runoff rate from the area in its natural undeveloped state at a two (2) year rainfall event.

(4) Calculation of storm water discharge rates shall be made using the rational method. Design calculations and support data for storm water detention facilities shall be submitted to the Public Works Director for review and approval.

(a) The undeveloped storm water release rate shall be calculated using a time of concentration for the entire tributary watershed in which the development is located including all other upstream and downstream areas. In no case shall a time of concentration of less than 15 minutes be used. For large watersheds, the time of concentration may be limited to 60 minutes.

(b) In determining the time of concentration, a maximum velocity of three (3) feet per second shall be used for channel flow conditions, unless convincing data is provided to justify use of greater velocities.

(c) A maximum coefficient of runoff of twenty five hundredths (0.25) shall be used for undeveloped farm ground. The coefficient of runoff shall be reduced accordingly for natural undeveloped conditions such as grass, brush or wooded areas

(d) In the case of commercial, and industrial developments, calculations shall be based upon the assumption of one hundred percent (100%) of the useable lot area having impervious surface.

(5) Outlet Control Structures and Emergency Spillways.

(a) Outlet control structures and emergency spillways shall be designed and constructed to fully protect the public health, safety, and welfare. Storm water runoff velocities shall be kept to a minimum and turbulent conditions at the outfall will not be permitted without complete protection for the public safety. The use of fences shall be kept to a minimum and used only when no other method of protection is feasible.

(b) Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. The primary outlet shall be designed to operate at full capacity with only a minor increase in the water surface level.

(c) The outlet control structure shall be designed to pass the post-developed fifty (50) year rainfall event without engaging the emergency spillway.

(d) Provisions shall be made to pass the post-developed one hundred (100) year rainfall event through an adequately sized emergency spillway. The emergency spillway shall be designed to function without attention or maintenance and shall become part of the natural or surface channel system.

(e) Design provisions, including erosion protection, shall be made to insure that no damage to immediately adjacent downstream property or facilities occurs from the discharge from a one hundred (100) year event.

(f) Hydraulic calculations for the outlet control structure and emergency spillway to substantiate all design features shall be submitted to the Public Works Director for review and approval.

(6) Dry Bottom Detention Basins.

(a) Earthen-type dry bottom storm water detention basins shall have a concrete paved channel or pipe capable of conveying low flow through the basin and where necessary a system of under drains to prevent soggy areas.

(b) The embankments around any earthen-type detention basin or swale located in residential developments shall have a slope of no greater than 4 to 1, horizontal to vertical, to allow for safe and easy mowing. Slopes up to 3 to 1 may be allowed for commercial, institutional, or industrial developments.

(c) For large developments, such as subdivisions, consideration should be given to designing dry bottom detention basins to serve a secondary purpose such as providing open space, recreation facilities, or other types of uses that will not be adversely affected by intermittent flooding.

(d) For small developments, consideration should be given to use of well-defined detention swales.

(e) For commercial and industrial developments, consideration should be given to detaining storm water in parking lots and in underground oversized culverts.

(f) No enclosed or habitable structures shall be constructed within detention basins. However, parking facilities, playgrounds and open spaces, and utility easements shall be considered compatible primary uses of these areas. Additional volume must be provided to compensate for the volume occupied by the placement of any structures, trees, etc. within the detention basin.

(7) Wet Bottom Detention Basins.

(a) Wet bottom basins shall have a minimum normal water depth of four (4) feet. If fish are to be maintained, some portion of the pond area should be a minimum of nine (9) feet deep.

(b) The surface area at minimum normal water depth shall not exceed one fifteenth (1/15) of the tributary drainage area.

(c) Only that portion of the detention area above the normal water level shall be used in calculating the storage volume.

(d) Shoreline protection shall be provided to prevent erosion from wave action.

(e) The embankments around the detention basin shall have a slope of no greater than 4 to 1 horizontal to vertical to allow for safe and easy mowing.

§53.005 FLOOD ROUTE REQUIRED

(A) A flood route consisting of natural and/or man-made surface channels shall be provided with adequate capacity to convey through and from the development the storm water runoff from all tributary upstream areas with due consideration to the planned degree of upstream development. This channel system shall be designed to carry the peak rate of runoff from a one hundred (100) year rainfall event. An allowance may be made for upstream detention when evidence of such detention can be shown.

(B) Existing natural waterways in subdivisions shall be preserved or improved as part of the flood route channel system. The use of streets, parking areas, permanent open spaces and utility easements may be employed as part of the flood route channel system. Where streets are used for the lateral passage of flood waters, depth of water in the streets shall not exceed the top of curb at the one hundred (100) year rainfall event.

(C) No structures, including fences, landscaping, or trees, shall be constructed within these flood route channels. Appropriate surface drainage easements shall be provided for any flood route channels that traverse private property.

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CHAPTER 54

WATER SUPPLY CROSS-CONNECTION CONTROL PROGRAM

54.01 Title
54.02 General Policy
54.03 Definitions
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54.05 Cross-Connection Prohibited
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54.11 Booster Pumps
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§ 54.01 TITLE

This Chapter shall be known and may be cited as the City Water Supply Cross-Connection Control Ordinance.

§ 54.02 GENERAL POLICY

(A) **PURPOSE.** The purpose of the Water Supply Cross-Connection Control Ordinance is:

(1) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(2) To promote the elimination or control of existing cross-connections, actual or potential, between the public or customer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(3) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and customer's potable water systems.

(B) **APPLICATION**. This ordinance shall apply to all premises served by the public water supply system of the City of Washington. The City of Washington shall establish Administrative Procedures to administer this ordinance. Those administrative procedures may be modified as required to serve as a guide to administering this ordinance. Copies of those administrative procedures shall be available at City Hall.

(C) **POLICY**. The City of Washington shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection.

§ 54.03 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

"Fixed proper air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods approved by the Foundation for Hydraulic Research and Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation as required by 77 Ill. Adm. Code 890.

"Auxiliary water system" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

"Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

"Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

"Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

"Customer's water system" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

"Contaminant" means any condition, device or practice in a water system or its operation resulting from, a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means to the health of the user that could be expected to result in death or significant reduction in the quality of life.

"Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

"Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

> **"Direct cross-connection"** means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.
>
> **"Indirect cross-connection"** means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

"Double check valve assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tightly closing shutoff valves located at each end of the assembly and each device shall be fitted with properly located test cocks.

"Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

"Non-potable water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

"Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems.

Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls

"Pollutant" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a customer's potable water system.

"Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

"Potable water" means water which meets the requirements of 35 Ill Adm. Code 604 for drinking, culinary, and domestic purposes.

"Potential Cross-Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

"Process fluid(s)" means any fluids or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutant or contaminant hazard if introduced into the public or a customer's potable water system. Thus includes but is not limited to:

(a) Polluted or contaminated waters;

(b) Process waters;

(c) Used waters originating from the public water supply system which may have deteriorated in sanitary quality;

(d) Cooling waters;

(e) Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;

(f) Chemicals in solution or suspension;

(g) Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

"Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water, for drinking or general domestic use and which serve at least fifteen (15) service connections or which regularly serve at least twenty five (25) persons at least sixty (60) days per year. A public water supply is either a "community water supply" or a "non-community water supply."

"Reduced pressure principle backflow prevention device" means a device containing a minimum of two (2) independently acting check valves together with an automatically operated pressure differential relief valve located between the two (2) check valves and approved under ASSE Standard 1013. During normal flow and at the test cessation of normal flow, the pressure between these two (2) checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing full port shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the customer.

"**Service line"** means the conduit between the public water supply system's water main and the customer's water system through which water is supplied to the customer.

"Survey/Investigation" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form and should not be an actual plumbing inspection.

"Used water" means any water supplied by a public water supply system to a customer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water purveyor" means the owner or official custodian of a public water system.

§ 54.04 WATER SYSTEM

(A) The water system shall be considered as made up of two (2) parts: the public water supply system and the customer's water system. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the City up to the point where the customer's water system begins. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the customer's water system.

(B) The customer's water system shall include all parts of the facilities beyond the service connection curb stop used to convey water from the public water supply distribution system to points of use.

§ 54.05 CROSS-CONNECTION PROHIBITED

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter the potable water supply.

(D) It is the responsibility of the water customer to prevent backflow into the public water system by ensuring that:

(1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

(2) Cross-connection control devices are installed in accordance with the manufacturer's instructions and as an approved assembly without modifications. For further installation requirements, see Sub-section 54.07 below.

(3) Cross-connection control devices are inspected at the time of installation and at least annually by a person licensed by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

(4) Testing is performed and records are maintained in accordance with Sub-section 54.10 below.

§ 54.06 SURVEY AND INVESTIGATIONS

(A) The City Administrator, or his authorized representative, shall be allowed access to the customer's premises at all reasonable times for the purpose of conducting surveys and investigations to determine whether there are actual or potential cross-connections within the customer's premises through which contaminates or pollutants could backflow into the public potable water system.

(B) On request by the City Administrator, or his authorized representative, the customer shall furnish information regarding the piping system or systems or water use within the customer's premises. The customer's premises shall be open at all reasonable times to the City Administrator, or his authorized representative, for the verification of information submitted by the customer.

(C) On request by the City Administrator, or his authorized representative, the customer shall arrange for a cross-connection survey to be completed, at the customer’s expense, to determine whether there are actual or potential cross-connections to the water system through which contaminates or pollutants could backflow into the public potable water system. These surveys must be conducted by licensed plumbers or others specifically allowed by 225 ILCS 320/3.

§ 54.07 WHERE PROTECTION IS REQUIRED

(A) An approved backflow prevention device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a customer's water system where actual or potential hazards to the public water supply system exist as deemed by the City Administrator, or his authorized representative.

(B) An approved backflow prevention device shall be installed on each service line to a customer's water system serving premises where the following conditions exist:

(1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the City Administrator and the source is approved by the Agency.

(2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. Such premises shall include, but not be limited to, medical, dental and mortuary facilities, nursing homes, car wash facilities, dry cleaners, metal plating facilities, chemical mixing or processing facilities.

(3) Premises having internal cross-connections that, in the judgment of the City Administrator, or his authorized representative, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connection exist.

(4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

(5) Premises having a repeated history of cross-connections being established or re-established.

§ 54.08 TYPE OF PROTECTION REQUIRED

(A) The type of protection required shall depend on the degree of hazard which exists as follows:

(1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that are considered toxic or lethal, such as a chemical or sewage.

(2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be contaminated with a substance that is considered a contaminant or health hazard.

(3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device or a double check valve assembly shall be installed where the public water supply system may be polluted with a substance that is considered a pollutant or hazard not dangerous to health.

(B) The type of protection required for premises described in Section 54.07 shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

(C) Where the public water supply is used for a fire protection system, a reduced pressure principle backflow prevention device shall be installed at the connection of the public water supply to such system when:

(1) The fire protection system contains antifreeze, fire retardant or other chemicals;

(2) Water flows by gravity from a non potable source; or water can be pumped into the fire protection system from any other source;

(3) There is a connection whereby water from another source such as through a fire department connection can be introduced into the fire protection system.

(D) All other fire protection systems connected to the potable water supply shall be protected by a double check valve assembly.

(E) Where the public water supply is used for a lawn or landscape irrigation or fertilization system, a reduced pressure principle backflow prevention device shall be installed at the connection of the public water supply to such system.

§ 54.09 BACKFLOW PREVENTION DEVICES

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by American Society of Sanitary Engineers or 77 Ill. Adm. Code.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

§ 54.10 INSPECTION AND MAINTENANCE

(A) It shall be the responsibility of the customer at any premises on which backflow prevention devices required by these regulations are installed to have inspections, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicated a need or are specified in manufacturer's instructions.

(1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the

flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or bypassed air gaps shall be made within twenty four (24) hours.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five (5) days.

(3) Reduced pressure principle backflow prevention devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

(1) Date of each test or visual inspection;

(2) Name and license number of the CCDI performing the test or visual inspection;

(3) Test results;

(4) Repairs or servicing required;

(5) Repairs and date completed; and

(6) Servicing performed and date completed.

(E) The customer shall retain records of installation, maintenance, testing and repair as required in Sub-section (C) and (D) for a period of at least five years.

(F) The customer shall submit copies of reports of the inspections and tests required by this Sub-section to the City of Washington.

(G) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the customer without delay as required by Sub-section (A).

(H) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the City Administrator.

§ 54.11 BOOSTER PUMPS

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to twenty (20) pounds per square inch (p.s.i.) or less.

(B) It shall be the responsibility of the water customer to maintain the low pressure cut-off device in proper working order and to certify in writing to the City Administrator, at least once a year, that the device is operable.

§ 54.12 VIOLATIONS

(A) Any customer found to be violating any provision of this ordinance shall be served with written notice stating the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(B) After giving written notice of such violation and allowing sufficient time to correct such violation, the City Administrator, or his authorized representative, may terminate water service to the premises subject to the violation.

(C) Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects in conformance with this ordinance to the satisfaction of the City Administrator, and payment of any required restoration fee is made in accordance with Section 50.55 of the City's Code of Ordinances.

(D) Any customer violating any of the provisions of this ordinance shall become liable to the City of Washington for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice.

(E) Neither the City of Washington, the City Administrator, or its agents or assigns shall be liable to any customers of the City of Washington for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(F) The customer responsible for the back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

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TITLE VII

TRAFFIC CODE

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CHAPTER 70

TRAFFIC CODE
GENERAL PROVISIONS

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IN GENERAL

§ 70.01 DEFINITIONS

For the purpose of this traffic code, the following words and phrases shall have the following meanings ascribed to them respectively.

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

(Ill. Rev. Stat. Ch. 95½, § 1-102)

AUTHORIZED EMERGENCY VEHICLE. Emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the Fire Department and ambulances.

(Ill. Rev. Stat. Ch. 95½, § 1-105)

BICYCLE. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than sixteen (16) inches in diameter.

(Ill. Rev. Stat. Ch. 95½, § 1-106)

BUS. Every motor vehicle, other than a commuter van, designed for carrying more than ten (10) persons.

(Ill. Rev. Stat. Ch. 95½, § 1-107)

BUSINESS DISTRICT. The territory contiguous to and including a highway when within six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred (300) feet of frontage on one side, or three hundred (300) feet collectively on both sides of the highway.

(Ill. Rev. Stat. Ch. 95½, § 1-108)

COMMERCIAL VEHICLE. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including, a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

(Ill. Rev. Stat. Ch. 95½, § 1-114)

CONTROLLED-ACCESS HIGHWAY. Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street, or roadway.

(Ill. Rev. Stat. Ch. 95½, § 1-112)

CROSSWALK

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of a highway, that part of the highway included within the extension of the lateral line of the existing sidewalk to the side of the highway without the sidewalk, with the extension forming a right angle to the centerline of the highway;

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface, placed in accordance with the provisions in the manual adopted by the Department of Transportation as authorized in Ill. Rev. Stat. Ch. 95½, § 11-301.

(Ill. Rev. Stat. Ch. 95½, § 1-113)

DRIVER. Every person who drives or is in actual physical control of a vehicle.
(Ill. Rev. Stat., Ch. 95½, § 1-116)

EXPLOSIVES. 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 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 destructive effects on contiguous objects or of destroying life or limb.
(Ill. Rev. Stat. Ch. 95½, § 1-119)

FARM TRACTOR. Every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines, and other implements of husbandry, and every implement of husbandry which is self-propelled.
(Ill. Rev. Stat. Ch. 95½, § 1-120)

FLAMMABLE LIQUID. Any liquid which has a flash point of seventy degrees (70°) F., or less, as determined by a tagliabue or equivalent closed-cup test device.
(Ill. Rev. Stat. Ch. 95½, § 1-121)

GROSS WEIGHT. The weight of a vehicle, whether operated singly or in combination, without load, plus the weight of load thereon.
(Ill. Rev. Stat. Ch. 95½, § 1-125)

HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
(Ill. Rev. Stat. Ch. 95½, § 1-126)

IMPLEMENT OF HUSBANDRY. Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers, or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer, or like vehicle having a gross weight of more than thirty six thousand (36,000) pounds, shall be included hereunder.
(Ill. Rev. Stat. Ch. 95½, § 1-130)

IMPROVED HIGHWAY. Any roadway of concrete, brick, asphalt, macadam and crushed stone, or gravel.
(Ill. Rev. Stat. Ch. 95½, § 1-131)

INTERSECTION.

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

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

(3) The junction of an alley with a street or highway does not constitute an intersection.

(Ill. Rev. Stat. Ch. 95½, § 1-132)

INTRASTATE or INTRASTATE COMMERCE. Transportation originating at any point or place within this state and destined to any other point or place within this state, irrespective of the route, highway, or highways traversed, and including transportation which passes into or through another state before delivery is made within this state, and including any act of transportation which includes or completes a pickup within Illinois for delivery within Illinois.

(Ill. Rev. Stat. Ch. 95½, § 1-134)

LANE-CONTROL SIGNAL. An official traffic-control device consisting of an electrically controlled and illuminated signal of a square or rectangular design, and employing distinctive colors or symbols used to control the direction of vehicular flow on the particular lane to which the indication applies.

(Ill. Rev. Stat. Ch. 95½, § 1-135)

LANED ROADWAY. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(Ill. Rev. Stat. Ch. 95½, § 1-136)

LEASE. A written document vesting exclusive possession, use, control, and responsibility of the lessee during the periods the vehicle is operated by or for the lessee for a specific period of time.

(Ill. Rev. Stat. Ch. 95½, § 1-137)

LICENSE TO DRIVE. Any driver's license or any other license or permit to operate a motor vehicle issued under the laws of this state including:

(1) Any temporary license or instruction permit;

(2) The privilege of any person to drive a motor vehicle, whether or not the person holds a valid license or permit;

(3) Any nonresident's driving privilege as defined herein.

(Ill. Rev. Stat. Ch. 95½, § 1-138)

LOCAL AUTHORITIES. Every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

(Ill. Rev. Stat. Ch. 95½, § 1-140)

MAIL. To deposit in the United States mail properly addressed and with postage prepaid.

(Ill. Rev. Stat. Ch. 95½, § 1-141)

MOTOR VEHICLE. Every vehicle which is self-propelled, except for vehicles moved solely by human power, and motorized wheelchairs. For this section, motor vehicles are divided into two (2) divisions:

(1) First division. Those motor vehicles which are designed for carrying not more than ten persons.

(2) Second division. Those motor vehicles which are designed for carrying more than ten persons, those designed or used for living quarters, and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division.

(Ill. Rev. Stat. Ch. 95½, § 1-146)

MOTOR-DRIVEN CYCLE. Every motorcycle and every motor scooter with less than one hundred fifty (150) cubic centimeter piston displacement, including motorized pedal cycles.

(Ill. Rev. Stat. Ch. 95½, § 1-148)

MOTORCYCLE. Every motor vehicle having a seat or 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.

(Ill. Rev. Stat. Ch. 95½, § 1-147)

MOTORIZED PEDAL CYCLE. A motor-driven cycle whose speed attainable in one mile is thirty (30) miles per hour or less, which is equipped with a motor that produces two brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeter displacement and the power drive system shall not require the operator to shift gears.

(Ill. Rev. Stat. Ch. 95 ½, § 1-148.2)

MOTORIZED WHEELCHAIR. Any self-propelled vehicle, including a three-wheeled vehicle, designed for and used by a person with disabilities, that is incapable of a speed in excess of eight (8) miles per hour on level ground.

(Ill. Rev. Stat. Ch. 95½, § 1-148.3)

NOT-FOR-HIRE. Operation of a commercial vehicle in furtherance of any commercial or industrial enterprise, but not-for-hire.

(Ill. Rev. Stat. Ch. 95½, § 1-153)

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings, and devices which conform with the state manual, and not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

(Ill. Rev. Stat. Ch. 95½, § 1-154)

OWNER. A person who holds legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of the motor vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.

(Ill. Rev. Stat. Ch. 95½, § 1-155)

PARK or PARKING. The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

(Ill. Rev. Stat. Ch. 95½, § 1-156)

PASSENGER CAR. A motor vehicle of the first division, including a multipurpose passenger vehicle, that is designed for carrying not more than ten persons.

(Ill. Rev. Stat. Ch. 95½, § 1-157)

PEDESTRIAN. Any person afoot, including a person with a physical, hearing, or visual disability.

(Ill. Rev. Stat. Ch. 95½, § 1-158)

PERSON WITH DISABILITIES. A natural person who, as determined by a licensed physician:

(1) Cannot walk two hundred (200) feet without stopping to rest;

(2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(3) Is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60mm/hg on room air at rest;

(4) Uses portable oxygen;

(5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association; or

(6) Is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

(Ill. Rev. Stat. Ch. 95½, § 1-159.1)

POLICE OFFICER. Every officer authorized to direct or regulate traffic, or to make arrests and issue citations for violations of traffic regulations.

(Ill. Rev. Stat. Ch. 95½, § 1-162)

PRINCIPAL PLACE OF BUSINESS. The place where any person transacts his principal business, or where he makes up and approves his payroll, maintains a central file of records, and maintains his principal executive offices. In the event that not all of these functions are performed in one place, then that place where a majority of these functions are performed, or the place where the person does in fact principally transact and control his business affairs shall be considered as the principal place of business.

(Ill. Rev. Stat. Ch. 95½, § 1-164)

PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership, and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(Ill. Rev. Stat. Ch. 95½, § 1-163)

RAILROAD. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(Ill. Rev. Stat. Ch. 95½, § 1-166)

RAILROAD-HIGHWAY GRADE CROSSING. The intersection of stationary rails owned or used in the operation of a railroad corporation across a highway.

(Ill. Rev. Stat. Ch. 95½, § 1-166.1)

RAILROAD SIGNS OR SIGNAL. Any sign, signal, or device, other than an official traffic-control signal or device, erected in accordance with the laws governing the same, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(Ill. Rev. Stat. Ch. 95½, § 167)

RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

(Ill. Rev. Stat. Ch. 95½, § 1-168)

RECREATIONAL VEHICLE. Every camping trailer, motor home, mini motor home, travel trailer, truck camper, or van camper used primarily for recreational purposes, and not used commercially nor owned by a commercial business.

(Ill. Rev. Stat. Ch. 95½, § 1-169)

REGISTRATION. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

(Ill. Rev. Stat. Ch. 95½, § 1-171)

REGISTRATION STICKER. A device to be attached to a registration plate that will renew the registration and registration plate or plates for a predetermined period, not to exceed one registration year.

(Ill. Rev. Stat. Ch. 95½, § 1-171)

REMOVE. Includes removing, defacing, covering, or destroying.

RESCUE SQUAD. A voluntary association of individuals, or a fire department, dedicated to saving lives through the rescue of persons entrapped in wrecked vehicles or other hazardous circumstances, and associated with some unit of government.

(Ill. Rev. Stat. Ch. 95½, § 1-222)

RESCUE SQUAD VEHICLE. A vehicle specifically designed, configured, and equipped for the performance of access and extrication from hazardous or life-endangering situations. However, if such vehicles have emergency medical transport capability, they must be classified as rescue vehicles.

(Ill. Rev. Stat. Ch. 95½, § 1-223)

RESCUE VEHICLE. Any publicly or privately owned vehicle which is specifically designed, configured, and equipped for the performance of access and extrication of persons from hazardous or life-endangering situations, as well as for the emergency transportation of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

(Ill. Rev. Stat. Ch. 95½, § 1-224)

RESIDENCE DISTRICT. The territory contiguous to and including a highway, not comprising a business district, when the property on the highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business. For purposes of establishing maximum speed limits, a **RESIDENCE DISTRICT** shall be at least a quarter of a mile long with residences or residences and buildings in use for businesses spaced no more than three hundred (300) feet apart.

(Ill. Rev. Stat. Ch. 95½, § 1-172)

RETAIL SALE. The act or attempted act of selling vehicles or otherwise disposing of a vehicle to a person for use as a consumer.

(Ill. Rev. Stat. Ch. 95½, § 1-174)

REVERSIBLE LANE. A lane of a two (2) or more lane roadway upon which traffic may be directed to move in either direction by means of lane-control signals or other devices, in conjunction with official signs.

(Ill. Rev. Stat. Ch. 95½, § 1-175)

REVOCATION OF DRIVER'S LICENSE. The termination by formal action of the secretary, of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the secretary after the expiration of at least one (1) year after the date of revocation.

(Ill. Rev. Stat. Ch. 95½, § 1-176)

RIGHT-OF-WAY. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision, unless one grants precedence to the other.

(Ill. Rev. Stat. Ch. 95½, § 1-177)

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.

(Ill. Rev. Stat. Ch. 95½, § 1-178)

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term ROADWAY used herein shall refer to any such roadway separately, but not to all such roadways collectively.

(Ill. Rev. Stat. Ch. 95½, § 1-179)

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(Ill. Rev. Stat. Ch. 95½, § 1-181)

SCHOOL BUS.

(1) Every motor vehicle, except as provided in division (2) below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade twelve (12) or below in connection with any activity of the entity:

(a) A public or private primary or secondary school;

(b) A primary or secondary school operated by a religious institution; or

(c) Any public, private, or religious nursery school.

(2) This definition does not include the following:

(a) A bus operated by a public utility, municipal corporation, or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

(1) On a regularly scheduled route for the transportation of other fare-paying passengers;

(2) Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events; or

(3) Being used for shuttle service between attendance centers or other educational facilities.

(b) A motor vehicle of the First Division.

(c) A motor vehicle designed for the transportation of not less than seven nor more than sixteen (16) persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than fifteen (15) students to and from interscholastic athletic or other interscholastic or school sponsored activities.

(Ill. Rev. Stat. Ch. 95½, § 1-182)

SEMITRAILER. Every vehicle without motive power, other than a pole trailer, 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.

(Ill. Rev. Stat. Ch. 95½, § 1-187)

SHOULDER. That portion of the highway adjacent to the roadway for accommodating stopped vehicles or for emergency use.

(Ill. Rev. Stat. Ch. 95½, § 1-187.1)

SIDEWALK. That portion of a street between the curb lines, or the lateral lines of roadway and the adjacent property lines, intended for use of pedestrians.

(Ill. Rev. Stat. Ch. 95½, § 1-188)

SPECIAL MOBILE EQUIPMENT. Every vehicle not designed or used primarily for the transportation of persons or property, and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous

mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. (Ill. Rev. Stat. Ch. 95½, § 1-191)

SPEED-CHANGE LANE. An auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes.
(Ill. Rev. Stat. Ch. 95½, § 1-193)

STAND or STANDING. The halting of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in receiving or discharging passengers.
(Ill. Rev. Stat. Ch. 95½, § 1-194)

STATE. A state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada.
(Ill. Rev. Stat. Ch. 95½, § 1-195)

STATE HIGHWAYS. Defined in the Illinois Highway Code as the same may from time to time be amended.
(Ill. Rev. Stat. Ch. 95½, § 1-196)

STATE POLICE. The Illinois state police.
(Ill. Rev. Stat. Ch. 95½, § 1-197)

STOP. The complete cessation from movement.
(Ill. Rev. Stat. Ch. 95½, § 1-199)

STOP or STOPPING. Any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic-control sign or signal.
(Ill. Rev. Stat. Ch. 95½, § 1-200)

STREET. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
(Ill. Rev. Stat. Ch. 95½, § 1-201)

THROUGH HIGHWAY. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the

through highway in obedience to either a stop sign or a yield sign, when those signs are erected as provided in this title.

(Ill. Rev. Stat. Ch. 95½, § 1-205)

TOW TRUCK. Every truck designed or altered and equipped for and used to push, tow, or draw vehicles by means of a crane, hoist, tow-bar, towline, or auxiliary axle, or to render assistance to disabled vehicles, except for any truck tractor temporarily converted to a tow truck by means of a portable wrecker unit attached to the fifth wheel of the truck tractor and used only by the owner to tow a disabled vehicle also owned by him or her and never used for hire.

(Ill. Rev. Stat. Ch. 95½, § 1-205.1)

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel.

(Ill. Rev. Stat. Ch. 95½, § 1-207)

TRAFFIC-CONTROL SIGNAL. Any official traffic-control device other than a railroad sign or signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(Ill. Rev. Stat. Ch. 95½, § 1-208)

TRAFFIC REGULATIONS. Any provision of this code or other regulatory ordinance the purpose of which is to directly control or improve traffic and safety of both vehicles and pedestrians.

TRAILER. Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property, and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

(Ill. Rev. Stat. Ch. 95½, § 1-209)

TRANSPORTER. Every person engaged in the drive-away or tow-away business of transporting vehicles, not his own, by driving either singly or by the tow-bar, saddle mount, or full mount methods, or any combinations thereof, or by drawing or towing house trailers, semi-trailers, or trailers, including their coupling devices, and using the public highways of this state therefor.

(Ill. Rev. Stat. Ch. 95½, § 1-210)

TRAVEL TRAIILER. A trailer, not used commercially, designed to provide living quarters for recreational, camping, or travel use, and of a size or weight not requiring an over-dimension permit when towed on a highway.

(Ill. Rev. Stat. Ch. 90½, § 210.01)

TRUCK. Every motor vehicle, except a road tractor or truck tractor as otherwise defined in this section, designed, used, or maintained primarily for the transportation of property.

(Ill. Rev. Stat. Ch. 95½, § 1-211)

TRUCK CAMPER. A truck, not used commercially, when equipped with a portable unit designed to be loaded onto the bed which is constructed to provide temporary living quarters for recreational, travel, or camping use.

(Ill. Rev. Stat. Ch. 95½, § 1-211.01)

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.

(Ill. Rev. Stat. Ch. 95½, § 1-212)

URBAN DISTRICT. The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses, and situated at intervals of less than one hundred (100) feet for a distance of one quarter (1/4) mile or more.

(Ill. Rev. Stat. Ch. 95½, § 1-214)

URBAN AREA. An urban area is any incorporated or unincorporated area developed primarily for residential or business purposes.

(Ill. Rev. Stat. Ch. 95½, § 1-214.1)

VEHICLE.

(1) Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles as defined in the Snowmobile Registration and Safety Act.

(2) For the purposes of this section, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it either comes within the definition of a junk vehicle as defined under this section, or a junking certificate is issued for it.

(3) For this section vehicles are divided into two divisions:

(a) First division. Those motor vehicles which are designed for the carrying of not more than ten (10) persons;

(b) Second division. Those vehicles which are designed for carrying more than ten persons; those designed or used for living quarters; those which are designed for pulling or carrying property, freight, or cargo; those vehicles of the first division remodeled for use and used as vehicles of the second division; and those vehicles of the first division used and registered as school buses.

(Ill. Rev. Stat. Ch. 95½, § 1-217)

YIELD RIGHT-OF-WAY. When required by an official sign, 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, but when the roadway is clear may proceed into the intersection.

(Ill. Rev. Stat. Ch. 95½, § 1-219)

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

§ 70.10 OBEDIENCE TO POLICE OFFICERS

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fireman, or uniformed adult school crossing guard invested by law with authority to direct, control, or regulate traffic.

(Ill. Rev. Stat. Ch. 95½, § 11-203)

Penalty, see § 70.99

§ 70.11 PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC CODE; EXCEPTIONS

(A) The provisions of this traffic code applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, except as provided in this section, and subject to specific exceptions as set forth in this title with reference to authorized emergency vehicles.

(B) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(C) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this traffic code;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation;

(3) Exceed the maximum speed limits so long as he does not endanger life or property;

(4) Disregard regulations governing the direction of movement or turning in specified directions.

(D) The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion, or visual signals meeting the requirements of Ill. Rev. Stat. Ch. 95½, § 12-215.

(E) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do these provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(F) Unless specifically made applicable, the provisions of this traffic code shall not apply to persons, motor vehicles, and equipment while actually engaged in work upon the highway, but shall apply to such persons and vehicles when traveling to or from such work.

(Ill. Rev. Stat. Ch. 95½, § 11-205)
Penalty, see § 70.99

§ 70.12 TRAFFIC LAWS APPLY TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES

Every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

(Ill. Rev. Stat. Ch. 95½, § 11-206) Penalty, see § 70.99

§ 70.13 FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER

It shall be unlawful for any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing the driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey that direction, increases his speed, extinguishes his lights, or

otherwise flees or attempts to elude the officer. The signal given by the peace officer may be by hand, voice, siren, or a red or blue light. Provided, the officer giving the signal shall be in police uniform, and, if driving a vehicle, the vehicle shall be marked showing it to be an official police vehicle.

Penalty, see § 70.99

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

§ 70.30 OBEDIENCE TO TRAFFIC-CONTROL DEVICES

(A) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this traffic code.

(B) It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device.

(C) No provision of this traffic code, for which official traffic-control devices are required, shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, the section shall be effective even though no devices are erected or in place.

(D) Whenever any official traffic-control device is placed or held in position approximately conforming to the requirements of this traffic code, the device shall be presumed to have been so placed or held by the official act or direction of lawful authority, and comply with the requirements of this traffic code, unless the contrary shall be established by competent evidence.

(E) The driver of a vehicle approaching a traffic-control signal on which no signal light facing the vehicle is illuminated shall stop before entering the intersection, in accordance with rules applicable in making a stop at a stop sign.

(Ill. Rev. Stat. Ch. 95½, § 11-305)

Penalty, see § 70.99

§ 70.31 TRAFFIC-CONTROL SIGNAL LEGEND

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(A) Green indication.

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, as provided in § 70.32, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(B) Steady yellow indication.

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in § 70.32, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(C) Steady red indication.

(1) Except as provided in division (C) (3) of this section, vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the

intersection, or if there is no such crosswalk, then before entering the intersection; and shall remain standing until an indication to proceed is shown.

(2) Except as provided in division (C) (3) of this section, vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection; and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

(3) Except when a sign is in place prohibiting a turn and the municipal authorities by ordinance or state authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by division (C) (1) or (C) (2) of this section. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction or roadways. The driver shall yield the right-of-way to pedestrians within the intersection or an adjacent crosswalk.

(4) Unless otherwise directed by a pedestrian-control signal as provided in § 70.32, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(D) In the event an official traffic-control 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 traffic sign or a marking on the pavement indicating where the stop shall be made; or, in the absence of such sign or marking, the stop shall be made at the signal.

(Ill. Rev. Stat. Ch. 95½, § 11-306)

Penalty, see § 70.99

§ 70.32 PEDESTRIAN-CONTROL SIGNALS

Whenever special pedestrian-control signals exhibiting the words ***Walk*** or ***Don't Walk*** or the illuminated symbols of a walking person or an upraised palm are in place, these signals shall indicate as follows:

(A) ***Walk*** or walking person symbol. Pedestrians facing this signal may proceed across the roadway in the direction of the signal, and shall be given the right-of-way by the drivers of all vehicles.

(B) ***Don't Walk*** or upraised palm signal. No pedestrian shall start to cross the roadway in the direction of this signal, but any pedestrian who has partly completed his crossing on the ***Walk*** signal or upraised palm symbol shall proceed to a sidewalk or safety island while the ***Don't Walk*** signal or upraised palm symbol is illuminated, steady, or flashing.

(Ill. Rev. Stat. Ch. 95½, § 11-307)

Penalty, see § 70.99

§ 70.33 LANE-CONTROL SIGNALS

Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

(A) Downward-pointing green arrow. A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise, he shall obey all other traffic controls present and follow normal safe driving practices.

(B) Red X symbol. A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise he shall obey all other traffic controls, and follow normal safe driving practices.

(C) Yellow X (steady). A driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed.

(D) Flashing yellow arrow. A driver facing this indication may use the lane only for the purpose of approaching and making a left turn.

(Ill. Rev. Stat. Ch. 95½, § 11-308)

Penalty, see § 70.99

§ 70.34 FLASHING SIGNALS

Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic-control device, it shall require obedience by vehicular traffic as follows:

(A) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the

crosswalk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(C) This section does not apply at railroad grade crossings.

(Ill. Rev. Stat. Ch. 95½, § 11-309)

Penalty, see § 70.99

§ 70.35 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, MARKINGS, OR ADVERTISING SIGNS

(A) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be, or is an imitation of, or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device or any railroad sign or signal.

(B) No person may place or maintain, nor may any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(C) Every prohibited sign, signal, or marking is declared to be a public nuisance, and the authority having jurisdiction over the highway is empowered to remove the same, or cause it to be removed without notice.

(D) No person shall sell or offer for sale any traffic-control device to be used on any street or highway in this municipality which does not conform to the requirements of this chapter.

(E) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information, and of a type that cannot be mistaken for official signs.

(Ill. Rev. Stat. Ch. 95½, § 11-310)

Penalty, see § 70.99

§ 70.36 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS

(A) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

(B) Every person who is convicted of a violation of this section shall be punishable by a fine of at least two hundred fifty dollars ($250.00) in addition to any other penalties which may be imposed.

(Ill. Rev. Stat. Ch. 95½, § 11-311)

§ 70.37 UNLAWFUL USE OR DAMAGE TO HIGHWAYS, APPURTENANCES, AND STRUCTURES

(A) It shall be unlawful for any person to willfully injure or damage any public highway or street, or any bridge or culvert, or to willfully damage, injure, or remove any sign, signpost, or structure upon or used or constructed in connection with any public highway or street for the protection thereof, or for the protection or regulation of traffic thereon, by any willfully unusual, improper, or unreasonable use thereof, or by willfully careless driving or use of any vehicle thereon, or by willful mutilation, defacing, destruction, or removal thereof.

(B) Every person who is convicted of a violation of this section shall be punished by a fine of at least two hundred fifty dollars ($250.00) in addition to any other penalty which may be imposed.

(Ill. Rev. Stat. Ch. 95½, § 11-312) Penalty, see § 70.99

§ 70.38 UNLAWFUL POSSESSION OF HIGHWAY SIGN OR MARKER

The municipality, with reference to traffic-control signs, signals, or markers owned by the municipality, is authorized to indicate the ownership of the signs, signals, or markers on the back of the devices in letters not less than three-eight (3/8) inch, or more than three-quarter (3/4) inch in height, by use of a metal stamp, etching, or other permanent means. Except for employees of the Municipal Street Department, police officers, contractors and their employees engaged in a highway construction contract or work on the highway approved by the municipality, it is unlawful for any person to possess a sign, signal, or marker so identified.

(Ill. Rev. Stat. Ch. 95½, § 11-313)
Penalty, see § 70.99

§ 70.39 ZONES OF QUIET

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within the zone shall sound the horn or other warning device except in an emergency.

§ 70.40 NO-TAG SIGNS AND TURNING MARKERS

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted no driver of a vehicle shall disobey the directions of the sign. When authorized marks, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles, no driver of a vehicle shall disobey the directions of the indications.

§ 70.41 STOP AND YIELD SIGNS

(A) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Ill. Rev. Stat. Ch. 95½, § 11-302.

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle and every motorman of a streetcar approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but said driver having so yielded, may proceed at such time as a safe interval occurs.

(C) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(Ill. Rev. Stat. Ch. 95½, § 11-1204)
Penalty, see § 70.99

§ 70.99 PENALTY

Whoever violates any provision of this traffic code for which another penalty is not already otherwise provided, shall, upon conviction, be subject to a fine of not more than five hundred dollars ($500.00). (Ill. Rev. Stat. Ch. 95½, § 16-104)

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CHAPTER 71

RULES OF OPERATION

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SPEED RESTRICTIONS

§ 71.001 SPEED LIMITS

(A) No vehicle may be driven upon any highway of this municipality at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or which endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(B) No person may drive a vehicle upon any street at a speed which is greater than the applicable statutory maximum speed limit established by division (C) below, by § 71.002, or by a regulation or ordinance made under this chapter.

(C) Unless some other speed restriction is established and posted under this chapter, the maximum speed limit in an urban district (as defined in § 70.01) for all vehicles is:

(1) Twenty-five (25) miles per hour;

(2) Ten (10) miles per hour in an alley; and

(3) On the following streets and highways, the following maximum speed limit shall apply:

	Street	Maximum Speed Limit (Miles Per Hour)	Ordinance Number	Passage Date
(a)	North Main Street (except that portion lying between the Square and E911 Drive on the north).	30	2083	9-2-97
(b)	North Wilmor Road between Newcastle Road and Peoria Street	25	2805	12-1-08
(c)	North Cummings Lane from a point 1,200 feet north of the center of the intersection of Washington Road and N. Cummings Lane on the South to West Cruger Road on the North.	45	1985; 2003	4-1-96 6-17-96

(d)	West Cruger Road (except where lower speed limits shall be posted)	45	1544	4-4-88
(e)	Dallas Road between Newcastle Road on the south and the corporate limits of the City on the north.	30	2084	9-2-97
(f)	Lincoln Street between Madison and Wilshire.	20		
(g)	Centennial Dr. from the intersection with U.S. 24 (McClugage) to the westerly city limits.	40	1526	7-6-87
(h)	South Main Street between Holland Street on the north and the corporate limits of the City on the south.	30	2083	9-2-97
(i)	N. Cummings Lane from West Cruger Rd. on the south to its terminus on the north.	35	1985	4-1-96
(j)	N. Cummings Lane from the intersection of Washington Rd. and N. Cummings Lane on the south to a point 1200 feet north of the center of the intersection of Washington Rd. and N. Cummings Lane on the north	35	2003	6-17-96
(k)	Nofsinger Rd. from West Cruger Rd. on the south to the Route 24 Bypass on the north.	35	2024	8-5-96
(l)	Nofsinger Rd. from the Route 24 Bypass on the south to its terminus on the north.	35	2024	8-5-96
(m)	South Main Street between Holland Street on the south and Oakland Avenue on the north.	35	2628	7-18-05
(n)	South Main Street between Oakland Avenue on the south and the corporate limits on the north.	45	2628	7-18-05
(o)	North Wilmor Road between Newcastle Road and Peoria Street	25	2805	12-1-08
(p)	South Main Street between the 800 and 1100 blocks	35	3139	7-6-15

(D) However, if the Mayor and City Council by ordinance set other maximum speed limits as provided by statute (Ill. Rev. Stat., Ch. 95½, § 11-604), then such limits shall apply and govern the maximum rate of speed on the streets indicated in such ordinances. Appropriate signs shall be posted showing such speed limits.

(Ill. Rev. Stat. Ch. 95½, § 11-601)
(Am. Ord. 1742, passed 7-20-92; Am. Ord. 2083, passed 9-2-97;
Am. Ord. 2084, passed 9-2-97; Am. Ord. 2086, passed 9-2-97; Am. Ord. 2628, passed 7-18-05;
Am. Ord. 2805, passed 12-1-08; Am. Ord. 3139, passed 7-6-15)
Penalty, see § 70.99

§ 71.002 SPECIAL SPEED LIMITS WHILE PASSING SCHOOLS OR WHILE TRAVELING HIGHWAY CONSTRUCTION OR DANCE ZONES

(A) For the purpose of this section, "SCHOOL" means the following entities:

(1) A public or private primary or secondary school.

(2) A primary or secondary school operated by a religious institution.

(3) A public, private, or religious nursery school.

(B) For the purpose of this section, a "SCHOOL DAY" shall begin at 7:00 a.m. and shall conclude at 4:00 p.m.

(C) On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, 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 where children pass going to and from school.

(D) This section shall not be applicable unless appropriate signs are posted upon streets wherein the school zone is located. With regard to the special speed limit while passing schools, the signs shall give proper due warning that a school zone is being approached, and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(E) No person shall operate a motor vehicle in a construction or maintenance zone at a speed in excess of the posted speed limit when workers are present and so close to the moving traffic that a potential hazard exists because of the motorized traffic.

(F) Nothing in this chapter shall prohibit the use of electronic speed-detecting devices within five hundred (500) feet of signs within a special school speed zone or a construction or maintenance zone indicating the zone, as defined in this section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding, provided the use of the device shall apply only to the enforcement of the speed limit in the special school speed zone or a construction or maintenance zone.

(G)

(1) For the purpose of this section, a construction or maintenance zone is an area in which the local agency has determined that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance zone and has posted a lower speed limit with a highway construction or maintenance zone special speed limit sign.

(2) Highway construction or maintenance zone special speed limit signs shall be of a design approved by the Department. The signs shall give proper due warning that a construction or maintenance zone is being approached and shall indicate the maximum speed limit in effect. The signs shall also state the amount of the minimum fine for a violation when workers are present.

(H) A violation of this section shall be a petty offense with a minimum fine of one hundred fifty dollars ($150.00).

(Ill. Rev. Stat. Ch. 95½, § 11-605)
Penalty, see § 70.99

§ 71.003 MAXIMUM ATTAINABLE OPERATING SPEED

No person shall drive or operate any motor vehicle on any street or highway in this municipality where the minimum allowable speed on that street or highway, as posted, is greater than the maximum attainable operating speed of the vehicle. Maximum attainable operating speed shall be determined by the manufacturer of the vehicle and clearly published in the manual of specifications and operation, or it shall be determined by applicable rule and regulation promulgated by the Secretary of State.

(Ill. Rev. Stat. Ch. 95½, § 11-611)
Penalty, see § 70.99

§ 71.004 MINIMUM SPEED REGULATION

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and regular movement of traffic except when reduced speed is necessary for safe operation of his vehicle or in compliance with law.

(Ill. Rev. Stat. Ch. 95½, § 11-606(a))
Penalty, see § 70.99

TURNING AND STARTING; SIGNALS

§ 71.020 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS

(A) The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) The State Department of Transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

(B) Two-way left turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(1) A left turn shall not be made from any other lane.

(2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

(Ill. Rev. Stat. Ch. 95½ , § 11-801)
Penalty, see § 70.99

71.021 LIMITATIONS ON U-TURNS

(A) The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(B) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

(Ill. Rev. Stat. Ch. 95½, § 11-802)

(C) (1) 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.

(2) It shall be unlawful for the operator of any vehicle to make a "U-turn" at any of the following median openings:

(a) Route 24 and Hillcrest Drive.

(b) Route 24 and A & W Restaurant and Drive-In.

(c) Route 24 and Wilmor Road.

(d) Route 24 and Essig Motor Co.

(e) Route 24 and Wilmor Road.

(Ord. 1209, passed 4-4-77)
Penalty, see § 70.99

§ 71.022 STARTING PARKED VEHICLE

No person shall start a vehicle which is stopped, standing, or parked, unless and until the movement can be made with reasonable safety.

(Ill. Rev. Stat. Ch. 95½, § 11-803)
Penalty, see § 70.99

§ 71.023 WHEN SIGNAL REQUIRED

(A) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in § 71.020, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course, or move right or left upon a roadway unless and until the movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(B) A signal of intention to turn right or left when required must be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning within a business or residence district, and the signal must be given continuously during not less than the last two hundred (200) feet traveled by the vehicle before turning outside a business or residence district.

(C) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this chapter to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

(D) The electric turn signal device required in Ill. Rev. Stat. Ch. 95½, § 12-208 must be used to indicate an intention to turn, change lanes, or start from a parallel parked position, but must not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or ***do pass*** signal to operators of other vehicles approaching from the rear. However, signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, and passing.

(Ill. Rev. Stat. Ch. 95½, § 11-804)
Penalty, see § 70.99

§ 71.024 SIGNAL BY HAND AND ARM OR SIGNAL DEVICE

Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by an electric turn signal device conforming to the requirements provided in Ill. Rev. Stat. Ch. 95½, § 12-208.

(Ill. Rev. Stat. Ch. 95½, § 11-805)
Penalty, see § 70.99

§ 71.025 METHOD OF GIVING HAND AND ARM SIGNALS

All signals given by hand and arm shall be given from the left side of the vehicle in the following manner, and the signals shall indicate as follows:

(A) Left turn - hand and arm extended horizontally.

(B) Right turn - hand and arm extended upward.

(C) Stop or decrease of speed - hand and arm extended downward.

(Ill. Rev. Stat. Ch. 95½, § 11-806)

Penalty, see § 70.99

OVERTAKING AND PASSING

§ 71.040 DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTIONS

(A) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing those movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;

(3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;

(4) Upon a roadway restricted to one-way traffic;

(5) Whenever there is a single-track paved road on one side of the public highway and two vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on the pavement to the other vehicle.

(B) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway.

(C) Upon any roadway having four or more lanes for moving traffic, and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of

the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (A) (2). However, this division shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

(Ill. Rev. Stat. Ch. 95½, § 11-701)
Penalty, see § 70.99

§ 71.041 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half (½) of the main traveled portion of the roadway as nearly as possible.

(Ill. Rev. Stat. Ch. 95½, § 11-702)
Penalty, see § 70.99

§ 71.042 OVERTAKING VEHICLES ON THE LEFT

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this chapter:

(A) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall the movement be made by driving off the pavement or the main traveled portion of the roadway.

(B) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(C) The driver of a two-wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit the passing maneuver safely.

(Ill. Rev. Stat. Ch. 95½, § 11-703)
Penalty, see § 70.99

§ 71.043 WHEN OVERTAKING ON THE RIGHT IS PERMITTED

(A) The driver of a vehicle with three or more wheels may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle;

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(B) The driver of a two-wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than eight feet.

(C) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement in safety. Such movement shall not be made by driving off the roadway.

(Ill. Rev. Stat. Ch. 95½, § 11-704)
Penalty, see § 70.99

§ 71.044 LIMITATIONS ON OVERTAKING ON THE LEFT

(A) Passing on the left.

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter, and unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the 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.

(2) In every event, the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any vehicle approaching from the opposite direction.

(Ill. Rev. Stat. Ch. 95½, § 11-705)

(B) Conditions where passing on the left is prohibited.

(1) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

(c) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, or tunnel.

(2) The limitations in division (B) (1) above do not apply upon a one-way roadway, nor upon a roadway with unobstructed pavement of sufficient. width for two or more lanes of moving traffic in each direction, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway when the movements can be made with safety.

(Ill. Rev. Stat. Ch. 95½, § 11-706)
Penalty, § 70.99

§ 71.045 MEETING OR OVERTAKING SCHOOL BUS

(A) The driver of a vehicle shall stop the vehicle before meeting or overtaking, from either direction, any school bus stopped for the purpose of receiving or discharging pupils on a highway or upon a private road within an area that is covered by a contract or agreement executed pursuant to Ill. Rev. Stat. Ch. 95½, § 11-209.1. The stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in Ill. Rev. Stat. Ch. 95½, §§ 12-803 and 12-805. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(B) The stop signal arm required by Ill. Rev. Stat. Ch. 95½, § 12-803 shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time.

(C) The alternately flashing red signal lamps of an eight (8) lamp flashing signal system required by Ill. Rev. Stat. Ch. 95½, § 12-805 shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated at any other time except as provided in division (D) below.

(D) The alternately flashing amber signal lamps of an eight-lamp flashing signal system required by Ill. Rev. Stat. Ch. 95½, § 12-805 shall be actuated continuously during not less than the last one hundred (100) feet traveled by the school bus before stopping for the purpose of loading or discharging pupils within an urban area, and during not less than the last two hundred (200) feet traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time.

(E) The driver of a vehicle upon a highway having four or more lanes which permits at least two lanes of traffic to travel in opposite directions need not stop the vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop the vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

(Ill. Rev. Stat. Ch. 95½, § 11-1414)

Penalty, see § 70.99

§ 71.046 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS

(A) Upon a roadway designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(B) A vehicle passing around a rotary traffic island must be driven only to the right of the island.

(C) Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any dividing space, barrier, or section except through an opening in the physical barrier, or dividing section, or space, or at a cross-over or intersection as established by public authority.

(D) The driver of a vehicle may turn left across a paved non-curbed dividing space unless prohibited by an official traffic-control device.

(Ill. Rev. Stat. Ch. 95½, § 11-708)
Penalty, see § 70.99

§ 71.047 NO-PASSING ZONES

(A) The City Council is authorized to determine those portions of any highway within the municipality where overtaking and passing or driving on the left of the roadway would be especially hazardous, and may by appropriate signs or markings on the roadway indicate the beginning and end of the zones. Upon request of a local school board, the City Council which has jurisdiction over the roadway in question, shall determine whether a hazardous situation exists at a particular location and warrants a no-passing zone. If the City Council determines that a no-passing zone is warranted, the school board and the City Council shall share equally the cost of designating the no-passing zone by signs and markings. When signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(B) Where signs or markings are in place to define a no-passing zone as set forth in division (A) no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(C) This section does not apply under the conditions described in § 71.040 (A) (2), nor to the driver of a vehicle turning left into or from an alley, private road, or driveway. The pavement striping designed to mark the no-passing zone may be crossed from the left-hand lane for the purpose of completing a pass that was begun prior to the beginning of the zone in the driver's direction of travel.

(Ill. Rev. Stat. Ch. 95½, § 11-707)
Penalty, see § 70.99

§ 71.048 DRIVING ON ROADWAYS LANED FOR TRAFFIC

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(A) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(B) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(C) Official traffic-control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device. On multi-lane controlled access highways with three (3) or more lanes in one direction or on any multi-laned highway with two (2) or more lanes in one direction, the Department may designate lanes of traffic to be used by different types of motor vehicles. Drivers must obey lane designation signing except when it is necessary to use a different lane to make a turning maneuver.

(D) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(Ill. Rev. Stat. Ch. 95½, § 11-709)
Penalty, see § 70.99

RIGHT-OF-WAY

§ 71.060 VEHICLES APPROACHING OR ENTERING INTERSECTION

When two (2) vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right. This rule may be modified at through highways or streets and where otherwise inconsistent with the provisions of this traffic code.

(Ill. Rev. Stat. Ch. 95½, § 11-901)
Penalty, see § 70.99

§ 71.061 VEHICLE TURNING LEFT

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but the driver, having so yielded, may proceed as soon as a safe interval occurs.

(Ill. Rev. Stat. Ch. 95½, § 11-902)

Penalty, see § 70.99

§ 71.062 VEHICLES ENTERING STOP CROSSWALK

Where stop signs or flashing red signals are in place at an intersection, or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk, and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

(Ill. Rev. Stat. Ch. 95½, § 11-903)

Penalty, see § 70.99

§ 71.063 VEHICLE ENTERING STOP OR YIELD INTERSECTION

(A) Preferential right-of-way at an intersection may be indicated by stop or yield signs.

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway, or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but the driver, having so yielded, may proceed as soon as a safe interval occurs.

(C) The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions, and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, of if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(D) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, the collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(Ill. Rev. Stat. Ch. 95½, § 11-904)

Penalty, see § 70.99

§ 71.064 MERGING TRAFFIC

Notwithstanding the right-of-way provision in § 71.060, at an intersection where traffic lanes are provided for merging traffic, the driver of each vehicle on the converging roadways is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle.

(Ill. Rev. Stat. Ch. 95½, § 11-905)

Penalty, see § 70.99

§ 71.065 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY

The driver of a vehicle about to enter or cross a highway from an alley, building, private road, or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

(Ill. Rev. Stat. Ch. 95½, § 11-906)

Penalty, see § 70.99

§ 71.066 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

(A) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this chapter, or a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection, and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in that position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(B) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Ill. Rev. Stat. Ch. 95½, § 11-907)

Penalty, see § 70.99

§ 71.067 FUNERAL PROCESSIONS

(A) Funeral processions have the right-of-way at intersections when vehicles comprising the procession have their headlights lighted, subject to the following conditions and exceptions:

(1) Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal;

(2) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer;

(3) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic-control signals but when the leading vehicle has proceeded across an intersection in accordance with the signal or after stopping as required by the stop sign, all vehicles in the procession may proceed without stopping, regardless of the sign or signal, and the leading vehicle and the vehicles in procession shall proceed with due caution.

(B) The operator of a vehicle not in the funeral procession shall not drive his vehicle in the funeral procession except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signal.

(C) Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights lighted for the purpose of securing the right-of-way granted by this section to funeral processions.

(D) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(E) The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles comprising a funeral procession may utilize funeral pennants or flags or windshield stickers or flashing warning signal flashers to identify the individual vehicles in such a procession.

(Ill. Rev. Stat. Ch. 95½, § 11-1420)
Penalty, see § 70.99

SPECIAL STOPS REQUIRED

§ 71.080 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN

(A) Whenever any person driving a vehicle approaches a railroad grade crossing, that person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this section, the driver

shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(3) A railroad train approaching a highway crossing emits a warning signal and the train, by reason of its speed or nearness to the crossing, is an immediate hazard;

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing;

(5) A railroad train is approaching so closely that an immediate hazard is created.

(B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

(C) When stop signs are erected at railroad grade crossings, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad, and shall proceed only upon exercising due care.

(D) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(E) A violation of any part of this section shall result in a mandatory fine of five hundred dollars ($500.00) or fifty (50) hours of community service.

(F) Local authorities shall impose fines as established in division (E) for vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train.

(Ill. Rev. Stat. Ch. 95½, § 11-1201)
Penalty, see § 70.99

§ 71.081 CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS

(A) The driver of any of the following vehicles shall, before crossing a railroad track or tracks at grade, stop that vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail, and while so stopped, shall listen and look for the approach of a train, and shall not proceed until that movement can be made with safety:

(1) Any second division vehicle carrying passengers for hire;

(2) Any bus that meets all of the special requirements for school buses in ILCS Ch. 625, Act 5, §§ 12-801, 12-803 and 12-805;

(3) Any other vehicle which is required by federal or state law to be placarded when carrying as a cargo or part of a cargo ***hazardous material*** as defined in Ill. Rev. Stat. Ch. 95½, § 700-1 et seq. After stopping as required in this section, the driver shall proceed only in a gear not requiring a change of gears during the crossing, and the driver shall not shift gears while crossing the track or tracks.

(B) This section shall not apply:

(1) At any railroad grade crossing where traffic is controlled by a police officer or flag person;

(2) At any railroad grade crossing controlled by a functioning traffic-control signal transmitting a green indication which under law, permits the vehicle to proceed across the railroad tracks without slowing or stopping, except that division (A) shall apply to any school bus carrying a school child;

(3) At any streetcar grade crossing within a business or residence district; or

(4) At any abandoned industrial or spur track railroad grade crossing designated as exempt by the Illinois Commerce Commission and marked with an official sign as authorized in the State Manual of Uniform Traffic Control Devices for Streets and Highways.

(Ill. Rev. Stat. Ch. 95½, § 11-1202)
Penalty, see § 70.99

§ 71.082 EMERGING FROM ALLEY, BUILDING, PRIVATE ROAD, OR DRIVEWAY

The driver of a vehicle emerging from an alley, building, private road, or driveway within an urban area shall stop the vehicle immediately prior to driving into the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon, and shall yield the right-of-way to any pedestrians as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

(Ill. Rev. Stat. Ch. 95½, § 11-1205)
Penalty, see § 70.99

§ 71.083 STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk, or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic-control signal indication to proceed.

(Ill. Rev. Stat. Ch. 95½, § 11-1425)
Penalty, see § 70.99

PROHIBITIONS

§ 71.095 BACKING

(A) The driver of a vehicle shall not back the same unless the movement can be made with safety and without interfering with other traffic.

(B) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

(Ill. Rev. Stat. Ch. 95½, § 11-1402)
Penalty, see § 70.99

§ 71.096 FOLLOWING VEHICLE TOO CLOSELY

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and conditions of the street or highway.

(Ill. Rev. Stat. Ch. 95½, § 11-710)
Penalty, see § 70.99

§ 71.097 OBSTRUCTION OF DRIVER'S VIEW OR DRIVING MECHANISM

(A) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle, or as to interfere with the driver's control over the driving mechanism of the vehicle.

(B) No passenger in a vehicle or streetcar shall ride in a position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or streetcar.

(C) No passenger on a school bus may ride or stand in a position as to interfere with the driver's view ahead or to the side or to the rear, or to interfere with his control of the driving mechanism of the bus.

(Ill. Rev. Stat. Ch. 95½, § 11-1406)
Penalty, see § 70.99

§ 71.098 OPENING VEHICLE DOORS

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(Ill. Rev. Stat. Ch. 95½, § 11-1407)
Penalty, see § 70.99

§ 71.099 COASTING

(A) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of the vehicle in neutral.

(B) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

(Ill. Rev. Stat. Ch. 95½, § 11-1410)
Penalty, see § 70.99

§ 71.100 FOLLOWING FIRE APPARATUS; DRIVING OVER FIRE HOSE

(A) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or stop

the vehicle within five hundred (500) feet of any fire apparatus stopped in answer to a fire alarm.

(Ill. Rev. Stat. Ch. 95½, § 11-1411)

(B) No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

(Ill. Rev. Stat. Ch. 95½, § 11-1412)

Penalty, see § 70.99

§ 71.101 DRIVING UPON SIDEWALK

(A) No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(B) This section does not apply to any vehicle moved exclusively by human power nor to any motorized wheelchair.

(Ill. Rev. Stat. Ch. 95½, § 11-1412.1)

Penalty, see § 70.99

§ 71.102 USE OF ROLLER SKATES, COASTERS, OR SIMILAR DEVICES

No person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk and except upon streets set aside as play streets when authorized by the traffic authority.

Penalty, see § 70.99

§ 71.103 DEPOSITING MATERIAL ON HIGHWAY PROHIBITED

(A) No person shall throw, spill or deposit upon any highway any bottle, glass, nails, tacks, wire, cans, or any litter, as defined in § 3 of the Litter Control Act.

(B) Any person who violates division (A) upon any highway shall immediately remove such material or cause it to be removed.

(C) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other debris dropped upon the highway from the vehicle.

(Ill. Rev. Stat. Ch. 95½, § 11-1413)

Penalty, see § 70.99

§ 71.104 OBSTRUCTING PERSON IN HIGHWAYS

No person shall willfully and unnecessarily hinder, obstruct, or delay, or willfully and unnecessarily attempt to delay, hinder, or obstruct any other person in lawfully driving or traveling along or upon any highway within this municipality, or offer for barter or sale merchandise on the highway so as to interfere with the effective movement of traffic.

(Ill. Rev. Stat. Ch. 95½, § 11-1416)

Penalty, see § 70.99

§ 71.105 FARM TRACTOR OPERATION

(A) No person shall operate a farm tractor on a highway in this municipality unless the tractor is being used as an implement of husbandry in connection with farming operations.

(B) For the purpose of this section, the use of a farm tractor as an implement of husbandry in connection with farming operations shall be deemed to include use of the tractor in connection with the transportation of agricultural products and of farm machinery, equipment, and supplies, as well as the transportation of tractors in connection with the obtaining of repairs thereto, and the towing of a registered truck of not more than eight thousand (8,000) pounds for use as return transportation after the tractor is left at the place of work or repair.

(Ill. Rev. Stat. Ch. 95½, § 11-1418)

Penalty, see § 70.99

§ 71.106 DRIVING ON CONTROLLED-ACCESS HIGHWAY

No person may drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority.

(Ill. Rev. Stat. Ch. 95½, § 11-711)

Penalty, see § 70.99

§71.107 TRANSPORTATION OF CANNABIS, CONTROLLED SUBSTANCE, OR DRUG PARAPHERNALIA PROHIBITED

No driver may knowingly transport, carry, possess or have any cannabis (as defined in § 138.01 (A) of the Code of Ordinances), controlled substance (as defined in the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq., as that act may be amended from time to time), or drug paraphernalia (as defined in § 132.06 of the Code of Ordinances), within the passenger area of any motor vehicle upon a public street or public property in the City of Washington.

(Ord. 2384, passed 5-20-02)

Penalty, see § 70.99

CHAPTER 72

PARKING REGULATIONS

Method of Parking
72.01 General parking regulations
72.02 Unattended motor vehicles

Restrictions on Stopping, Standing, and Parking
72.10 Stopping, standing, or parking prohibited in specified places
72.11 Stopping, standing, or parking restricted in specified places
72.12 Handicapped parking
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72.16 Loading zones
72.17 (Repealed under Ordinance 2418 dated 12-2-02)
72.18 Alleys
72.19 Parking on residential streets
72.20 Permit parking

Violations
72.25 Officers authorized to remove vehicles
72.26 Duty of lessor of vehicle on notice of violation of this chapter

72.99 Penalty

METHOD OF PARK ING

§ 72.01 GENERAL PARKING REGULATIONS

(A) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(B) Except when otherwise provided by ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(C) The municipality may permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the State Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(D) The State Department of Transportation with respect to highways under its jurisdiction may place signs prohibiting, limiting, or restricting the stopping, standing, or parking of

vehicles on any highway where in its opinion such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

(Ill. Rev. Stat. Ch. 95½, § 11-1304)
Penalty, see § 72.99

§ 72.02 UNATTENDED MOTOR VEHICLES

No person driving or in charge of a motor vehicle shall permit it to stand unattended without stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(Ill. Rev. Stat. Ch. 95½, § 11-1401)
Penalty, see § 72.99

RESTRICTIONS ON STOPPING, STANDING, AND PARKING

§ 72.10 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

(A) It shall be unlawful to permit any vehicle to stand, at any time, in any of the following places, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic-control device. Whoever violates any provision of this section shall be fined in accordance with the provisions set forth in § 72.99 of this title:

Street	Side	From	Time Limit	Ord. No.
Burton St.	North		Never	880
Catherine St.	North	Santa Fe Railroad Tracks South Main St.	Never	866
Devonshire Rd.	South	North Main St. to Westgate Rd.	Never	976
East Jefferson St.	South	North Main St. to Elm St.	Never	1119
East Jefferson St.	South	Between Lawndale and Elm Sts.	Never	1230

Street	Side	From	Time Limit	Ord. No.
Georgetown Rd.	East	U.S. Route 24 to Georgetown Common Apartments	Never	1804
Hilldale Ave.	North	Main St. to Lawndale	Never	976
Lincoln St.	Both	South line of Park Dist. property to north line of Park Dist. property	Never	1128
Lynnhaven Dr.	South	Belaire East to Meadowview	Never	1388
North Cummings Lane	Both	From U.S. Route 24 (FAU6713) to the Washington Bypass (FAP317)	Never	1668
North Harvey St.	East	The 100 block.	Never	1084
North High St.	West	Alley to Walnut St.	Never	
North Lawndale Ave.	East		Never	976
North Main St.	East		Never	848
North School St.	East	Rt. 8 to the city limits	Never	1056
North and South School St.	Both	500 feet from Washington Rd.	Never	1440
North Wilmor Rd.	Both	Peoria St. to Westgate Rd.	Never	976
North Wood St.	Both	Peoria St. to West Jefferson St.	Never	1476
Peach St.	Both	The “turnaround” area of Peach St. at the extreme southerly end of said Peach St.	Never	1300
Peoria St.	Both	South Main St. west to a point 54 feet west of the west edge of the alley in the 100 block of Peoria St.	Never	1041

Street	Side	From	Time Limit	Ord. No.
Peoria St.	Both	West edge of Washington Square to Bondurant St.	Never	1071
Peoria St.	Both	Center of intersection with Wilmor Rd. 750 feet east and west	Never	1582
Peoria St. (FA Rt. 9, SBI Rt. 8, U.S. Rt. 24)	Both	Franklin St. west to west city limits	Never	875
South Cedar St.	West	Between the intersections of South Cedar St. and Walnut St. to the north and South Cedar St. and Catherine St. to the south	Never	1688
South Main St.	East		Never	848
South Main St.	West	From the north line of Lot 1 in Tinney's Addition, thence south a distance of 220.5 feet, more or less, which southerly end is intended to be 20 feet south of the most southerly exist of the driveway of the First National Bank.	Never	848; 1652
South Market St.	East	Peoria St. to Burton St.	Never	1043
South Wilmor Rd.	Both	Peoria St. to south line of Valley Forge Rd.	Never	1139
South Wilmor Rd.	West	South line of Valley Forge Rd. to end of South Wilmor Rd. improvement	Never	1139
Summit Dr.	East	500 feet from Washington Rd.	Never	1446
Summit Lane	East	Peoria St. to West Jefferson St.	Never	1102

Street	Side	From	Time Limit	Ord. No.
Tiezzi Lane	West	Jefferson St. to Birkett Ct.	8:00 a.m. to 4:00 p.m. while high school is in session	1168
Tiezzi Lane	Both	The south 175 feet and the north 165 feet	Never	931
Walnut St.	Both	East edge of City Square to Lynn St.	Never	1141
Washington Rd.	Both	East 500 feet from Summit Dr.	Never	1446
Washington Rd. (Ill. Rt. 8)	Both	School St. to Summit Dr.	Never	1470
Washington Rd.	Both	850 feet west of School St. to 950 feet east of School St.	Never	1185
Washington St.	North	Ill. Central Gulf Railroad right-of-way to west edge of the Woodstone Cabinet Shop at 307 West Washington St.	8:00 a.m. to 6:00 p.m. Monday through Friday; 8:00 a.m. to noon Saturday	1131
West Jefferson St.	Both	Wilmor Rd. to North Main St.	Never	874; 1332
Westgate Rd.	Both	Wilmor Rd. to Stratford Dr.	Never	976; 1372
Wilmor Rd.	Both	Center of intersection with Peoria St. 750 feet north and south	Never	1582

Street	Side	From	Time Limit	Ord. No.
East-west alley between Walnut St. on the north and Washington Square Park on the south	South	South Church St. on west and South Spruce St. on east	2:00 p.m. to 8:00 p.m.	1794
Kingsbury Road	North	Westgate Rd. to 100 feet east of the intersection	Never	1862
Dallas Rd.	Both	Kingsbury south to the curve	Never during the months of May, June, and July of each year	1833
Newcastle Rd.	Both	From the curve east for 750 feet	Never during the months of May, June, and July of each year	1833
Lincoln St.	East	West Jefferson St. to 135 feet north of the intersection	Never	1834
Wilshire Dr.	South	Lincoln St. to 60 feet east of the intersection; and Lincoln St. to 60 feet west of the intersection	Never	1958
W. Jefferson St.	Both	Wilmor Rd. west to the corporate limits of the City of Washington	Never	1961
South Wood Street	East	Peoria Street to 85 feet South of intersection	Never	2085
South Wood Street	East	Holland Street to 250 feet North of intersection	Never	2085

Street	Side	From	Time Limit	Ord. No.
South Wood Street	West	Peoria Street to 170 feet South of intersection	Never	2085
South Wood Street	West	Holland Street to 175 feet North of intersection	Never	2085
Linnhill Lane	North west	The northernmost portion of the driveway at 2220 Linnhill Lane to the southernmost portion of the driveway at 2216 Linnhill Lane	Never	2096
Kennedy Court	South	Entire length	Never	2107
Edgewood Court	West	Entire length	Never	2107
Hillcrest Drive	Both	Washington Road to 116 feet south of the Intersection	Never	2404
Dallas Road	Both	Kingsbury South to the curve	Never during the months of May, June, and July of each year	2412
Newcastle Road	Both	From the curve East for 750’	Never during the months of May, June, and July of each year	2412
Newcastle Road	North	The exit to the property at 1110 Newcastle Road to 20 feet east of said exit	Never	2417
Newcastle Road	North	Wilmor Road west to its terminus	Never	2479

Street	Side	From	Time Limit	Ord. No.
Kingsbury Road	South	Easternmost terminus to 30' west of terminus	Never	2571
North Street	North	North Main Street east to Rockaway	Never	2631
Eagle Avenue	South	A point 300 feet northwest of the intersection of Eagle Avenue and Bobolink Drive and continuing in a northwesterly direction along the south side of Eagle Avenue for a distance of 150 feet	7:00 a.m. to 4:00 p.m. while school is in session	2747
S. Spruce Street	East	Walnut Street to Maple Street	Never	2796
N. Cedar Street	Both	The South 30 feet	Never	2846
Stratford Drive	East	Kingsbury Road 170 feet North	Never	2849
Stratford Drive	West	Kingsbury Road to 172 feet North	Never	2849
Kingsbury Road	South	Easternmost terminus West 50 feet	Never	2849
Kingsbury Road	North	Stratford Drive West 85 feet	Never	2849
S. Cummings Lane	Both	Washington Road, South 950 feet	Never	3186
Cruger Road	Both	Cummings Lane to Main Street	Never	3186

(B) In a crosswalk.

(C) Upon any bridge or viaduct, or in any subway or tunnel or the approach thereto.

(D) Between a safety zone and the adjacent curb or within thirty (30) feet of a point of the curb immediately opposite the end of a safety zone.

(E) Within thirty (30) feet of a traffic signal, beacon, or sign on the approaching side.

(F) Within twenty (20) feet of any intersection or crosswalk.

(G) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen (18) feet.

(H) Within fifteen (15) feet of a fire hydrant.

(I) At any place where the vehicle would block the use of a driveway.

(J) Within fifty (50) feet of the nearest rail of a railroad grade crossing.

(K) Within twenty (20) feet of the driveway entrance to any Fire Department station and on the side of the street opposite the entrance to any such station within seventy five (75) feet of such entrance when property is signposted.

(L) On any sidewalk or parkway.

(M) At any place where official signs prohibit parking.

(Ill. Rev. Stat. Ch. 95½, § 11-1301)
(Am. Ord. 1744, passed 8-3-92; Am. Ord. 2107, passed 3-2-98, Am. Ord. 2272, passed 1-22-01; Am. Ord. 2404, passed 9-3-02; Am. Ord. 2412, passed 11-4-02; Am. Ord. 2417, passed 12-2-02; Am. Ord. 2571, passed 11-1-04; Am. Ord. 2631, passed 7-18-05; Am. Ord. 2747, passed 8-20-07; Am. Ord. 2796, passed 8-18-08; Am. Ord. 2846, passed 8-3-09; Am. Ord. 2849, passed 8-17-09; Am. Ord. 3186, passed 6-20-16)
Penalty, see § 72.99

§ 72.11 STOPPING, STANDING, OR PARKING RESTRICTED IN SPECIFIED PLACES

(A) (1) Restricted Parking Area I. The following is designated as ***Restricted Parking Area I:***.

(a) North side of city square.

(b) South side of city square.

(c) East side of city square.

(d) West side of Main Street from Washington Street continuing through the west side of city square to Burton Street.

(e) West side of North Main Street from Washington Street to Jefferson Street.

(f) Washington Street from North Main Street to the first alley west.

(2) Except on Sundays and holidays, it shall be unlawful to park any vehicle for more than four hours in any consecutive period of time, between 9:00 a.m. and 9:00 p.m. in any area designated by ordinance as ***Restricted Parking Area I***. Notwithstanding this provision, it shall be unlawful at any time to park any vehicle as follows:

(A) For more than thirty (30) minutes in any consecutive period of time between 9:00 a.m. and 10:00 p.m. in the following parking spaces located in ***Restricted Parking Area I***:

(1) The four most westerly parking spaces on the south side of the Square.

(2) The two most southerly parking spaces on the west side of the Square, north of Peoria Street (U.S. Route 24).

(3) The most northerly parking spaces on the west side of the Square, south of Peoria Street (Business Route 24).

(4) The one most southerly parking space of the east side of the Square, south of Walnut Street (Business Route 24).

(B) For more than 15 minutes in any consecutive period of time between 5:00 p.m. and 10:00 p.m. in the following parking spaces located in ***Restricted Parking Area I****:*

(1) The one parking space on the west side of the Square, immediately north of the crosswalk on North Main Street.

(B) (1) Restricted Parking Area II. The following is designated as ***Restricted Parking Area II***.

(a) The west 100 feet of even width of Lots 35, 36 and 37 except the west 20 feet of the east 140 feet of Lot 35 and the west 20 feet of the east 140 feet of the south 15 feet of Lot 36, all in the original town, now, City of Washington, Illinois.

(b) The east ½ of Lot 4 in Yager's Addition to the city.

(c) All of Lot 4 and the east ½ of Lot 5 in Block 3 of Dorsey's Addition to the city.

(d) Lots 47 and 48 in the Original Town, now City of Washington, situated in Tazewell County, Illinois (located off of North High Street in the 100 block, on the East side of North High Street).

(e) Part of Lots 4 and 5 of the Original Town of Washington, Tazewell County, Illinois (located off of North Main Street in the 100 block thereof, lying between North Main Street on the West and a public alley on the East).

(2) It shall be unlawful to park any vehicle for more than forty eight (48) consecutive hours in any area designated by ordinance as ***Restricted Parking Area II***.

(3) Notwithstanding the provisions of subparagraph (2) above, parking shall be permitted at all times in the parking spaces identified by signs designating the spaces as "private parking" as follows:

(a) In the parking lots described in subparagraphs (1) (d) and (1) (e) above, there shall be four parking spaces which shall be designated by the Chief of Police, or his authorized agent.

(4) It shall be unlawful to park, leave, or otherwise place any personal property in any ***Restricted Parking Area II***, except that it shall be lawful to park vehicles in any ***Restricted Parking Area II*** in conformity with subparagraph (2) of this paragraph (B).

(a) For purposes of this paragraph (4), the term "vehicles" shall mean devices in, upon, or by which any person is or may be transported or drawn upon a street or highway, except devices moved by human power, snowmobiles, and motor homes as defined in the Illinois Vehicle Code (ILCS Ch. 625, Act 5, §§ 1-1 et seq. (1995 State Bar Edition).

(5) The Police Department, and all members thereof, are hereby authorized to remove and tow away, or have removed and towed away by a commercial towing service, any car, other vehicle, or personal property illegally parked, left, or placed in any area designated ***Restricted Parking Area II*** where such parked, placed, or left vehicle or personal property constitutes a traffic hazard, blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency vehicle.

(a) Any removal or towing away of any vehicle, pursuant to this paragraph (5), shall be done and performed pursuant to the provisions of the Illinois Vehicle Code (ILCS Ch. 625, Act 5, §§ 1-1 et seq.) at Chapter 4 thereof (ILCS Ch. 625, Act 5, §§ 4-201 et seq.).

(C) It shall be unlawful to permit any vehicle to stand at any time, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, on any of the following named streets, for a longer period of time than indicated or during the hours so stated. Whoever violates any provision of this section shall be fined in accordance with the provisions set forth in § 72.99.

Street	Side	From	Time Limit	Ord. No.
Bondurant St.	West		During high school hours and while high school is in session	1030
Muller Rd.	East	From Kern Rd. to Valley Forge Dr.	Between 6:00 a.m. and 6:00 p.m. Monday through Sunday	1709
Washington St.	North	ICG RR to west edge of cabinet shop	8:00 a.m. to 6:00 P.M. Monday through Friday; 8:00 a.m. to noon on Saturday	
North High	East	From U.S. Route 24 (Walnut St.) north 243 feet on the east side of North High St.	Monday through Saturday from 9:00 a.m. to 5:00 p.m. for not more than 2 hours	1890

Street	Side	From	Time Limit	Ord. No.
Bondurant Street	East	West Jefferson St. on the north to Peoria Street on the south	Between 8:00 a.m. and 4 p.m. while school is in session, except that 140-foot distance designated as a loading zone	1877
South High	West	The 3 spaces located directly in front of 106 S. High (U.S. Post Office)	Not more than 30 minutes	1858
Jackson Street	North	Lincoln St. on the west to N. Wood St. on the east	Between 8:00 a.m. and 9:00 a.m. and between 2:00 p.m. and 3:00 p.m. while school is in session	2313

(D) (1) Restricted Parking Area III. The following is designated as ***Restricted Parking Area III***.

(a) The east half of Lot 4 in Yager's Addition to the city (located immediately east of the Lindy's Red Fox Food Mart building and including the alley that runs north and south).

(2) It shall be unlawful to park any vehicle for more than two (2) hours in any consecutive period from Monday through Saturday between the hours of 9:00 a.m. and 9:00 p.m. in any area designated by ordinance as ***Restricted Parking Area III***.

(Ord. 1336, passed 7-20-81; Ord. 1346, passed 10-19-81; Am. Ord. 1630, passed 5-21-90; Am. Ord. 1844, passed 6-6-94; Am. Ord. 1891, passed 12-5-94; Am. Ord. 1902, passed 3-20-95; Am. Ord. 2037, passed 9-16-96; Am. Ord. 2062, passed 3-3-97; Am. Ord. 2099, passed 12-1-97; Am. Ord. 2313, passed 7-2-01; Am. Ord. 2403; passed 9-3-02)
Penalty, see § 72.99

§ 72.12 HANDICAPPED PARKING

(A) Definitions. For purposes of this section, the following definitions shall apply:

(1) ***PHYSICALLY HANDICAPPED PERSON***. Any person who must use a wheelchair for ambulatory purposes, or who uses two (2) lower-limb prostheses for ambulatory purposes.

(2) ***TRANSPORTER OF HANDICAPPED PERSON***. Any person who is transporting a physically handicapped person as defined above.

(B) Permits. The City Administrator is empowered and authorized to issue permits to physically handicapped persons which will entitle the holder of said permit to park in designated areas restricted to the physically handicapped. Such permit shall be issued only to such physically handicapped persons and to the transporters of physically handicapped persons as defined in division (A).

(1) The City Administrator shall promulgate those regulations concerning the requirements of the application for permits and shall issue such permits to qualified applicants.

(2) Permits issued pursuant to this section shall be in such form as is designated and prepared by the City Administrator and shall be signed by the City Administrator, certifying that the holder thereof meets all the requirements necessary for the issuance of such permit card. The permit card shall be valid for a period of twelve (12) months from the date of issuance and may be renewed by the City Administrator. In addition to the permit card, a special decal for handicapped parking shall be issued to the card holder in the form complying with the administrative rules of the Secretary of State of the State of Illinois. The cost of such decal shall be five dollars ($5.00).

(3) The City Administrator is authorized and empowered to grant to physically handicapped persons, and transporters of physically handicapped persons, permits issued pursuant to this section. Drivers who have been issued handicapped license plates by this city or by some other governmental unit shall have the privilege to

park vehicles for periods not to exceed two (2) hours in any one of the areas where parking is limited but not prohibited by ordinance, not to exceed fifteen (15) minutes in established loading zones, and in parking places reserved for the parking of vehicles for physically handicapped persons. Parking privileges granted in this section are strictly limited to the person to whom the special registration plates, special decal or permit were issued and to qualified transporters of handicapped persons acting under his express direction while the handicapped person is present.

(4) Any person granted such parking privileges by the City Administrator shall keep in his possession the permit card issued and shall exhibit said card upon request of any police officer or parking enforcement personnel.

(5) The vehicle of any person authorized above, when parking pursuant to this section, shall carry a handicapped decal conspicuously displayed at all times, or shall display handicapped license plate issued by this city or some other governmental unit, indicating the right to park under the provisions of this section.

(6) The unauthorized possession or use of said card or decal is hereby declared a violation which shall be punishable by a fine of not less than twenty five dollars ($25.00) nor more than five hundred dollars ($500.00).

(C) Designation of Handicapped Parking Spaces. The City Council, by resolution, shall determine and designate by proper signs, places which shall be reserved for the parking of vehicles for physically handicapped persons. It shall be unlawful for any person, firm or corporation to park in such designated areas if they do not display registration plates or a decal or permit referred to in this Section. Any person accused of a violation of this Section may settle and compromise a claim against him or her for such illegal parking by paying in person, or by mail, to the City the sum of $250.00. Such payment may be made at the Police Station or at the office of the City Clerk and a receipt shall be issued for all monies so received. Such monies shall be promptly turned over to the City Treasurer. Members of the Police Department are authorized to refrain from instituting prosecution for alleged offenses involved where the person accused of the violation referred to in this Section has settled and compromised the claim against him or her in accordance with this Section. Any person accused of a violation of this Section who does not settle or compromise the claim against him or her for such illegal parking by paying the above-referenced sum within seven days after the date of the violation, shall pay a fine of not less than $350.00 for each offense. Each day any violation of this Section shall continue shall constitute a separate offense.

(Ord. 1400, passed 2-6-84; Am. Ord., passed 2-24-84; Am. Ord. 1462, passed 8-5-85; Am. Ord. 1517, passed 1-19-87; Am. Ord. 1856, passed 7-5-94; Am. Ord. 2664, passed 02-20-06)

§ 72.13 PARKING DURING SNOWFALL

Subsections:

A. Parking During Snow Removal
B. Prohibited Parking Hours
C. On-Street Parking
D. Prima Facie Proof
E. Violation; Towing
F. Violation; Fine

A. PARKING DURING SNOWFALL. The Chief of Police of the City of Washington or his designee or the Manager of Public Works or his designee shall have the authority and power to issue a declaration calling for the prohibition of on-street parking of all automobiles and other vehicles on City streets when such a declaration is necessary to allow the safe and efficient removal of snow from the streets of the City of Washington. A parking prohibition shall automatically go into effect on all City streets, except the Washington Square, Main Street from the Washington Square south to Burton Street, and Main Street from the Washington Square north to Zinser Place, when there has been an accumulation of snow and/or ice of two inches (2") or more. Any declarations made herein will be publicly announced through the news media or such other methods as the City may deem appropriate.

B. PROHIBITED PARKING HOURS. It shall be the duty of the owner or possessor of any automobile or other vehicle to remove said vehicle or vehicles from the streets of the City no later than 12 hours after the declaration has been made. It shall be unlawful to park any automobile or other vehicle upon any street of the City within forty-eight (48) hours thereafter. The City by declaration issued prior to the end of such forty-eight (48) hour period, may extend such prohibition beyond the initial forty-eight (48) hour period for such period of time as the City may deem necessary. Whenever the City finds that some or all of the conditions which give rise to the need for a parking prohibition pursuant to this Section no longer exist and all snow upon said street has been plowed back to the curb line of said street, the City may declare the prohibition terminated, in whole or in part. The termination of a parking prohibition pursuant to this subsection shall be effective immediately upon declaration and shall be publicly announced through the news media or such other methods as the City may deem appropriate.

C. PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

D. VIOLATION; TOWING. In the event that any vehicle shall fail to be removed as provided for in this Chapter, the City by its Police Officers or other City officials shall have the right to remove said vehicle from the street by private or public wrecker or tow truck, said removal to be

at the expense of the owner or possessor of said vehicle. Such vehicles shall be restored to their owners only after payment of the expense incurred in removing, towing, and/or storage.

E. PENALTY.

1. **General Penalty.** Any person, firm or corporation violating any provision of this chapter for which another penalty is not provided shall be fined not less than $75.00 for each offense Each day a violation of this chapter shall continue shall constitute a separate offense.

2. **Payment Methods.** Any person, firm or corporation accused of a violation of this chapter may settle and compromise the claim against him or her for such illegal parking by paying in person, or by mail, to the City the following amount prior to the filing of a Complaint in the Circuit Court: within seven (7) days of the date of the offense, the sum of $20.00; after seven (7) days but within fourteen (14) days of the date of the offense, the sum of $40.00; after fourteen (14) days but prior to the filing of a Complaint in the Circuit Court, the sum of $60.00; and after the filing of a Complaint in the Circuit Court, such sum as otherwise provided herein. Such payment may be made at the police station or at City Hall.

(Ord. 1294, passed 12-3-79; Am. Ord. 2527, passed 5-3-04; Am. Ord. 2862, passed 11-2-09)

Penalty, see § 72.99

§ 72.14 (RESERVED)

§ 72.15 VEHICLES FOR SALE

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled.

Penalty, see § 72.99

§ 72.16 LOADING ZONES

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 three minutes, and for the driver to stand any freight carrying vehicle for a period of time longer than necessary to load, unload and deliver materials, not to exceed thirty (30) minutes, and at any place designated by the Mayor and City Council as a loading zone and marked as such, or in any of the following designated places:

(A) At any place not to exceed seventy five (75) feet along the curb before the entrance to any hospital or hotel at any time.

(B) At any place not to exceed seventy five (75) feet along the curb line before the entrance to a public building between 8:00 a.m. and 6:00 p.m. except on a Sunday.

(C) Directly in front of the entrance to any theater at any time that the theater is open.

(D) The full length of the west side of Muller Road from Kern Road to U.S. Route 24; and that portion of the east side of Muller Road lying and being between Valley Forge Drive and U.S. Route 24.

(E) For a distance of one hundred forty (140) feet on the east side of Bondurant Street, beginning one hundred sixty (160) feet south of the corner of West Jefferson Street and Bondurant Street and ending three hundred (300) feet south of the corner of West Jefferson Street and Bondurant Street.

(F) The east side of Lincoln Street from Jackson Street on the south to the entrance to the Lincoln Grade School parking lot on the north (a distance of approximately four hundred eighteen (418) feet).

(G) For a distance of 42 feet on the North side of East Jefferson Street beginning thirty-five feet (35) East of the intersection of East Jefferson Street and an alley located immediately West of the St. Patrick's Catholic Church and ending fifteen feet (15) West of the fire hydrant located in front of the St. Patrick's Catholic Church.

(H) For the distance of 107 feet on the east side of North Cedar Street, located immediately west of St. Patrick's School, beginning one hundred twenty-seven (127) feet north of Walnut Street and ending two hundred thirty-four (234) feet north of Walnut Street.

(Ord. 1250, passed 12-18-78; Am. Ord. 1709, passed 3-2-92;
Am. Ord. 1877, passed 11-7-94; Am. Ord. 1902, passed 3-20-95;
Am. Ord. 2398, passed 8-19-02; Am. Ord. 2845, passed 8-3-09)
Penalty, see § 72.99

§ 72.17 (REPEALED UNDER ORDINANCE 2418 DATED 12-2-02)

§ 72.18 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 (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

Penalty, see § 72.99

§ 72.19 PARKING ON STREETS

No person shall stand or park any truck, motor home, tractor, semi-trailer, trailer, or bus on any street for a longer period than is necessary for the reasonably expeditious loading or unloading of such vehicles, except that a driver of a bus may park such bus in a designated bus zone or stand, or as otherwise provided in this chapter. This restriction shall not apply to any pickup truck whose extreme overall length does not exceed two hundred forty-four (244) inches and the body width of which, excluding mirrors or similar accessories, does not exceed ninety-six (96) inches.

(Ord. 1674, passed 6-17-91; Am. Ord. 2151, passed 11-2-98; Am. Ord. 2627, passed 7-18-05)

Penalty, see § 72.99

§ 72.20 PERMIT PARKING

(A) It shall be unlawful to permit any vehicle to stand at any time except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, on any of the streets hereinafter specified in paragraph (B) of this section, for a longer period of time then indicated or during the hours so stated in paragraph (B) of this section; provided, however, the parking restrictions stated in paragraph (B) of this section shall not apply to the holders of permits granted by the Chief of Police or his or her designee as hereinafter provided in paragraph (C) of this section.

(B) The streets affected and the parking restrictions hereinabove referred to are as follows:

Street	Side	From	Time Limit	Ord. No.
Court Drive	Both	U.S. Rt. 24 (Peoria Street) on the North to Spring Street on the South	Not more than two (2) hours while high school is in session	2037
Franklin Street	Both	Peoria Street on the North to Spring Street on the South	Not more than two (2) hours while high school is in session	2048

Street	Side	From	Time Limit	Ord. No.
Spring Street	Both	Franklin Street on the east to Court Drive on the west	Not more than two (2) hours while high school is in session	2280
Court Drive	Both	200 block and 300 block	Not more than two (2) hours while high school is in session	2319
Morris Street	Both	Fall Street to Court Drive	Not more than two (2) hours while high school is in session	2319
Harvey Street	West	Walnut Street on the south to Jefferson Street on the north	Never while school is in session	2394
Birkett Court	Both	Entire length	Not more than 2 hours while high school is in session	2453
Tiezzi Lane	West	Entire length	Not more than 2 hours while high school is in session	2531
Michael Court	Both	Entire length	Not more than 2 hours while high school is in session	2570

(C) Parking permits may be granted by the Chief of Police or his or her designee as follows:

(1) To persons who reside or own real estate on the side of the street on which parking is restricted as hereinabove provided in paragraph (B) of this Section, for every vehicle owned by those persons and registered in the State of Illinois;

(2) To persons who are guests or invitees of persons who reside or own real estate on the side of the street on which parking is restricted as hereinabove provided in paragraph (B) of this Section, to be limited to the particular area or side of the street and to be valid for a stated period of time, but not more than 30 days;

(3) To persons who do business with persons who reside or own real estate on the side of the street on which parking is restricted as hereinabove provided in paragraph (B) of this Section, to be limited to the particular area or side of the street and in and on which such person so transacts business.

(D) The parking prohibitions of this section shall not apply to service or delivery vehicles which are being used to provide services or make deliveries to dwellings.

(E) On the application of any resident of the particular area in which parking is restricted as hereinabove provided in paragraph (B) of this section, the Chief of Police or his or her designee may issue a number of permits to be valid for only one (1) day and for no more than four (4) hours on that day upon a showing by the resident that during the hours for which the permits are to be issued, his or her residence will be issued in a way consistent with its residential character.

(F) Any person may show to the Chief of Police or his or her designee, satisfactory evidence that he or she fulfills all of the conditions for a permit. Whenever the conditions no longer exist, the person holding such permit shall surrender the permit to the Chief of Police or his or her authorized designee. It shall be unlawful for any person to represent that he or she is entitled to such a permit when he or she is not so entitled, to fail to surrender a permit for which he or she is no longer entitled, or to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it. No permit issued hereunder shall be valid for more than one (1) year, but each may be renewed upon expiration, provided the conditions for issuance exists.

(Ord. 2037, passed 9-16-96; Am. Ord. 2048, passed 10-21-96; Am. Ord. 2280, passed 4-2-01; Am. Ord. 2319, passed 8-6-01; Am. Ord. 2394, passed 8-5-02; Am. Ord. 2453, passed 6-2-03; Am. Ord. 2531, passed 5-3-04; Am. Ord. 2570, passed 11-1-04)

Penalty, see § 72.99

VIOLATIONS

§ 72.25 OFFICERS AUTHORIZED TO REMOVE VEHICLES

(A) Whenever any police officer finds a vehicle in violation of any of the provisions of § 72.11, the officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.

(B) Any police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in a tunnel, or in a position or under circumstances as to obstruct the normal movement of traffic.

(C) Any police officer is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

(1) Report has been made that the vehicle has been stolen or taken without the consent of its owner, or

(2) The person or persons in charge of the vehicle are unable to provide for its custody or removal, or

(3) When the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

(Ill. Rev. Stat. Ch. 95½, § 11-1302)

§ 72.26 DUTY OF LESSOR OF VEHICLE ON NOTICE OF VIOLATION OF THIS CHAPTER

Every person in whose name a vehicle is registered pursuant to law and who leases such vehicle to others, after receiving written notice of a violation of this chapter involving such vehicle, shall upon request provide such police officers as have authority of the offense, and the court having jurisdiction thereof, with a written statement of the name and address of the lessee at the time of such offense and the identifying number upon the registration plates and registration sticker or stickers of such vehicle.

(Ill. Rev. Stat. Ch. 95½, § 11-1305)

§ 72.99 PENALTY

(A) General Penalty. Any person, firm or corporation violating any provision of this chapter for which another penalty is not provided shall be fined not less than $75.00 for each offense. Each day a violation of this chapter shall continue shall constitute a separate offense.

(B) Any person, firm or corporation accused of a violation of this chapter may settle and compromise the claim against him or her for such illegal parking by paying in person, or by mail, to the City the following amount prior to the filing of a Complaint in the Circuit Court: within seven (7) days of the date of the offense, the sum of $20.00; after seven (7) days but within fourteen (14) days of the date of the offense, the sum of $40.00; after fourteen (14) days but prior to the filing of a Complaint in the Circuit Court, the sum of $60.00; and after the filing of a Complaint in the Circuit Court, such sum as otherwise provided herein. Such payment may be made at the police station or at the office of the City Clerk. A receipt shall be issued for all monies so received, and such monies shall be promptly turned over to the City Treasurer. Members of the Police Department are authorized to refrain from instituting prosecution for the alleged defenses involved where the person accused of the violation referred to above in this Section has settled and compromised a claim against him or her in accordance with this Section.

(1) However, this Paragraph (B) shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where police or fire department apparatus or other emergency equipment is kept or housed, or so as to block an emergency entrance to a hospital. Nor shall this Paragraph (B) apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley, or parking in such a way as to reduce traffic on an arterial street to one-way traffic only, or to any person who refuses to move a vehicle illegally parked at the request of any member of the Police Department.

(2) Further, this Paragraph (B) shall not apply to persons parking a vehicle in violation of Section 72.13. Any person accused of violating Section 72.13 may settle and compromise the claim against him or her for such illegal parking by paying in person, or by mail, to the City the following amounts: the sum of $20.00 if such violation did not last more than eight (8) hours; the sum of $40.00 if the violation lasted more than eight (8) hours but less than sixteen (16) hours; and the sum of $60.00 if the violation lasted in excess of sixteen (16) hours. The $20.00, $40.00, and $60.00 sums shall apply if paid within seven days from the date the offense was committed. If paid after said seven days, the amount shall be doubled. Such payment may be made at the Police Station or at the office of the City Clerk. A receipt shall be issued for all monies so received, and such monies shall be promptly turned over to the City Treasurer. Members of the Police Department are authorized to refrain from instituting prosecution for the alleged offenses involved

where the person accused of a violation of Section 72.13 has settled and compromised a claim against him in accordance with this Paragraph (B).

(Ord. 1294, passed 12-3-79; Ord. 1304, passed 5-19-80; Ord. 1336, passed 7-20-81; Ord. 1517, passed 1-19-87; Am. Ord. 1758, passed 12-7-92; Am. Ord. 2664, passed 02-20-06)

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CHAPTER 73

BICYCLES, MOTORCYCLES, AND SKATEBOARDS

Bicycles

73.01 Traffic laws apply to persons riding bicycles
73.02 Registration required
73.03 Registration application
73.04 Issuance of registration plate
73.05 Display of registration plate
73.06 Transfer of ownership
73.07 Inspection
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73.09 Riding on bicycles
73.10 Clinging to vehicles
73.11 Riding on roadways and bicycle paths
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Motorcycles

73.20 Riding on motorcycles
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73.23 Operating motorcycle on one wheel

Cross-reference

Lamps required on bicycles, see § 75.05

Skateboards

73.30 Skateboarding prohibited in certain areas

73.99 Penalty

BICYCLES

§ 73.01 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES

Every person riding a bicycle upon a highway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle by this traffic code, except as to special regulations in this traffic code, and except as to those provisions of this traffic code which by their nature can have no application.

(Ill. Rev. Stat. Ch. 95½, § 11-1502)
Penalty, see § 70.99

§ 73.02 REGISTRATION REQUIRED

It shall be unlawful for any person to operate or use a bicycle in the city which has not been registered and equipped with a registration plate as provided in this subchapter.

(Ord. 1121, passed 1-21-74)
Penalty, see § 70.99

§ 73.03 REGISTRATION APPLICATION

Application for a license to own and operate a bicycle shall be made to the Chief of Police upon a form to be provided by the Chief of Police. The application shall be accompanied by a fee of one dollar ($1.00) to be paid at the time of registration.

(Ord. 1121, passed 1-21-74)

§ 73.04 ISSUANCE OF REGISTRATION PLATE

The Chief of Police shall have authority to issue, upon written application and payment of the fee as above provided, a bicycle registration plate which will be effective as long as the bicycle remains under the ownership of the applicant. The Chief of Police shall keep a file of all registration plates issued and shall keep records of all fees collected for the issuance of such registrations. All registration fees collected by the Chief of Police shall be turned over to the City Treasurer and deposited in the General Fund of the city.

(Ord. 1121, passed 1-21-74)

§ 73.05 DISPLAY OF REGISTRATION PLATE

The registration plate issued as provided in this subchapter shall be at all times firmly attached to the bicycle for which it was issued at a place readily visible and designated by the Chief of Police or his authorized representative. It shall be a violation of this subchapter for any person to operate any bicycle upon any street of the city, unless such bicycle is equipped with and displays thereon the proper registration plate.

(Ord. 1121, passed 1-21-74)

Penalty, see § 70.99

§ 73.06 TRANSFER OF OWNERSHIP

(A) Upon the sale or transfer of a bicycle, the owner shall remove the registration plate and report the transfer or sale to the Chief of Police, together with the name and address of the person to whom the bicycle was sold or transferred. It shall be the duty of the purchaser or transferee of such bicycle to purchase a registration plate or apply for a transfer of the registration thereof within seven (7) days of the sale or transfer, as the case may be.

(B) Such registration plate may be transferred when the ownership of the bicycle changes by the Chief of Police with no charge to the owner of the bicycle.

(Ord. 1121, passed 1-21-74)

Penalty, see § 70.99

§ 73.07 INSPECTION

The Chief of Police or his authorized representative shall inspect each bicycle for mechanical fitness at the time of registration, and shall have the authority to refuse to grant or to revoke the registration plate of any bicycle in an unsafe mechanical condition.

(Ord. 1121, passed 1-21-74)

§ 73.08 REMOVAL, DESTRUCTION OF SERIAL NUMBER OR PLATE

No person shall willfully remove, destroy, mutilate or alter the manufacturer's serial number on any bicycle frame, nor shall any person remove, destroy, mutilate or alter any registration plate.

(Ord. 1121, passed 1-21-74)

Penalty, see § 70.99

§ 73.09 RIDING ON BICYCLES

(A) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(B) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling.

(Ill. Rev. Stat. Ch. 95½, § 11-1503)

Penalty, see § 70.99

§ 73.10 CLINGING TO VEHICLES

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(Ill. Rev. Stat. Ch. 95½, § 11-1504)

Penalty, see § 70.99

§ 73.11 RIDING ON ROADWAYS AND BICYCLE PATHS

(A) Any person operating a bicycle or motorized pedalcycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under the following situations:

(1) When overtaking and passing another bicycle, motorized pedalcycle, or vehicle proceeding in the same direction; or

(2) When preparing for a left turn at an intersection or into a private road or driveway; or

(3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedalcycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this subsection, a ***substandard width lane*** means a lane that is too narrow for a bicycle or motorized pedalcycle and a vehicle to travel safely side by side within the lane.

(B) Any person operating a bicycle or motorized pedalcycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of the roadway as practicable.

(Ill. Rev. Stat. Ch. 95½, § 11-1505)

(C) Persons riding bicycles or motorized pedalcycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for their exclusive use. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane subject to the provisions of divisions (A) and (B) above.

(Ill. Rev. Stat. Ch. 95½, § 11-1505.1)
Penalty, see § 70.99

§ 73.12 CARRYING ARTICLES

No person operating a bicycle shall carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times.

(Ill. Rev. Stat. Ch. 95½, § 11-1506)
Penalty, see § 70.99

§ 73.13 LAMPS AND OTHER EQUIPMENT ON BICYCLES

(A) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front, and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.

A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.

(C) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold the bicycle.

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector conforming to specifications prescribed by the Department of Transportation, on each pedal, visible from the front and rear of the bicycle during darkness from a distance of two hundred (200) feet.

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. The reflectors shall be visible from each side of the bicycle from a distance of five hundred (500) feet, and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle. The requirements of this division may be met by reflective materials which shall be at least three-sixteenth (3/16) inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of the bicycle, and which reflective materials may be of the same color on both the front and rear tire or rim. The reflectors shall conform to specifications prescribed by the State Department of Transportation.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.

(Ill. Rev. Stat. Ch. 95½, § 11-1507)
Penalty, see § 70.99

§ 73.14 LAMPS ON MOTORIZED PEDALCYCLES

Every motorized pedalcycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front, and with a red reflector on the rear of a type approved by the State Department of Transportation which shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when in front of lawful, low-powered beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

(Ill. Rev. Stat. Ch. 95½, § 11-1507.1)
Penalty, see § 70.99

§ 73.15 RIDING ON MOTORIZED PEDALCYCLES

(A) The operator of a motorized pedalcycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit two persons to ride thereon at the same time, unless the motorized pedalcycle is designed to carry two (2) persons. Any motorized pedalcycle designed for two (2) persons must be equipped with a passenger seat and footrests for use of a passenger.

(B) Neither the operator nor any passenger on a motorized pedalcycle shall be required to wear any special goggles, shield, helmet, or glasses.

(C) The provisions of this subchapter shall be applicable to the operation of motorized pedalcycles, except for those provisions which by their nature can have no application to motorized pedalcycles.

(Ill. Rev. Stat. Ch. 95½, § 11-1403.1)
Penalty, see § 70.99

§ 73.16 PARKING OF BICYCLES

No bicycle shall be operated or parked on any street, sidewalk or other public place in such a manner as to unreasonably block or interfere with pedestrian or vehicular traffic. The City Administrator is hereby authorized to designate certain areas in any congested district where bicycles may be parked. When such areas have been so designated, it shall be unlawful to park bicycles in such congested district except in such areas.

(Ord. 1121, passed 1-21-74)
Penalty, see § 70.99

§ 73.17 RESPONSIBILITY OF PARENTS

It shall be unlawful for the parent or guardian of any child to authorize or knowingly permit any such child to violate any of the provisions of this subchapter.

(Ord. 1121, passed 1-21-74)
Penalty, see § 70.99

§ 73.18 IMPOUNDMENT OF BICYCLES

In addition to or in lieu of the penalties provided by this code, any person who commits a violation of this subchapter may be punished by the impounding of a bicycle used in committing any such violation for a period not exceeding thirty (30) days. Such impounding shall be at the discretion of the Chief of Police.

(Ord. 1121, passed 1-21-74)

MOTORCYCLES

§ 73.20 RIDING ON MOTORCYCLES

(A) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(B) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one (1) leg on each side of the motorcycle.

(C) No person shall operate any motorcycle with handlebars higher than the height of the shoulders of the operator when the operator is seated in the normal driving position astride that portion of the seat or saddle occupied by the operator.

(Ill. Rev. Stat. Ch. 95½, § 11-1403)

Penalty, see § 70.99

§ 73.21 SPECIAL EQUIPMENT FOR PERSONS RIDING MOTORCYCLES

(A) The operator and every passenger of a motorcycle shall be protected by glasses, goggles, or a transparent shield.

(B) For the purposes of this section, glasses, goggles, and transparent shields are defined as follows:

GLASSES means ordinary eye pieces such as spectacles or sunglasses worn before the eye, made of shatter-resistant material. Shatter-resistant material, as used in this section, means material so manufactured, fabricated, or created that it substantially prevents shattering or flying when struck or broken.

GOGGLES a device worn before the eyes, the predominant function of which is protecting the eyes without obstructing peripheral vision. Goggles shall provide protection from the front and sides, and may or may not form a complete seal with the face.

TRANSPARENT SHIELD a windshield attached to the front of a motorcycle that extends above the eyes when an operator is seated in the normal, upright riding position, made of shatter-resistant material, or a shatter-resistant protective face shield that covers the wearer's eyes and face at least to a point approximately to the tip of the nose.

(C) Contact lenses are not acceptable eye protection devices.

(Ill. Rev. Stat. Ch. 95½, § 11-1404)
Penalty, see § 70.99

§ 73.22 REQUIRED EQUIPMENT ON MOTORCYCLES

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.

(Ill. Rev. Stat. Ch. 95½, § 11-1405)
Penalty, see § 70.99

§ 73.23 OPERATING MOTORCYCLE ON ONE WHEEL

Any person who operates a motorcycle on one (1) wheel is guilty of reckless driving as defined in § 76.06.

(Ill. Rev. Stat. Ch. 95½, § 11-1403.2)
Penalty, see § 70.99

SKATEBOARDS

§ 73.30 SKATEBOARDING PROHIBITED IN CERTAIN AREAS

No person shall operate or ride on a skateboard:

(A) On any roadway in the city, except when crossing a crosswalk.

(B) On any sidewalk, parking lot, or public area within the area known as Washington Square, and bounded by High Street on the east, Burton Street on the south, Market Street on the west, and Zinser Place on the north.

(C) On any public or private property where signs have been posted at the entrance or displayed prominently on the property prohibiting the use of skateboards.

(D) Any place in the city in such a manner as to be dangerous to persons or property.

(Ord. 1636, passed 8-6-90) Penalty, see § 73.99

§ 73.99 PENALTY

Any person, including a minor child, violating any provision of § 73.30 shall be fined not less than ten dollars ($10.00), nor more than one hundred dollars ($100.00), for each offense. Any person accused for the first time of a violation of § 73.30 may settle and compromise the claim against him for such impermissible skateboarding by paying in person, or by mail, to the city the sum of ten dollars ($10.00) within seven (7) days, and the sum of twenty dollars ($20.00) after seven (7) days, of the time the offense was committed. Such payment may be made at the Police Station or at the office of the City Clerk; a receipt shall be issued for all money so received, and the money shall be promptly turned over to the Treasurer. Members of the Police Department are authorized to refrain from instituting prosecution for the alleged defenses involved where the person accused of the violation referred to in § 73.30 has settled and compromised a claim against him in accordance with this section.

(Ord. 1636, passed 8-6-90)

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CHAPTER 74

PEDESTRIANS

74.01 Pedestrian obedience to traffic-control devices and traffic regulations
74.02 Pedestrians' right-of-way at crosswalks
74.03 Crossing at other than crosswalks
74.04 Drivers to avoid colliding with pedestrians
74.05 Pedestrian with disabilities; right-of-way
74.06 Pedestrians to use right half of crosswalks
74.07 Pedestrians soliciting rides or business
74.08 Pedestrians walking on highways
74.09 Right-of-way on sidewalks
74.10 Pedestrians yield to authorized emergency vehicles
74.11 Pedestrians under influence of alcohol or drugs
74.12 Bridge and railroad signals
74.13 Motorized wheelchairs

§ 74.01 PEDESTRIAN OBEDIENCE TO TRAFFIC-CONTROL DEVICES AND TRAFFIC REGULATONS

(A) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(B) Pedestrians shall be subject to traffic and pedestrian-control signals provided in §§ 70.31 and 70.32 of this traffic code; but at all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

(Ill. Rev. Stat. Ch. 95½, § 11-1001)

§ 74.02 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS

(A) When traffic-control signals are not in place, or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(B) No pedestrian shall suddenly leave a curb or other place of safety, and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(C) Division (A) shall not apply under the condition stated in § 74.03 (B).

(D) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(E) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, drivers shall yield right-of-way to pedestrians as set forth in § 71.062.

(Ill. Rev. Stat. Ch. 95½, § 11-1002)
Penalty, see § 70.99

§ 74.03 CROSSING AT OTHER THAN CROSSWALKS

(A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(C) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(D) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to the crossing movements.

(E) Pedestrians with disabilities may cross a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk where the intersection is physically inaccessible to them but they shall yield the right-of-way to all vehicles upon the roadway.

(Ill. Rev. Stat. Ch. 95½, § 11-1003)
Penalty, see § 70.99

§ 74.04 DRIVERS TO AVOID COLLIDING WITH PEDESTRIANS

Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human power and shall give warning by sounding the horn when necessary, and

shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person.

(Ill. Rev. Stat. Ch. 95½, § 11-1003.1)
Penalty, see § 70.99

§ 74.05 PEDESTRIAN WITH DISABILITIES; RIGHT-OF-WAY

The driver of a vehicle shall yield the right-of-way to any pedestrian with clearly visible disabilities.

(Ill. Rev. Stat. Ch. 95½, § 11-1004)
Penalty, see § 70.99

§ 74.06 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(Ill. Rev. Stat. Ch. 95½, § 11-1005)
Penalty, see § 70.99

§ 74.07 PEDESTRIANS SOLICITING RIDES OR BUSINESS

(A) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(B) No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.

(C) No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle, unless expressly permitted by municipal ordinance. The local municipality in which the solicitation takes place shall determine by ordinance where and when solicitations may take place based on the safety of the solicitors and the safety of motorists. The decision shall also take into account the orderly flow of traffic and may not allow interference with the operation of official traffic control devices. Any person engaged in the act of solicitation shall be sixteen (16) years of age or more and shall be wearing a high visibility vest, The soliciting agency shall be:

(1) Registered with the Attorney General as a charitable organization as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor", approved July 26, 1963, as amended.

(2) Engaged in a statewide fund raising activity.

(3) Liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent.

(D) No person shall stand on or in the proximity of a roadway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(Ill. Rev. Stat. Ch. 95½, § 11-1006)
Penalty, see § 70.99

§ 74.08 PEDESTRIANS WALKING ON HIGHWAYS

(A) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(B) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(C) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of a roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(D) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(Ill. Rev. Stat. Ch. 95½, § 11-1007)
Penalty, see § 70.99

§ 74.09 RIGHT-OF-WAY ON SIDEWALKS

The driver of a vehicle shall yield the right-of-way to any pedestrians on a sidewalk.

(Ill. Rev. Stat. Ch. 95½, § 11-1008)
Penalty, see § 70.99

§ 74.10 PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES

Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and visual signals meeting the requirements of Ill. Rev. Stat. Ch. 95½, § 12-601, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

(Ill. Rev. Stat. Ch. 95½, § 11-1009)
Penalty, see § 70.99

§ 74.11 PEDESTRIANS UNDER INFLUENCE OF ALCOHOL OR DRUGS

A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway, except on a sidewalk.

(Ill. Rev. Stat. Ch. 95½, § 11-1010)

Penalty, see § 70.99

§ 74.12 BRIDGE AND RAILROAD SIGNALS

(A) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(B) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(C) No pedestrian shall enter, remain upon or traverse over a railroad grade crossing or pedestrian walkway crossing a railroad track when an audible bell or clearly visible electric or mechanical signal device is operational giving warning of the presence, approach, passage, or departure of a railroad train.

(D) A violation of any part of this section shall result in a mandatory fine of five hundred dollars ($500.00) or fifty (50) hours of community service.

(E) Local authorities shall impose fines as established in division (D) for pedestrians who fail to obey signals indicating the presence, approach, passage, or departure of a train.

(Ill. Rev. Stat. Ch. 95½, § 11-1011)

Penalty, see § 70.99

§ 74.13 MOTORIZED WHEELCHAIRS

Every person operating a motorized wheelchair upon a sidewalk or roadway shall be granted all the rights and shall be subject to all the duties applicable to a pedestrian.

(Ill. Rev. Stat. Ch. 95½, § 11-1004.1)

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CHAPTER 75

EQUIPMENT; LOADS

Equipment

75.01 Scope and effect of equipment requirements
75.02 Clear vision; obstruction of rear view
75.03 Gas and smoke emission
75.04 Unnecessary noise
75.05 Bicycles; lamps required

Loads

75.10 Scope and effect of size, weight, and load regulations
75.10A 90-day load limit on certain city streets
75.10B Commercial vehicle prohibited on certain city streets
75.10C Special permits for excess loads
75.11 Projecting loads on passenger vehicles
75.12 Protruding members of vehicles
75.13 Spilling loads prohibited
75.14 Pushing of disabled vehicles

75.99 Penalty

EQUIPMENT

§ 75.01 SCOPE AND EFFECT OF EQUIPMENT REQUIREMENTS

(A) 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 an unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with the lamps and other equipment in proper condition and adjustment as required in Ill. Rev. Stat. Ch. 95½, § 12-100 et seq., or which is equipped in any manner in violation of Ill. Rev. Stat. Ch. 95½, § 12-100 et seq., or for any person to do any act forbidden or fail to perform any act required under Ill. Rev. Stat. Ch. 95½, § 12-100 et seq.

(B) The provisions of Ill. Rev. Stat. Ch. 95½, § 12-100 et seq., with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, or to farm-wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed thirty six thousand (36,000) pounds and used only for the transportation of bulk fertilizer, or to farm-wagon type tank trailers of not to exceed two thousand (2,000) gallons capacity, used during the liquid fertilizer season as field-storage ***nurse tanks***, supplying the fertilizer to a field applicator and highways only for bringing the fertilizer to a field applicator from a local source of supply to the farm or field or from one (1) farm or field to another.

(Ill. Rev. Stat. Ch. 95½, § 12-101)

Penalty, see § 70.99

§ 75.02 CLEAR VISION; OBSTRUCTION OF REAR VIEW

(A) 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.

(B) Any vehicles with the view of the roadway to the rear obstructed, shall be equipped with a mirror so attached as to give him a view of the roadway behind him.

Penalty, see § 70.99

§ 75.03 GAS AND SMOKE EMISSION

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.

Penalty, see § 70.99

§ 75.04 UNNECESSARY NOISE

It shall be unlawful to operate a motor vehicle which makes unusually loud or unnecessary noises due to mechanical defects or alterations or due to the manner in which such vehicle is being operated.

Penalty, see § 70.99

§ 75.05 BICYCLES; LAMPS REQUIRED

Every bicycle, when upon a street during the period from sunset to sunrise, shall be equipped with at least one lighted lamp exhibiting a white light, or light of a yellow or amber tint, visible form a distance of five hundred (500) feet to the front of the bicycle and with at least one (1) lighted lamp exhibiting a red light visible from a distance of five hundred (500) feet to the rear.

Penalty, see § 70.99

LOADS

§ 75.10 SCOPE AND EFFECT OF SIZE, WEIGHT, AND LOAD REGULATIONS

(A) It is unlawful for any person to drive or move on, upon, or across, or for the owner to cause or knowingly permit to be driven or moved on, upon, or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in ILCS Ch. 625, Act 5 § 15-101 et. seq. (1993)

(B) The provisions of division (A) above shall not apply to fire apparatus or equipment for snow and ice removal operations owned or operated by any governmental body, or to implements of husbandry temporarily operated or towed in a combination upon a highway provided such combination does not consist of more than three (3) vehicles or, in the case of hauling fresh, perishable fruits or vegetables from the farm to the point of first processing, not more than three (3) wagons being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit,

(Ord. 1699, passed 11-4-91; Am. Ord. 1762, passed 12-7-92;
Am. Ord. 1819, passed 12-6-93)
Penalty, see § 75.99

Statutory reference:
Power of municipalities to regulate loads, see Ill. Rev. Stat. Ch. 24, § 11-40-1

§ 75.10A 90-DAY LOAD LIMIT ON CERTAIN CITY STREETS

(A) Notwithstanding § 75.10 above, it shall be unlawful to operate any truck or commercial vehicle upon the following streets in the city with a load of more than six (6) tons, or where a load is measured in yards then a load of more than three (3) yards, during the ninety (90) day period of each year commencing February 1 and ending April 30:

(1) South Cummings Lane from English Oak to its southern extremity;

(2) Dallas Road from Newcastle Road to Cruger Road;

(3) Foster Road in its entirety;

(4) Pinetree Drive in its entirety;

(5) Shellbark Court in its entirety;

(6) All portions of Guth Road located within the corporate limits of the City;

(7) Legion Road from U.S. Route 8 to its southern extremity;

(8) School Street in its entirety;

(9) Nofsinger Road from West Cruger Road on the south to the terminus of Nofsinger Road on the north.

(Ord. 1819, passed 12-6-93; Am. Ord. 1983, passed 3-4-96; Am. Ord. 2025, passed 8-5-96;
Am. Ord. 2114, passed 3-16-98; Am. Ord. 2347, passed 12-19-01;

Am. Ord. 2426, passed 12-16-02; Am. Ord. 2512, passed 2-2-04;
Am. Ord. 2669, passed 4-17-06; Am. Ord. 2766, passed 2-4-08; Am. Ord. 2910, passed 11-1-10)
Penalty, see § 75.99

§ 75.10B COMMERCIAL VEHICLES PROHIBITED ON CERTAIN CITY STREETS

Notwithstanding § 75.10 and § 75.10A of the Code of Ordinances of the City of Washington above, it shall be unlawful to operate any truck or commercial vehicle with a load of more than four (4) tons upon the following streets in the city, except for the purpose of making a pickup or delivery (including garbage pickup) and then for one (1) block only on any street so designated by ordinance with an appropriate sign posted. Trucks or commercial vehicles with a load of more than four (4) tons shall be prohibited on the following streets:

(A) Jefferson Street from Lawndale Street to Wilmore Road;

(B) West Holland Street in its entirety;

(C) South Market Street in its entirety;

(D) Knollcrest Drive in its entirety;

(E) North Lawndale from Jefferson Street to Hilldale Street;

(F) Gillman Avenue in its entirety;

(G) Elgin Avenue in its entirety;

(H) Eagle Avenue in its entirety;

(I) Grandyle Drive in its entirety.

(J) Zinser Place in its entirety.

(Ord. 1819, passed 12-6-93; Am. Ord. 2484, passed 10-6-03; Am. Ord. 3142, passed 8-3-15)
Penalty, see § 75.99

§ 75.10C SPECIAL PERMITS FOR EXCESS LOADS

(A) For purposes of §§ 75.10, 75.10A, and 75.10B of this chapter, the term TRUCK OR COMMERCIAL VEHICLE shall specifically exclude from the meaning thereof any vehicle owned or operated by a unit of local government while such vehicle is engaged in

the business of such unit of local government, and shall exclude from the meaning thereof all emergency vehicles.

(B) The City Administrator, or his duly authorized agent, with respect to highways under the jurisdiction of the city may, in his discretion, upon application and good cause being shown therefore, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in §§ 75.10, 75.10A, 75.10B or otherwise not in conformity with said provisions upon any street within the city. Applications and permits other than those in written or printed form may only be accepted from or issued to the company or individual making the movement. Except for an application to move directly across a highway, the application shall show that the load to be moved by such vehicle or combination of vehicles cannot reasonably be dismantled or disassembled. ***GOOD CAUSE*** shall include extraordinary circumstances or an emergency where no other route is available.

(C) The application for any such permit shall:

(1) State whether such permit is requested for a single trip or for limited continuous operation;

(2) State if the applicant is an authorized carrier under the Illinois Motor Carrier of Property law, and if so, his certificate, registration, or permit number issued by the Illinois Commerce Commission;

(3) Specifically describe and identify the vehicle or vehicles and load to be operated or moved except that for vehicles or vehicle combinations registered by the Department of Transportation as provided in § 15-319 of the Illinois Vehicle Code, only the Illinois Department of Transportation's registration number or classification need be given;

(4) State the route being requested including the points of origin and destination; and

(5) State if the vehicles or loads are being transported for hire.

No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Motor Carrier of Property law to have a certificate, registration or permit and does not have such certificate, registration or permit.

(D) The City Administrator, or his duly authorized agent, may issue or withhold such a permit at his discretion; or if such permit is issued at his discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time

limitations within which the vehicle as described may be operated on the streets indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(E) The applicant for any permit as hereinabove provided shall agree to be responsible for and pay to the city all damages that may occur to any street or roadway by reason of the transporting or hauling of such load over or upon same. The applicant shall be required to indemnify the city against any and all damage to streets or street foundations or surfaces or structures, and may be required to provide security as deemed necessary to compensate for any injury to said street or street structure prior to the granting of said permit.

(Ord. 1819, passed 12-6-93)

Penalty, see § 75.99

§ 75.11 PROJECTING LOADS ON PASSENGER VEHICLES

No passenger-type vehicle shall be operated on any street with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle, nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.

(Ill. Rev. Stat. Ch. 95½, § 15-105)

Penalty, see § 70.99

§ 75.12 PROTRUDING MEMBERS OF VEHICLES

No vehicle with boom, arm, drill rig, or other protruding component shall be operated upon the highway unless the protruding component is fastened so as to prevent shifting, bouncing, or moving in any manner.

(Ill. Rev. Stat. Ch. 95½, § 15-106)

Penalty, see § 70.99

§ 75.13 SPILLING LOADS PROHIBITED

(A) No vehicle shall be driven or moved on any street unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(B) No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(C) The State Department of Transportation shall adopt those rules and regulations it deems appropriate which require the securing of steel rolls and other objects on flatbed trucks so as to prevent injury to users of highways and damage to property. Any person who operates a flatbed truck on any highway in violation of the rules and regulations promulgated by the State Department of Transportation under this division shall be punished as provided in § 70.99.

(Ill. Rev. Stat. Ch. 95½, § 15-109)
Penalty, see § 70.99

§ 75.14 PUSHING OF DISABLED VEHICLES

It is unlawful under any circumstances for any vehicle to push any other vehicle on or along any highway outside an urban area in this municipality, except in an extreme emergency, and then the vehicle shall not be pushed farther than is reasonably necessary to remove it from the roadway or from the immediate hazard that exists.

(Ill. Rev. Stat. Ch. 95½, § 15-114)
Penalty, see § 70.99

§ 75.99 PENALTY

(A) Except as hereinafter otherwise provided, whoever violates any provisions of this Chapter 75 for which another penalty is not already otherwise provided, shall, upon conviction, be subject to a fine of not more than five hundred dollars ($500.00).

(B) When any vehicle is operated in violation of any of the provisions of §§ 75.10, 75.10A, 75.10B, or 75.10C, the owner or driver of the vehicle shall be deemed guilty of a violation, and either the owner or the driver of the vehicle may be prosecuted for the violation. Any person, firm, or corporation convicted of violating any of the provisions of §§ 75.10, 75.10A, 75.10B or 75.10C shall be fined seventy five dollars ($75.00) for every five hundred (500) pounds or fraction thereof for any load exceeding that which is provided under said §§ 75.10, 75.10A, 75.10B, or 75.10C. Any person, firm, or corporation convicted of violating the GVWR provision of § 75.10B shall, upon conviction, be subject to a fine of not less than two hundred fifty dollars ($250.00) and not more than seven hundred fifty dollars ($750). Violations of these sections of Chapter 132 may be enforced by issuance of a “Notice of Violation” for the fine amount enumerated herein, or by issuance of a Notice to Appear. In the case of violation of the

GVWR provision of § 75.10B, the notice of violation fine amount shall be two hundred fifty dollars ($250.00).

(Ord. 1819, passed 12-6-93; Am. Ord. 3143, passed 8-3-15)

CHAPTER 76

MOTOR VEHICLE CRIMES

76.01 Driving while under the influence of alcohol, other drug, or combination thereof
76.02 Suspension of driver's license; implied consent
76.03 Chemical and other tests
76.04 Transportation of alcoholic liquor; penalty
76.05 Permitting a driver under the influence to operate a motor vehicle
76.06 Reckless driving; aggravated reckless driving
76.07 Accidents involving death or personal injuries
76.08 Duty to give information and render aid
76.09 Accident involving damage to vehicle
76.10 Duty upon damaging unattended vehicle or other property
76.11 Duty to report accident
76.12 False reports
76.13 When driver fails to report

§ 76.01 DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, OTHER DRUG, OR COMBINATION THEREOF

(A) A person shall not drive or be in actual physical control of any vehicle within this municipality while:

(1) The alcohol concentration in the person's blood or breath is eight hundredths (0.08) or more based on the definition of blood and breath units in § 76.03;

(2) Under the influence of alcohol;

(3) Under the influence of any other drug or combination of drugs to a degree which renders the person incapable of safely driving;

(4) Under the combined influence of alcohol and any other drug or drugs to a degree which renders the person incapable of safely driving; or

(5) There is any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in Ill. Rev. Stat. Ch. 56½, § 701 et seq. or a controlled substance listed in Ill. Rev. Stat. Ch. 56½, § 1100 et seq.

(B) The fact that any person charged with violating this section is or has been legally entitled to use alcohol, or other drugs, or any combination of both, shall not constitute a defense against any charge of violating this section.

(Ill. Rev. Stat. Ch. 95½, § 11-501 (a),(b))

§ 76.02 SUSPENSION OF DRIVER'S LICENSE; IMPLIED CONSENT

(A) Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this municipality shall be deemed to have given consent, subject to the provisions of § 76.03, to a chemical test or tests of blood, breath, or urine for the purpose of determining the alcohol, other drug, or combination thereof content of such person's blood if arrested, as evidenced by the issuance of a traffic ticket, for any offense as defined in § 76.01. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(B) Any person who is dead, unconscious, or who is otherwise in a condition rendering such person incapable of refusal, shall be deemed not to have withdrawn the consent provided by division (A) above and the test or tests may be administered, subject to the provisions of § 76.03

(C) (1) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in the statutory summary suspension of such person's privilege to operate a motor vehicle as provided in Ill. Rev. Stat. Ch. 95½, § 6-208.1. The person shall also be warned by the law enforcement officer that if the person submits to the test or tests provided in division (A) above and the alcohol concentration in such person's blood or breath is 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis, as covered by Ill. Rev. Stat. Ch. 56½, § 701 et seq., or a controlled substance listed in Ill. Rev. Stat. Ch. 56½, § 1100 et seq., is detected in the person's blood or urine, a statutory summary suspension of such person's privilege to operate a motor vehicle, as provided in Ill. Rev. Stat. Ch. 95½,, § 6-208.1 and this section, will be imposed.

(2) A person who is under the age of twenty one (21) at the time the person is requested to submit to a test as provided above shall, in addition to the warnings provided for in this section, be further warned by the law enforcement officer requesting the test that if the person submits to the test or tests provided in division (A) of this section and the alcohol concentration in the person's blood or breath is greater than zero (0.00) and less than 0.08, a suspension of the person's privilege to operate a motor vehicle, as provided under Ill. Rev. Stat. Ch. 95½, §§ 6-208.2 and 11-501.8, will be imposed. The results of this test shall be admissible in a civil or criminal action or proceeding arising from an arrest for an offense as

defined in Ill. Rev. Stat. Ch. 95½ 11-501 or a similar provision of a local ordinance or pursuant to Ill. Rev. Stat. Ch. 95½ § 11-501.4 in prosecutions for reckless homicide brought under the Criminal Code of 1961. These test results, however, shall be admissible only in actions or proceedings directly related to the incident upon which the test request was made.

(D) If the person refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in Ill. Rev. Stat. Ch. 56½, § 701 et seq., or a controlled substance listed in Ill. Rev. Stat. Ch. 56½, § 1100 et seq., the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested pursuant to division (A) above and the person refused to submit to a test, or tests, or submitted to testing which disclosed an alcohol concentration of 0.08 or more.

(E) Upon receipt of the sworn report of a law enforcement officer submitted under division (D) above, the Secretary of State shall enter the statutory summary suspension for the periods specified in Ill. Rev. Stat. Ch. 95½, § 6-208.1, and effective as provided in division (G) below. If the person is a first offender as defined in Ill. Rev. Stat. Ch. 95½, § 11-500, and is not convicted of a violation of § 76.01, then reports received by the Secretary of State under this section shall, except during the actual time the statutory summary suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities or the Secretary of State.

(F) The law enforcement officer submitting the sworn report under division (D) shall serve immediate notice of the statutory summary suspension on the person and such suspension shall be effective as provided in division (G). In cases where the blood alcohol concentration of 0.10 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis, as covered by Ill. Rev. Stat. Ch. 56½, § 701 et seq., or a controlled substance listed in Ill. Rev. Stat. Ch. 56½, § 1100 et seq., is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer shall give notice as provided in this section or by deposit in the United States mail of such notice in any envelope with postage prepaid and addressed to such person at his address as shown on the Uniform Traffic Ticket and the statutory summary suspension shall begin as provided in division (G). The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, which will allow that person to drive during the periods provided for in division (G). The officer shall immediately forward the driver's license or permit to the circuit court of venue along with the sworn report provided for in division (D).

(G) The statutory summary suspension referred to in this section shall take effect on the forty-sixth (46th) day following the date the notice of the statutory summary suspension was given to the person.

(H) The following procedure shall apply whenever a person is arrested for any offense as defined in § 76.01. Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension by mailing a notice of the effective date of such suspension to the person and the court of venue. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension shall not be mailed to the person or entered to the record, instead the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any such defect.

(Ill. Rev. Stat. Ch. 95½, § 11-501.1)

§ 76.03 CHEMICAL AND OTHER TESTS

(A) Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in § 76.01 or proceedings pursuant to Ill. Rev. Stat. Ch. 95½, § 2-118.1 evidence of the concentration of alcohol, other drug, or combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath, or other bodily substance, shall be admissible. Where such a test is made the following provisions shall apply:

(1) Chemical analysis of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this section shall have been performed according to standards promulgated by the State Department of Public Health in consultation with the Department of State Police by a licensed physician, registered nurse, trained phlebotomist acting under the direction of a licensed physician, certified paramedic, or other individual possessing a valid permit issued by that Department for this purpose.

(2) When a person shall submit to a blood test at the request of a law enforcement officer under the provisions of § 76.02, only a physician authorized to practice medicine, a registered nurse, trained phlebotomist, or certified paramedic, or other qualified person approved by the State Department of Public Health may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath or urine specimens.

(3) The person tested may have a physician, or a qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(4) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or the person's attorney.

(5) Alcohol concentration shall mean either grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath.

(B) Upon the trial of any civil or criminal action or proceeding arising out of the acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(1) If there was at that time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol.

(2) If there was at that time an alcohol concentration in excess of 0.05 but less than 0.08, such facts shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

(3) If there was at that time an alcohol concentration of 0.08 or more, it shall be presumed that the person was under the influence of alcohol.

(4) The foregoing provisions of this section shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(C) (1) If a person under arrest refuses to submit to a chemical test under the provisions of § 76.02, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, or other drugs, or combination of both was driving or in actual physical control of a motor vehicle.

(2) Notwithstanding any ability to refuse under this code to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a motor vehicle driven by or in actual physical control of a person under the influence of alcohol, any other drug, or combination of both has caused the death or personal injury to another, that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath or urine for the purpose of determining the alcohol content thereof or the presence of any other drug or combination of both. This provision does not affect the applicability of or imposition of driver's license sanctions under Ill Rev. Stat. Ch. 95½, § 11-501.1.

(3) For purposes of this section, a personal injury includes any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Ill. Rev. Stat. Ch. 95½, § 11-501.2)

§ 76.04 TRANSPORTATION OF ALCOHOLIC LIQUOR; PENALTY

(A) Except as provided in division (C) below, no person shall transport, carry, possess, or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway in this municipality except in the original container and with the seal unbroken.

(B) Except as provided in division (C) below no passenger may carry, possess, or have any alcoholic liquor within any passenger area of any motor vehicle upon a highway in this municipality except in the original container and with the seal unbroken.

(C) This section shall not apply to passengers on a chartered bus when it is being used for purposes for which chartered busses are ordinarily used or on a motor home or mini-motor home as defined in Ill. Rev. Stat. Ch. 95½, § 1-145.01. However, the driver of the vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of the driver's failure to obey this section.

(D) The exemption applicable to chartered busses under division (C) above does not apply to any chartered bus being used for school purposes.

(E) Any driver who is convicted of violating division (A) of this section for a second or subsequent time within one (1) year of a similar conviction shall be subject to suspension of driving privileges as provided in Ill. Rev. Stat. Ch. 95½, § 6-206(24)(a).

(Ill. Rev. Stat. Ch. 95½, § 11-502)

(F) Whoever violates any provision of this section shall be fined not less than seventy five dollars ($75.00) nor more than five hundred dollars ($500.00).

(Ord. 1387, passed 10-3-83)

§ 76.05 PERMITTING A DRIVER UNDER TIE INFLUENCE TO OPERATE A MOTOR VEHICLE

No person shall knowingly cause, authorize, or permit a motor vehicle owned by, or under the control of, the person to be driven or operated upon a highway by anyone who is under the influence of alcohol, other drugs, or combination thereof. This provision shall not apply to a spouse of the person who owns or has control of, or a co-owner of, a motor vehicle, or to a bailee for hire.

(Ill. Rev. Stat. Ch. 95½, § 6-304.1)

Penalty, see § 70.99

§ 76.06 RECKLESS DRIVING; AGGRAVATED RECKLESS DRIVING

(A) Any person who drives any vehicle with a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(B) Every person convicted of reckless driving shall be guilty of a Class A misdemeanor, except as provided under division (C) of this section.

(C) Every person convicted of committing a violation of division (A) shall be guilty of aggravated reckless driving if the violation results in a great bodily harm or permanent disability or disfigurement to another. Aggravated reckless driving is a Class 4 felony.

(Ill. Rev. Stat. Ch. 95½, § 11-503(a))

Penalty, see § 70.99

§ 76.07 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURIES.

(A) The driver of any vehicle involved in a motor vehicle accident resulting in personal injury to or death of any person shall immediately stop the vehicle at the scene of the accident, or as close thereto as possible, and shall then forthwith return to, and in every event shall remain at the scene of the accident until the requirements of § 76.09 have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary.

(B) Any person who has failed to stop or to comply with the requirements of paragraph (a) shall, as soon as possible but in no case later than one (1) hour after the motor vehicle

accident, or, if hospitalized and incapacitated from reporting at any time during such period, as soon as possible but in no case later than one (1) hour after being discharged from the hospital, report the place of the accident, the date, the approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of the vehicle, at the police station or sheriffs office near the place where the accident occurred. No report made as required under this division shall be used, directly or indirectly, as a basis for the prosecution of any violation of division (A).

(C) For purposes of this section, ***personal injury*** shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office.

(D) In addition to other penalties provided, the Secretary of State shall revoke the driving privilege of any person convicted of a violation of this section.

(Ill. Rev. Stat. Ch. 95½, § 11-401)

Penalty, see § 70.99

§ 76.08 DUTY TO GIVE INFORMATION AND RENDER AID

(A) The driver of any vehicle involved in a motor vehicle accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give the driver's name, address, registration number, and owner of the vehicle the driver is operating, and shall upon request and if available, exhibit the driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in the accident reasonable assistance, including the carrying or the making of arrangements for the carrying of the person to a physician, surgeon, or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

(B) If none of the persons entitled to information pursuant to this section is in condition to receive and understand the information and no police officer is present, the driver, after rendering reasonable assistance, shall forthwith report the accident at the Police Department, disclosing the information required by this section.

(Ill. Rev. Stat. Ch. 95½, § 11-403)

Penalty, see § 70.99

§ 76.09 ACCIDENT INVOLVING DAMAGE TO VEHICLE

(A) The driver of any vehicle involved in a motor vehicle accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop the vehicle at the scene of the motor vehicle accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of the motor vehicle

accident until the requirements of this chapter have been fulfilled. Every stop shall be made without obstructing traffic more than is necessary.

(B) Upon conviction of a violation of this section, the court shall make a finding as to whether the damage to a vehicle is in excess of one thousand dollars ($1,000.00), and in such case a statement of this finding shall be reported to the Secretary of State with the report of conviction.

(Ill. Rev. Stat. Ch. 95½, § 11-402)
Penalty, see § 70.99

§ 76.10 DUTY UPON DAMAGING UNATTENDED VEHICLE OR OTHER PROPERTY

The driver of any vehicle which collides with or is involved in a motor vehicle accident with any vehicle which is unattended, or other property, resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of the driver's name, address, registration number, and owner of the vehicle the driver was operating or shall attach securely in a conspicuous place on or in the vehicle or other property struck a written notice giving the driver's name, address, registration number, and owner of the vehicle the driver was driving and shall without unnecessary delay notify the Police Department and shall make a written report of such accident when and as required in § 76.12. Every such stop shall be made without obstructing traffic more than is necessary.

(Ill. Rev. Stat. Ch. 95½, § 11-404)
Penalty, see § 70.99

§ 76.11 DUTY TO REPORT ACCIDENT

(A) The driver of a vehicle which is in any manner involved in an accident within this municipality, resulting in injury to or death of any person or in which damage to the property of any one address, person, including himself, in excess of two hundred fifty dollars ($250.00) is sustained shall, as soon as possible but not later than ten (10) days after the accident, file with the Police Department a copy of the accident report required to be filed with the state under Ill. Rev. Stat. Ch. 95½, § 11-406.

(B) Whenever a school bus is involved in an accident in this municipality, caused by a collision, a sudden stop, or otherwise, resulting in any property damage, personal injury, or death, and whenever an accident occurs within fifty (50) feet of a school bus in this municipality resulting in personal injury to or the death of any person while awaiting or preparing to board the bus or immediately after exiting the bus, the driver shall as soon as possible, but not later than ten (10) days after the accident, forward a written report to the

Police Department. If a report is also required under division (A) above, that report and the report required by this division (B) shall be submitted on a single form.

(C) The Chief of Police may require any driver, occupant, or owner of a vehicle involved in an accident of which report must be made as provided in this section or § 76.14 to file supplemental reports whenever the original report is insufficient in the opinion of the Chief of Police and may require witnesses of the accident to submit written reports. The report may include photographs, charts, sketches, and graphs.

(D) Should the Police Department learn through other reports of accidents required by law of the occurrence of an accident reportable under §§ 76.08 through 76.14 and the driver, owner, or witness has not reported as required under (A) or (C) above or § 76.14 within the time specified, the person is not relieved of the responsibility and the Police Department shall notify the person by first class mail directed to his last known address of his legal obligation. However, the notification is not a condition precedent to impose the penalty for failure to report as provided in (E) below.

(E) The Secretary of State shall suspend the driver's license or any nonresident's driving privilege of any person who fails or neglects to make report of a traffic accident as herein required or as required by any other law of this state.

(Ill. Rev. Stat. Ch. 95½, § 11-406)

Statutory reference:
Authorization for municipalities to require accident reports, see Ill. Rev. Stat. Ch. 95½, § 11-415

§ 76.12 FALSE REPORTS

Any person who provides information in an oral or written report required by §§ 76.08 through 76.14 with knowledge or reason to believe that the information is false shall be punished as provided in § 70.99.

(Ill. Rev. Stat. Ch. 95½, § 11-409)

§ 76.13 WHEN DRIVER FAILS TO REPORT

Whenever the driver of a vehicle is physically incapable of making a required written accident report and if there was another occupant in the vehicle at the time of the motor vehicle accident capable of making a written report, the occupant shall make or cause the written report to be made. If the driver fails for any reason to make the report the owner of the vehicle involved in the motor vehicle accident shall, as soon as practicable, make the report to the Police Department.

(Ill. Rev. Stat. Ch. 95½, § 11-410)

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TITLE IX

GENERAL REGULATIONS

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CHAPTER 90

ABANDONED VEHICLES AND EQUIPMENT

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§ 90.01 DEFINITIONS

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

ABANDONED VEHICLE. For purposes of this Ordinance, and "Abandoned Vehicle" shall mean any vehicle which is left on any property for such time and under such circumstances as to cause such vehicles reasonably to appear to have been abandoned. For purposes of this provision, a vehicle shall be presumed to be an Abandoned Vehicle if: (i) it remains in or on a Public Place for more than twenty four (24) hours after a notice to remove has been placed on the vehicle, or (ii) it remains on Property for more than twenty four (24) hours after the Property Owner gives notice to the Chief of Police (when the owner and/or occupant of the Property is not the Registered Owner of the vehicle), or (iii) it remains on Property for more than seven (7) days after the Chief of Police has given Notice of Removal as provided in this Ordinance.

(Am. Ord. 2254, passed 11-6-00; Am. Ord. 2814, passed 1-5-09)

ABANDONMENT. For purposes of this Ordinance, "Abandonment" shall mean the act of leaving, placing, and/or abandoning any vehicle such that it is an Abandoned Vehicle as defined herein.

(Am. Ord. 2814, passed 1-5-09)

ANTIQUE VEHICLE. A motor vehicle shall be considered an "Antique Vehicle" under this Ordinance if the vehicle is more than twenty five (25) years of age or a bona fide replica thereof and which is driven on the highways only going to and returning from an antique auto show or an exhibition, or for servicing or demonstration, or a firefighting

vehicle more than twenty (20) years old which is not used as firefighting equipment but is used only for the purpose of exhibition or demonstration.

(Am. Ord. 2814, passed 1-5-09)

INOPERABLE MOTOR VEHICLE. An "Inoperable Vehicle" shall mean any Vehicle on (i) any Public Place for any period of time during which the engine, wheels, windshield, rear window, doors, or other parts have been removed, or in which the engine, wheels, windshield, rear window, doors, or other parts have been altered, damaged, wrecked, dismantled, deteriorated, or otherwise so treated that the vehicle is incapable of being safely driven under its own motor power, or does not display a current, valid registration or (ii) on any Property in view of the general public for a period of seven (7) days or more, for which the engine, wheels, windshield, rear window, doors, or other parts have been removed, or in which the engine, wheels, windshield, rear window, doors, or other parts have been altered, damaged, wrecked, dismantled, deteriorated, or otherwise so treated that the vehicle is incapable of being safely driven under its own motor power, or does not display a current, valid registration; provided, that this definition shall not be construed to include any motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary services or repair operations by a Person engaged in the business of performing such ordinance services or repairs and the vehicle is located on the property where the business is located, nor to any motor vehicle that is kept entirely within a building when not in use or to a motor vehicle on the premises of a duly licensed place of business engaged in the towing, repairing, wrecking or junking of motor vehicles.

(Am. Ord. 2254, passed 11-6-00; Am. Ord. 2814, passed 1-5-09)

PERSON. For purposes of this Ordinance, "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

PROPERTY. For purposes of this Ordinance, "Property" shall mean any real property, including without limitation private property, within the city which is not a Public Place.

PUBLIC PLACE. For purposes of this Ordinance, "Public Place" shall mean any and all Streets or Highways, boulevards, alleys, avenues, lanes, sidewalks, or other public ways; lakes, rivers, watercourses, or fountains, and any and all squares, plazas, spaces, grounds, and buildings under the control of the City.

REGISTERED OWNER. For purposes of this Ordinance, the "Registered Owner" of any vehicle shall be the Person indicated as the owner of the vehicle on the registration records of the Illinois Secretary of State's office, or other equivalent office of another state, province or country.

STREET or **HIGHWAY**. For purposes of this Ordinance, the term "Street" or "Highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of public for purposes of vehicular travel.

UNCLAIMED VEHICLE. For purposes of this Ordinance, the term "Unclaimed Vehicle" shall mean any vehicles for which the Chief of Police is unable to determine who is the Registered Owner of the Vehicle after reasonable efforts of investigation.

VEHICLE. For purposes of this Chapter, the term "vehicle" shall mean all motor vehicles and trailers, including, but not limited to, automobiles, trucks, travel trailers, campers, motor homes, tent trailers, boats, boat trailers, snowmobiles, snowmobile trailers, and camping trailers.

(Am. Ord. 2254, passed 11-6-00; Am. Ord. 2814, passed 1-5-09)

§ 90.02 PROHIBITED ACTS

(a) Vehicles in Public Places.

The Abandonment of a Vehicle or any part thereof and/or the Abandonment of an Inoperable Vehicle on any Public Place in the City is unlawful and subject to penalties as set forth in this Chapter.

(b) Vehicles on Private Property.

The abandonment of a Vehicle or any part thereof, or the existence of an Inoperable Vehicle or any part thereof on private Property in view of the general public, anywhere in the City is unlawful and subject to penalties as set forth in this Chapter.

(Am. Ord. 2254, passed 11-6-00; Am. Ord. 2814, passed 1-5-09)

Penalty, see § 90.99

§ 90.03 REMOVAL OF VEHICLES

(A) **Vehicles in Public Places.**

(1) **Highways and Adjacent Areas.** An Abandoned Vehicle or any part thereof, or an Inoperable Vehicle, or any part thereof, abandoned or left unattended on or in a highway for 24 hours or more may be authorized for removal by or upon the order of the Chief of the Police Department or City Administrator or his or her designee. When an abandoned, unattended, wrecked, burned or partially dismantled Vehicle is creating a traffic hazard because of its position in relation to a highway or its physical appearance is causing the impeding of traffic, its

immediate removal from the highway or Public Place adjacent to the highway by a towing service may be authorized by the Chief of the Police Department.

(2) **Other Public Places.** An abandoned Vehicle or any part thereof, or an Inoperable Vehicle, or any part thereof, abandoned or left unattended on or in a Public Place, other than a highway, for 24 hours or more may be designated for removal by or upon the direction of the Chief of the Police Department or City Administrator, or his or her designee. The Chief of the Police Department or City Administrator, or his or her designee, may authorize the removal of an Abandoned Vehicle or Inoperable Vehicle from a Public Place only after the procedures for notice and informal hearing, as provided in § 90.05 have been followed.

(B) **Vehicles on Private Property**

(1) **Authorization by Property Owner.** An Abandoned Vehicle, or any part thereof, or an Inoperable Vehicle, or any part thereof, on or in private Property may be removed by or upon the written order of the owner of the property in accordance with state law.

(2) **Authorization by City.** If, in the discretion of the Chief of Police or the City Administrator, an Abandoned Vehicle or Inoperable Vehicle on private Property presents a safety concern or issue, or is lost or stolen, the Chief of the Police Department or City Administrator, or his or her designee, may authorize the immediate removal of a Vehicle on private Property.

(Am. Ord. 2814, passed 1-5-09)

§ 90.04 NOTIFICATION TO POLICE AND INVESTIGATION

When a Vehicle comes into the temporary possession or custody of a Person in the City, and the Person is not the owner of the Vehicle and does not know who the owner of the Vehicle might be, such Person shall immediately notify the Police Department of the Vehicle. Upon receipt of such notification, the Chief of Police shall authorize or conduct an investigation of the Vehicle to determine whether the Vehicle is lost or stolen, or an Unclaimed Vehicle, and if, in the Chief of Police's discretion it is warranted, the Chief of Police may authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents; maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof; or until it is disposed of as provided in this chapter.

(Am. Ord. 2814, passed 1-5-09)

§ 90.05 TOWING AWAY VEHICLE; NOTICE; HEARING

(A) When an Abandoned Vehicle or Inoperable Vehicle is on a Public Place in the City and it is not endangering the public safety or impeding the efficient movement of traffic, the Chief of Police or the City Administrator, or his or her designee, may authorize the towing of the vehicle only after the procedures for notice and informal hearing, as provided herein, have been followed. If the Chief of Police or City Administrator determines it is necessary to tow the vehicle, the Chief of Police shall send a written Notice of the City's intention to have the vehicle towed and of the owner's right to a hearing by certified or registered mail to the Registered Owner of the vehicle at the owner's address shown on the vehicle registration and to any lien holder whose interest appears in the registration records. If the vehicle is not currently registered and the owner's address or whereabouts cannot be determined upon making reasonable inquiry, the requirement of notice shall satisfied by posting a copy of the Notice at City Hall.

(B) The Notice shall be dated, and if the Registered Owner does not file a written request for a hearing with the Chief of Police within seven (7) days of the mailing (or posting, as the case may be) of the Notice, the Chief may authorize the vehicle to be removed by a towing service.

(C) In the event the Owner requests a hearing, then such a hearing shall be scheduled in front of the Chief or other member of the Police Department designated by him as a hearing officer. Unless otherwise agreed by the Chief and the Owner, the hearing shall be scheduled and held not less than one (1) business days after the Chief receives the written request for a hearing. If at the hearing the owner agrees to remove the vehicle within twenty four (24) hours, and in fact removes the vehicle within said time, the vehicle shall not be towed and no fine or penalty shall be assessed against the owner. If after the hearing the owner does not agree to remove the Vehicle, and after considering all of the testimony and other evidence offered, the Chief, or his designee, determines that the vehicle in question is an Abandoned Vehicle or Inoperable Vehicle, the Chief may issue an Order requiring the Owner to remove the vehicle within twenty four (24) hours and if the Vehicle is not removed within that period of time, thereafter authorize the towing of the Vehicle.

(Am. Ord. 2814, passed 1-5-09)

§ 90.06 RECORDS TO BE KEPT

When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, and license plate year and number displayed on the vehicle. The record shall also

include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.

§ 90.07 OBTAINING REGISTRATION INFORMATION

(A) When the City Police Department does not know the identity of the registered owner, they will cause the state motor vehicle registration records to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

(B) The Police Department will cause the stolen motor vehicle files of the state police to be searched by a direct communication to the state police for stolen or wanted information on the vehicle. When the state police files are searched with negative results, the information contained in the national crime information center (NCIC) files will be searched by the state police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made, and setting forth public sale information.

(C) When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of the state or from the registration files of a foreign state, if applicable, Police Department shall notify the State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the vehicle. The information obtained by the state police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of the owner.

(Am. Ord. 2814, passed 1-5-09)

§ 90.08 PUBLIC SALE NOTICE

(A) Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such

notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

(B) In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the address obtained from the registration records of this state, the sending of a second certified notice will not be required.

§ 90.09 DISPOSAL OF PROPERTY IN AUTHORIZED MANNER

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

(B) When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this chapter, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by mail, public service or in person for a state police stolen motor vehicle filed for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only. However, any abandoned or inoperable vehicle which is determined by the Chief of Police to have a value of two hundred dollars ($200.00) or more and can be restored in a safe operating condition may be disposed of by direct sale to a licensed salvage dealer.

(C) A motor vehicle or other vehicle classified as an antique or historic vehicle may, however, be sold to a person desiring to restore it.

§ 90.10 REPORT OF TRANSACTION FOR RECLAMATION OF VEHICLE

When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided by this chapter, a report of the transaction will be retained by the Police Department for a period of one (1) year from the date of the sale or disposal.

§ 90.11 PROCEEDS OF PUBLIC SALE

When a vehicle located within the corporate limits of the city is authorized to be towed away by the Chief of Police and disposed of as set forth in this chapter, the proceeds of the public sale or

disposition after the deduction of towing, storage and processing charges shall be deposited in the City Treasury.

§ 90.12 IMMUNITY FROM DAMAGES

Any police officer, towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the Registered Owner, former registered owner, or his legal representative, any lien holder, or any person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was towed, processed and/or sold or disposed of as provided by this chapter.

(Am. Ord. 2814, passed 1-5-09)

§ 90.13 LIABILITY FOR FEES AND EXPENSES

The Owner of any Vehicle towed or removed pursuant to the terms of this Chapter shall be liable for any and all towing, removal, and/or storage fees relating to or arising out of the towing and/or removal, and subsequent storage, of the Vehicle, regardless of whether the City seeks to enforce a penalty against the Owner.

(Am. Ord. 2814, passed 1-5-09)

§ 90.98 OTHER ABATEMENT REMEDIES

The remedies and procedures enumerated and contained in this Chapter shall be in addition to and supplemental to the general nuisance abatement remedies and procedures and any other abatement remedies and procedures that may be available to the City.

(Am. Ord. 2814, passed 1-5-09)

§ 90.99 PENALTY

In addition to the other remedies provided in this Chapter, whoever violates any provision of this chapter shall be punished by a fine not less than One Hundred dollars ($100.00) and not exceeding seven hundred and fifty dollars ($750.00), and, in addition, shall be responsible for any and all towing and storage fees relating to the vehicle. Each day any violation of this chapter shall continue shall constitute a separate offense. The Police Department may issue either a Notice of Violation for the minimum fine herein, or a Notice to Appear. This penalty shall be in addition to the costs and fees of any and all towing and storage services, and in addition to any penalty or penalties as provided for the abatement of nuisances or other remedies as may be provided in other sections or Chapters of the Municipal Code.

(Am. Ord. 2814, passed 1-5-09)

CHAPTER 91

ANIMALS

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GENERAL PROVISIONS

§ 91.001 DEFINITIONS

For the purposes of this chapter, unless the context clearly indicates or requires a different meaning:

(A) **ANIMAL** means any and all types of animals, both domesticated and wild, male and female, singular and plural.

(B) **AT LARGE** means off the premises of the owner and not under the immediate control of either the owner or a person the owner has designated to be in control. However, if an animal under the control of a City official or veterinarian escapes and runs loose, it shall not be considered "at large."

(C) **BITE OR BITING** means the infliction of a break in the skin or a wound by the teeth of an animal.

(D) **CONFINEMENT STRUCTURE** means a securely locked pen, kennel or structure of at least six feet in height designed and constructed for the keeping of a vicious dog and designed, constructed and maintained in accordance with the standards set forth herein. Such pen, kennel or structure must have secure sides and a secure top attached to the sides, as well as be suitable to prevent the entry of young children. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals

are within the structure and left unattended. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two (2) feet. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City of Washington. All such structures must be adequately lighted, ventilated and kept in a clean and sanitary condition.

(E) **DOG** means any and all animals of the canine species.

(F) **DANGEROUS DOG** means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds or places, or private property not owned or controlled by the owner.

(G) **CONTROL, IMMEDIATE** (of an animal) means that same is on a leash, is under the voice control in the presence of a competent person, is on or within a vehicle being driven or parked, or is within the property limits of its owner, keeper, or harborer or upon the premises of another person with the consent of that person.

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

(I) **IMPOUNDED** means taken into the custody of the public pound.

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

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

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

(M) **NIP** means to pinch or squeeze with teeth with no breaking of skin or tissue.

(N) **RUN LINE** means a system of tying a dog in place with either a rope or chain having a minimum tensile strength of not less than three hundred (300) pounds and not exceeding ten (10) feet in length. The rope or chain must be securely fastened to a permanent,

non-moveable object and prevent the dog from climbing, digging, jumping or otherwise escaping under its own volition.

(O) **OWNER** means any person, firm, corporation, organization or department owning, harboring or keeping an animal within the City. For purposes of this chapter, the person last issued a dog or cat license shall be presumed to be the owner of such dog or cat. A person harboring or keeping an unlicensed animal in the City for a period of five (5) days shall be presumed to be the owner of such animal.

(P) **SEVERE INJURY** means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(Q) **TAKE** means to hunt, shoot, pursue, lure, kill, destroy, capture, gig or spear, trap or ensnare, harass or to attempt to do so.

(R) **TRAP** means to capture, or attempt to capture, by setting or placing a leg-hold trap, body-gripping trap, cage or live trap or other similar device to capture, hold or kill game or furbearing animals.

(S) **VICIOUS DOG** means:

(1) Any individual dog that, when unprovoked, bites or attacks a human being or other animal either on public or private property.

(2) Any individual dog found, after a hearing as prescribed in § 91.24(A), which:

(a) Has a known propensity, tendency or disposition to attack without provocation, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; or

(b) Is owned or harbored primarily or in part for the purpose of dog fighting or is trained for dog fighting; or

(c) Is reported to be a "dangerous dog" upon two (2) separate occasions.

(3) No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner, anyone assaulting its owner, anyone who has tormented or abused it, or is a professionally trained dog used for law enforcement or guard duties.

(Ord. 1919, passed 6-5-95)

§ 91.01 RUNNING AT LARGE

No domestic animal, including dogs, cats, horses, mules, cattle, sheep or swine or domestic fowl of the species of geese, ducks, turkeys, hens or barn fowls, guinea fowls, or peacocks shall be suffered, allowed, or permitted to run at large within the limits of the city. Any animal or fowl found upon any public street, sidewalk, alley, parkway or any unenclosed place shall be deemed to be running-at-large unless such animal or fowl is firmly held on a leash or is in an enclosed vehicle or is on the property of the owner of the animal. The owner or keeper of any such domestic animal or fowl who shall allow or permit the same to run at large within the city shall be guilty of a separate violation for each and every animal or fowl so suffered to run at large.

(Am. Ord. 1216, passed 5-16-77; Am. Ord. 1673, passed 6-17-91)

Penalty, see § 91.99

§ 91.02 UNATTENDED ANIMALS TO BE SECURELY FASTENED

It shall be unlawful to leave any horse or other draft animal unattended in any street without having such animal securely fastened.

Penalty, see § 91.99

§ 91.03 CRUELTY TO ANIMALS OR BIRDS

(A) It shall be unlawful for any person to be cruel to any animal or bird.

(B) A person commits the offense of cruelty to an animal or bird when he or she does any of the following:

(1) Overloads, overdrives, overworks, beats, tortures, abuses, torments, knowingly poisons, knowingly attempts to poison, mutilates, or kills any animal or bird, or causes or knowingly permits the same to be done.

(2) Works any old, lame, infirm, sick, or disabled animal or bird, or causes or knowingly permits the same to be done.

(3) Unnecessarily fails to provide an animal or bird in one's charge or custody, as owner or otherwise, with proper food, drink, and/or proper sanitary shelter.

(4) Abandons any old, lame, infirm, sick, or disabled animal or bird by leaving such animal or bird on any highway or public way or in any other place where it may suffer injury, hunger, exposure, or become a public charge.

(Am. Ord. 1235, passed 4-17-78; Am. Ord. 1919, passed 6-5-95)

Penalty, see § 91.99

§ 91.04 KILLING BIRDS PROHIBITED

No person shall kill or wound, or attempt to kill or wound, by the use of firearms, bow and arrow, pelting with stones, or otherwise, any bird within the city limits; or shoot an arrow, or throw a stone, club, or other missile at any bird within any private grounds or public parks, squares, or grounds; or enter upon any private enclosure or public ground belonging to the city, for the purpose of doing any act prohibited in this section.

Penalty, see § 91.99

§ 91.05 NOISY ANIMALS

No person shall keep or harbor any cow, calf, hog, or other animal shut up or tied in any yard, house, or other place, which by howling, bawling, or by other noises, shall disturb the peace and quiet of any family, individual, or neighborhood.

Penalty, see § 91.99

§ 91.06 VICIOUS OR DANGEROUS ANIMALS

(A) Except as otherwise provided herein, no person shall permit any vicious or dangerous animal to run at-large, nor lead any such animal with a chain, rope, or other device, whether such animal is muzzled or unmuzzled, on any street, avenue, lane, highway, or public place.

(B) An animal shall be deemed to be vicious or dangerous, or shall be determined by the City Administrator to be vicious or dangerous, by utilizing the procedures and standards hereinafter provided with respect to vicious dogs.

(C) No person shall possess any vicious or dangerous animal unless such vicious or dangerous animal is confined in accordance with the provisions, restrictions, and standards applicable to vicious dogs.

(D) Vicious and dangerous animals which are not properly confined, as hereinabove provided, shall be impounded as provided for vicious dogs.

(E) It shall be unlawful for the owner, keeper, or harborer of a vicious or dangerous animal to fail to comply with the requirements and conditions herein contained. Any vicious or dangerous animal found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the immediate removal of the animal from the City of Washington.

(Ord. 1919, passed 6-5-95)

Penalty, see § 91.99

§ 91.07 BURIAL OR THROWING OF ANIMALS INTO STREETS; KEEPING

(A) No person shall leave or throw into any place or street or public water, or offensively expose or bury anywhere within the city the body, or any part thereof, of any dead or fatally sick or injured animal.

(B) No person shall keep any dead animal, or any offensive meat, bird, fowl, or fish in a place where the same may be dangerous to the life or detrimental to the health of any person.

Penalty, see § 91.99

§ 91.08 KEEPING OF GOATS

It shall be unlawful for any person to keep, maintain, or raise any goat of any kind or species within the city limits; provided, however, the keeping, maintenance, or raising of no more than five (5) pygmy goats on a single parcel of real estate shall be permitted and allowed on parcels of real estate zoned agricultural.

(Am. Ord. 1952, passed 9-18-95)

Penalty, see § 91.99

§ 91.09 BEES

It shall be unlawful for the owner or keeper of bees within the city to permit or allow such bees to fly at large within the city limits.

Penalty, see § 91.99

§ 91.10 ANIMAL DEFECATION

(A) Removal of dog and other animal defecation from public and private properties. An owner or other person having custody of any dog or any other animal shall not permit said dog or any other animal to defecate on any school ground, public street, alley, sidewalk, tree, bank, park, or any other public grounds, or any private property within the city, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately and without delay.

(B) No dog or other animal defecation or manure shall be dumped or left on any street, alley, sidewalk, nor on any open space or lot in any portion of the city; provided, however, that this provision shall not be construed to prohibit the use of manure as fertilizer for lawns and gardens in keeping with ordinary and customary practices, in a manner that does not create a nuisance.

(C) Any person, firm, corporation, or other entity violating this section shall be fined as set forth in § 91.99.

(D) Any violation of this section is hereby declared to be a nuisance. In addition to any other relief or fine provided by this section, the relief provided for abating nuisances pursuant to Chapter 96 of this Code of Ordinances shall also be available to the city to prohibit the continuation of any violation of this section.

(Ord. 1599, passed 9-5-89)

Penalty, see § 91.99

DOGS AND CATS

§ 91.23 INOCULATION

It shall be unlawful to permit any dog which is not on a leash, under control or muzzled to be in any public street, parkway, sidewalk, park, in any store or place of public gathering, or in any place in the municipality other than in an enclosed area unless such dog has been inoculated against rabies by a licensed veterinarian within the preceding year.

Penalty, see § 91.99

§ 91.24 VICIOUS DOGS

It shall be unlawful for any person to keep, harbor, own, or in any way possess within the corporate limits of the City of Washington a vicious dog, subject to the following exceptions and standards:

(A) Determination of vicious dog status:

(1) Any individual dog which has bitten or attacked a human being or other domestic animal either on public or private property and without provocation shall be automatically deemed a vicious dog. Further, such dog may be immediately impounded.

(2) In the event that a law enforcement agent, animal control officer, or the City Administrator has probable cause to believe that an individual dog is a vicious dog, the City Administrator may convene a hearing for the purpose of determining whether the individual dog in question shall be declared a vicious dog and to determine whether the dog constitutes a significant threat to public health and safety. Prior to the hearing, the City Administrator shall conduct or cause to be

conducted an investigation and shall provide reasonable notification of the hearing to the owner.

(3) Following notice to the owner and prior to the date set for hearing, in the event that a law enforcement agent, animal control officer, or the City Administrator has probable cause to believe that an individual dog is a vicious dog and may pose an immediate threat of serious harm to human beings or other domestic animals, the law enforcement agent or City Administrator may seize and impound the dog pending disposition of the hearing. The owner of the dog shall be responsible for payment to the City of Washington for the costs and expenses of keeping the dog.

(4) The hearing shall be held within no less than five (5) nor more than ten (10) days after service of notice upon the owner of the individual dog. The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence on behalf of his dog setting forth reasons why the dog should not be declared a vicious dog and not determined to be a significant threat to the public health and safety if returned to its owner. The City Administrator may decide all issues for or against the owner of the dog regardless of whether the owner appears at the hearing.

(5) Within five (5) days after the conclusion of the hearing, the City Administrator shall make his determination of the status of the individual dog. The owner shall then be notified in writing of the determination by the City Administrator.

(B) Licensing of vicious dogs:

(1) No person shall possess any vicious dog for a period of more than forty eight (48) hours without having first obtained a license therefor from the City of Washington.

(2) An application for a license to possess a vicious dog shall be filed with the City of Washington on a form prescribed and provided by the City and shall be accompanied by all of the following:

(a) Verification of the identity of the owner and current address by providing a photostatic copy of the owner's driver's license.

(b) Proof of ownership of the vicious dog.

(c) A copy of the current immunization and health record of the vicious dog prepared by a veterinarian licensed to practice in the State of Illinois.

(d) A Certificate of Insurance evidencing coverage in an amount not less than fifty thousand dollars ($50,000.00), insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the vicious dog.

(e) Two (2) photographs of the vicious dog to be licensed taken not less than one (1) month before the date of the application. One (1) photograph shall provide a front view of the vicious dog and shall clearly show the face and ears of the vicious dog. One (1) photograph shall show a side view of the vicious dog.

(f) A license fee of fifty dollars ($50.00).

(g) Such other information as may be required by the City Clerk of the City of Washington.

(3) Upon receipt of an application, the City Clerk of the City of Washington shall forward such application to the Police Department which shall cause an inspection of the premises on which the vicious dog shall be kept to determine that all provisions of this section relating to confinement and posting of signs have been complied with by the applicant. Upon completion of the inspection, the Police Department shall notify the City Clerk, in writing, of the results of the inspection.

(4) Upon receipt of the results of the Police Department inspection, the City Clerk shall notify the applicant of the approval or denial of the license. In the event the license is denied, the notification shall be provided in writing and the reasons for such denial shall be stated. Upon denial, the owner or keeper of the vicious dog shall remove the vicious dog from the City within forty eight (48) hours. Upon approval, the City Clerk shall issue a license to the applicant.

(C) Confinement of vicious dogs: No person shall possess any vicious dog unless the vicious dog is confined in accordance with this section.

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

(2) Confinement in an exterior yard: No person shall confine a vicious dog in an exterior area unless such vicious dog is confined in a confinement structure constructed and maintained in accordance with this chapter, except that a vicious dog may be confined outside of a confinement structure in a manner set forth in paragraph (C) (3) of this section.

(3) (a) Confinement on leash and run line: No person shall permit a vicious dog to go outside a confinement structure, house or other structure unless the vicious dog is securely restrained with a leash no longer than three (3) feet in length and fitted with a muzzle or securely restrained on a run line no longer than ten (10) feet in length and fitted with a muzzle. No person shall permit a vicious dog to be kept on a leash unless a person is in actual physical control of the leash.

(b) The only time a vicious dog may be allowed out of the enclosure or off the run line are if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog; or to sell or give away the vicious dog; or to comply with the order of a court of competent jurisdiction; or to allow the owner or keeper to walk the vicious dog, provided that said vicious dog is securely muzzled and restrained with a leash having a minimum tensile strength of at least three hundred (300) pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

(D) Impoundment of vicious dogs:

(1) Any vicious dog which is not properly confined to a confinement structure, on a run line, or properly secured by a leash under the owner or keeper's control shall be impounded by the law enforcement authority having jurisdiction in such area; provided, however, that if the City animal control warden or any City police officer reasonably believes that such dog poses an immediate threat of severe injury to any person, such officials are authorized to kill such dog. Any vicious dog found to be running at large by any member of the Police Department of the City shall be presumed to be in violation of this section and shall be subject to impoundment.

(2) If the incident giving rise to the impoundment has resulted in an injury to a person, upon impoundment by the Police Department, the Chief of Police, or his designee shall notify the Rabies Control Administrator of the county pursuant to ILCS Ch. 510, Act 5, § 13, as amended, and shall transfer control of the vicious

dog to the Administrator in accordance with ILCS Ch. 510, Act 5, § 13, as amended.

(3) Any dog which attacks a human being or other domestic animal may be ordered destroyed in an expeditious and humane manner, when in the Court's judgment, such dog represents a continuing threat of serious harm to human beings or other domestic animals. However, prior to the destruction of the dog, control of the dog must be transferred to the Administrator pursuant to paragraph (D) (2) of this section.

(4) Any vicious dog which has previously been impounded for not properly being confined or for running at large in violation of paragraph (C) (1), (C) (2), or (C) (3) hereof, or which has previously bitten or attached a human being or other domestic animal without provocation, shall be ordered destroyed in an expeditious and humane manner upon any subsequent violations of those subsections or upon any subsequent unprovoked attack or bite.

(5) Any dog which attacks a human being, except a dog listed in § 91.001(S)(3) of this chapter, which results in severe injury shall automatically be destroyed in an expeditious and humane manner.

(E) Redemption of impounded vicious dog: An owner of a vicious dog holding a license, pursuant to this chapter, may redeem an impounded vicious dog if the vicious dog has been impounded pursuant to paragraph (D) of this section; and the vicious dog has not caused severe injury to a person, subject to the following conditions:

(1) Proof of a valid license issued by the City of Washington under paragraph (B) of this section; and

(2) Payment of the cost of keeping the vicious dog during the period of impoundment.

(F) Sale or transfer of ownership prohibited: No person shall sell, barter, offer to breed or in any other way dispose of a vicious dog to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such vicious dog; provided that the registered owner of a vicious dog may sell or otherwise dispose of a vicious dog or the offspring of such vicious dog to persons who do not reside within the City of Washington provided they give written notice to the person who will be receiving the vicious dog that such dog has been deemed a vicious dog under this chapter.

(G) Animals born of vicious dogs: All offspring born of vicious dogs registered within the City must be removed from the City within six (6) weeks of the birth of such animal.

(H) Reporting requirements of license: Any person holding a license pursuant to subsection (B) hereof shall report the incidence of any of the following events:

(1) The sale, barter, exchange, gift or death of any vicious dog shall be reported within forty eight (48) hours.

(2) The escape from confinement of any vicious dog shall be reported upon discovery of the escape.

(3) The biting or nipping of any person or animal by a vicious dog shall be reported upon occurrence.

(4) The birth of any offspring of a vicious dog shall be reported within forty eight (48) hours of the birth of the offspring.

(5) The permanent removal of any vicious dog from the territorial limits of the City shall be reported within forty eight (48) hours of such removal by surrender of the license of the owner to the City Clerk.

(6) Except as otherwise provided in this section, the report of any incident required to be reported under this subdivision shall be made to the Police Department of the City.

(7) Further, all dog owners, whether or not their dog is licensed as a vicious dog, receiving notice or having knowledge that their dog has bitten or attacked a human being or domestic animal without provocation shall immediately notify the Police Department of the City of Washington of said incident.

(I) Sign required: All person possessing a vicious dog shall display in a prominent place on the premises where a vicious dog is to be kept a sign which is readable by the public from a distance of not less than one hundred (100) feet using the words "Beware of Dog." A similar sign shall be posted on any confinement structure.

(J) Fighting prohibited: No person shall fight or bait, conspire to fight or bait, or keep, train, or transport for the purpose of fighting or baiting, any dog. No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to attack human beings or domestic animals without provocation.

(K) Revocation of license: A license granted pursuant to this chapter shall be automatically revoked upon the second violation by the licensee of any provision of this chapter. In the event of a revocation of the license, the license fee shall be retained by the City of Washington and the vicious dog must be removed from the city within forty eight (48) hours.

(L) Exceptions: This chapter shall not apply to any K-9 Patrol Dogs or Police Dogs as defined herein.

(M) Failure to comply: It shall be unlawful for the owner, keeper or harborer of a vicious dog registered with the City of Washington to fail to comply with the requirements and conditions set forth in this chapter. Any vicious dog found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City of Washington.

(Ord. 1919, passed 6-5-95)

Penalty, see § 91.99

§ 91.25 IMPOUNDING

(A) Any animal or fowl found running at large, as defined in § 91.001 and §91.01, or any dog or cat for which the annual license fee has not been paid as provided in § 91.24, as the case may be, shall be impounded by the Police Department or the duly appointed dog catcher or animal control agency. If such animal or fowl shall have not been redeemed within seven (7) days after being impounded, it shall be disposed of in the manner prescribed by the City Council.

(B) Any dog or cat impounded may be redeemed by the owner upon payment of a boarding fee, as established by the City Council from time to time, for each day the dog or cat is impounded, plus a release fee computed at fifteen dollars ($15.00) for each offense.

(Am. Ord. 1402, passed 3-5-84; Am. Ord. 1673, passed 6-17-91; Am. Ord. 1919, passed 6-5-95; Am. Ord. 2589, passed 2-7-05)

§ 91.26 LIMITATION ON NUMBER OF DOGS AND CATS

No person shall permit more than three (3) dogs or cats, or any combination thereof, to remain in or about any parcel of R-1 residential or more than two (2) dogs or cats, or any combination thereof, on any parcel zoned R-2 multi-family within the city under his control at any one time. This section applies only to dogs and cats over the age of five (5) months.

(Am. Ord. 1515, passed 1-5-87; Am. Ord. 1529, passed 8-3-87)

Penalty, see § 91.99

ENFORCEMENT

§ 91.40 ANIMAL CONTROL WARDEN

(A) Appointment and compensation. The Animal Control Warden will be appointed annually by the City Administrator. He shall be subject to the same rules and conditions of employment as other city employees, He may be removed by the City Administrator in accordance with the rules set forth in the personnel manual. He shall receive such compensation as may be provided from time to time by the City Council of the city.

(B) Duties. He shall perform such duties and activities as he is directed to do by the City Administrator or Police Chief.

(Ord. 1355, passed 8-17-81)

§ 91.99 PENALTY

(A) Whoever violates the provisions of this chapter for which another penalty is not already provided, shall be fined not more than five hundred dollars ($500.00) for each offense.

(B) Whoever violates the provisions of § 91.03 shall be punished by a fine not exceeding two hundred dollars ($200.00). Each day any violation of any provision of this section shall continue shall constitute a separate offense.

(Ord. 1673, passed 6-17-91)

(C) Whoever violates § 91.10 shall be punished by a fine of not less than twenty five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense. A separate offense shall be deemed to be committed for each day during or upon which a violation occurs or continues.

(Ord. 1599, passed 9-5-89)

(D) Whoever violates § 91.24 or any of the provisions thereof shall be punished by a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00). Additionally, any person found guilty of violating § 91.24, or any of the provisions thereof, shall pay all expenses, including shelter, food, veterinary expenses, and other expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(Ord. 1919, passed 6-5-95)

CHAPTER 92

CEMETERIES

General Provisions
92.01 Declaration of municipal cemetery
92.02 Policies and regulations
92.03 Responsibility for maintenance
92.04 Trespassing on cemetery property

Cemetery Lots
92.20 Sale of grave sites and lots
92.21 Interment
92.50 Columbarium Rules and Regulations

92.99 Penalty

GENERAL PROVISIONS

§ 92.01 DECLARATION OF MUNICIPAL CEMETERY

The Glendale Cemetery is declared to be a municipal cemetery within the definition given in the Cemetery Care Act.

§ 92.02 POLICIES AND REGULATIONS

The City Council shall have full power and authority to approve all policies and regulations, as deemed necessary from time to time, for proper management of the cemetery.

§ 92.03 RESPONSIBILITY FOR MAINTENANCE.

The responsibility for the care and maintenance of the cemetery will be subject to the control and direction of the Street Supervisor.

§ 92.04 TRESPASSING ON CEMETERY PROPERTY

No person shall trespass on any cemetery property by willfully destroying, injuring, or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or any other thing belonging to the cemetery or placed therein by persons for the purpose of beautifying or decorating any part thereof.

Penalty, see § 92.99

CEMETERY LOTS

§ 92.20 SALE OF GRAVE SITES AND LOTS

(A) All cemetery Grave Sites (as defined in Chapter 92) shall be sold to residents and non-residents of the City at a price of $600 per Grave Site in Memorial Gardens and $700 per grave Site in the traditional area. Grave Sites in the infant burial section shall be sold at a price of $100 each.

(B) Interment Fees: The fees for the first interment on each Grave Site shall be as follows:

(1) Regular interment shall be: $600 on Monday through Friday; $700 on Saturday, Sunday, or a holiday.

(2) Infant interment shall be: $250 on Monday through Friday; $300 on Saturday, Sunday, or a holiday.

(3) Cremation interment shall be: $300 on Monday through Friday; $350 on Saturday, Sunday, or a holiday.

(C) Disinterment Fee: The fee for disinterment shall be double the interment fee stated in paragraph (B) above and in paragraph (E) below.

(D) Trading Sites and Lots: There shall be a fee for trading Sites or Lots, which shall be as follows:

(1) $50 for exchange of 1-4 Grave Sites;

(2) $75 for exchange of 5-8 Grave Sites;

(3) $100 for exchange of 9 Grave Sites or greater.

(E) Additional Fees. For the second and each subsequent interment on a single Grave Site, there shall be paid the Interment Fee set forth in paragraph (B) above plus an additional fee of $100.

(Ord. 2646, passed 11-7-05; Am. Ord. 3047, passed 8-5-13)

§ 92.21 INTERMENT

(A) The City shall provide all interment services at fees determined from time to time by the City Council.

(B) There shall be no more than three (3) interments in any single Grave Site, which interments may consist of:

(1) Not more than one full body burial and two cremation burials; or

(2) Not more than three cremation burials.

(Am. Ord. 1183, passed 4-5-76; Am. Ord. 2444, passed 4-7-03; Am. Ord. 2477, passed 9-15-03; Am. Ord. 2485, passed 10-6-03)

§92.50 COLUMBARIUM RULES AND REGULATIONS

(A) Procedure.

(1) No more than two urns can be placed in a double depth niche.

(2) No more than one urn in each side-by-side space.

(3) No decorations can be placed on the niche or columbarium.

(4) The price of a niche in the Glendale Cemetery Columbarium shall be as follows:

(a) $900.00 per double-depth niche.

(b) $900.00 per side-by-side niche (both spaces) purchased at the same time.

(c) $600.00 for a single space in a side-by-side niche, purchased individually.

(5) The cost of the niche includes the niche space and open/close fees only. The cost does not include engraving.

(6) Engraving is limited to name, date of birth and date of death.

(7) Engraving must be ordered through an authorized vendor using an approved size and font type.

(8) The price for placing cremains/ashes in our Ossuary in the Glendale Cemetery Columbarium shall be $250.00. The cost includes a small memorial plaque that will be placed on an Ossuary Memorial and is limited to name, year of birth and year of death.

(9) An additional fee of $100.00 will be charged for a Saturday or Sunday inurnment.

(10) All other applicable rules and regulations as outlined in Chapter 92 pertain to the Glendale Cemetery Columbarium as well.

(Ord. 3195, passed, 8-1-16

§ 92.99 PENALTY

Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars ($500.00) for each offense.

CHAPTER 93

FIRE PREVENTION

General Provisions
93.01 Storage of flammable liquids
93.02 Open burning
93.03 Smoking in negligent or reckless manner

Scenes at Fires
93.20 Removal of property saved at fire
93.21 Demolition of buildings to prevent spread of fire
93.22 Aid to Fire Department
93.23 Authority to make arrests at fires

93.99 Penalty

GENERAL PROVISIONS

§ 93.01 STORAGE OF FLAMMABLE LIQUIDS

(A) The storage of flammable liquids in above ground tanks is prohibited within the city limits except those above ground storage tanks that are constructed in compliance with Title 41 of the Illinois Administrative Code, or its successor, as amended from time to time. However, use of existing above ground tanks may be continued, but such tanks may not be replaced without complying with said Administrative Code. The foregoing sentence shall not be construed as prohibiting the use of propane tanks for heating.

(B) The storage of gasoline in bulk quantities in underground storage tanks in a residential zoning district is prohibited.

(Am. Ord. 1145, passed 12-16-74; Am. Ord. 1485, passed 3-17-86)

Penalty, see § 93.99

§ 93.02 OPEN BURNING

(A) For the purposes of this section, the following terms and words shall have the meaning herein given, unless the context otherwise clearly requires:

(1) **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.

(2) **LANDSCAPE WASTE**. All accumulation of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as a result of the care of lawns, shrubbery, vines, and trees.

(3) **OPEN BURNING**. The combustion of any matter in the open or in any open dump.

(4) **REFUSE**. Shall mean waste.

(5) **WASTE**. Any garbage or other discarded matter or material, including solid, liquid, semi-solid, or contained gaseous materials.

(B) Except as hereinafter provided in paragraphs (D), (E), (F), and (G) of this section, no person, firm, or corporation shall burn any wood, brush, trash, papers, rubbish, garbage, waste, or any other discarded matter or material out-of-doors anywhere in the City. This section shall not prohibit the use of an outdoor fire for cooking.

(C) No person, firm or corporation shall burn any trash, papers, rubbish, garbage, waste or any other discarded matter or material indoors in the city, except in an incinerator complying with all applicable laws and ordinances. Nothing in this division shall be deemed to prohibit the use of wood in stoves used for cooking, the use of wood in fireplaces for decorative fires, or the use of wood in fireplaces or stoves designed for heating.

(D) The open burning of landscape waste within the city limits of the city is prohibited except as follows:

(1) The open burning of landscape waste shall be permitted only between sunup to sundown of each day, but shall be prohibited on the following enumerated holidays: New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, Halloween, Thanksgiving and Christmas.

(2) The open burning of landscape waste shall be permitted on private property, with the consent of the owner or person in charge of the property.

(3) No person shall burn any landscape waste unless such fire is at least twenty (20) feet from any structure.

(4) Any fire resulting from the burning of landscape waste shall be constantly attended by a competent person until such fire is extinguished; and a method to extinguish any such fire shall be immediately available in the vicinity of the fire.

(5) The Chief of the Volunteer Fire Department or his authorized agent may prohibit the open burning of landscape waste when the atmospheric conditions or other conditions at the location of the fire constitute a hazard, or when the fire creates

excessive smoke or flying ash which presents a hazard to persons or property in the vicinity.

(6) This division shall control in case of conflict with any other city ordinance.

(E) In areas and upon properties zoned for agricultural and industrial, open burnings shall only be allowed where permitted by the Illinois Environmental Protection Agency or other state law or agency, other federal law or agency, or Tazewell County ordinance or agency.

(F) In areas and upon properties zoned for commercial use, open burning shall not be allowed or permitted, except as may be permitted or allowed by federal or state law.

(G) Bonfires and fires used solely for recreational purposes or for ceremonial occasions will be permitted only as follows:

(1) Personal bonfires and personal fires used solely for recreational purposes or for ceremonial occasions will be permitted only to the extent that the fuel sources for such fire is a not otherwise prohibited source by the Illinois Environmental Protection Agency or other state law or agency, other federal law or agency, or Tazewell County ordinance or agency.

(2) Bonfires and fires used solely for recreational purposes or for ceremonial occasions in connection with or as a part of an organized school or community activity, event, or function, will be permitted only with the prior written approval of the Chief of the Volunteer Fire Department of the City.

(Ord. 1600, passed 9-5-89; Am. Ord. 2041, passed 10-7-96; Am. Ord. 2286, passed 5-7-01; Am. Ord. 2579, passed 12-6-04; Am. Ord. 3039, passed 6-3-13)

Penalty, see § 93.99

§ 93.03 SMOKING IN NEGLIGENT OR RECKLESS MANNER

No person, by smoking or attempting to light or to smoke cigarettes, cigars, pipes, or tobacco in any manner in which lighters or matches are employed, shall in a careless, reckless, or negligent manner whatsoever, whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, drapes, house or any household fittings, or any part of any building whatsoever, so as to endanger life or property in any way or to any extent.

Penalty, see § 93.99

SCENES AT FIRES

§ 93.20 REMOVAL OF PROPERTY SAVED AT FIRE

No person shall be permitted to remove or take away any property in the possession of the Fire Department, saved from any fire until proof of the ownership shall have been made to the satisfaction of the Chief of the Volunteer Fire Department.

(Am. Ord. 3039, passed 6-3-13)

Penalty, see § 93.99

§ 93.21 DEMOLITION OF BUILDINGS TO PREVENT SPREAD OF FIRE

The Chief of the Volunteer Fire Department or any subordinate in command at a fire shall have the authority to order the removal of fences, lumber, or other combustibles, and the demolition of any house, building, or other structure when, in his opinion, such action is necessary to prevent the spread of the fire or the public safety requires it.

(Am. Ord. 3039, passed 6-3-13)

§ 93.22 AID TO FIRE DEPARTMENT

It shall be lawful for any member of the Fire Department in charge of fire apparatus to require the aid of any motor vehicle or other source of power in drawing or conveying fire apparatus to the scene of a fire or other emergency.

§ 93.23 AUTHORITY TO MAKE ARRESTS AT FIRES

The Chief of the Volunteer Fire Department or any other member in command at the scene of a fire or other emergency or while in charge of fire apparatus, companies, or units, or any member of the Police Department shall, during the progress of any fire, arrest any person found stealing or trespassing upon any property, or any person violating any of the provisions of this chapter.

(Am. Ord. 3039, passed 6-3-13)

§ 93.99 PENALTY

Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars ($500.00) for each offense.

CHAPTER 94

LITTER

General Provisions

94.01 Definitions
94.02 Litter in public places
94.03 Placement of litter in receptacles so as to prevent scattering
94.04 Throwing litter from vehicles
94.05 Trucks causing litter
94.06 Hauling dirt, sand, and the like over streets or alleys
94.07 Permitting oils and the like to spill upon asphalt pavement
94.08 Dropping litter from aircraft
94.09 Sweeping litter into gutters and streets; merchants
94.10 Cleansing goods in street or public place

Private Property; Clean Conditions

94.20 Litter collection in storage areas
94.21 Collection and securing of litter before it is carried from premises
94.22 Neglected premises visible to the public
94.23 Unemptied garbage containers
94.24 Areas around business premises
94.25 Loading or unloading docks
94.26 Construction sites
94.27 Notice to remove litter
94.28 Action upon noncompliance
94.29 Liability for expense of removal by city

Commercial and Noncommercial Handbills

94.40 Distribution in public places
94.41 Placing on vehicles
94.42 Depositing or distributing at private premises
94.43 Posting in public places or on private property

94.98 Equitable relief
94.99 Penalty

GENERAL PROVISIONS

§ 94.01 DEFINITIONS

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

AIRCRAFT. Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word **AIRCRAFT** shall also include helicopters and lighter-than-air dirigibles and balloons.

AUTHORIZED PRIVATE RECEPTACLE. A litter storage and collection receptacle as required and authorized in this chapter.

COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) What advertises for sale any merchandise, product, commodity, or thing;

(2) Which directs attention to any business, mercantile, or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales;

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; or

(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertising or distributor.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

LITTER. Any uncontainerized man-made or man-used waste which, if deposited within the city otherwise than in a litter receptacle, tends to create a danger to public health, safety, and welfare, or to impair the environment of the people of the city. LITTER may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden wastes, newspaper, magazines, glass, metal, plastic or paper container or other construction material, motor vehicle parts, furniture, oil, carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

NEWSPAPER. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation and any newspaper filed and recorded with the recording officer as provided by general law and, in addition thereto, any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

NONCOMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper set out in this section.

PRIVATE PREMISES. Any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or

temporarily or continuously uninhabited or vacant, and any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

PUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public squares, space grounds, and buildings, and all city parks and cemeteries.

REFUSE. All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes.

RUBBISH. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, construction materials, concrete, asphalt, and other paving materials, tin cans, yard clippings, wood, tree trunks, tree limbs, glass, bedding, crockery, and similar materials.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

(Am. Ord. 1458, passed 6-17-85)

§ 94.02 LITTER IN PUBLIC PLACES

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city, except in public receptacles or in authorized private receptacles for collection.

Penalty, see § 94.99

§ 94.03 PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place.

Penalty, see § 94.99

§ 94.04 THROWING LITTER FROM VEHICLES

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city.

Penalty, see § 94.99

§ 94.05 TRUCKS CAUSING LITTER

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley, or other public place; nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley, or other public place mud, dirt, sticky substances, or foreign matter of any kind.

Penalty, see § 94.99

§ 94.06 HAULING DIRT, SAND, AND THE LIKE OVER STREETS OR ALLEYS

All persons hauling dirt, sand, gravel, cinders, or other materials or any waste matter on streets or alleys shall so construct and maintain their vehicles as at all times to prevent the spilling of such material or matter from the same.

Penalty, see § 94.99

§ 94.07 PERMITTING OILS AND THE LIKE TO SPILL UPON ASPHALT PAVEMENT

No person shall spill any turpentine, kerosene, gasoline, benzine, naphtha, coal oil, or any product thereof or any oil used for lubricating, illuminating, or fuel purposes or allow any of such fluids to escape to or upon any asphalt pavement of the city; or operate or permit to be operated any tank wagon or other vehicle from which any of such fluids are permitted to escape.

Penalty, see § 94.99

§ 94.08 DROPPING LITTER FROM AIRCRAFT

No person in an aircraft shall throw out, drop, or deposit within the city any litter, handbill, or any other object.

Penalty, see § 94.99

§ 94.09 SWEEPING LITTER INTO GUTTERS AND STREETS; MERCHANTS

(A) No person shall sweep into or deposit in any gutter, street, or other public place within the city, the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(B) No person owning or occupying a place of business shall sweep or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

Penalty, see § 94.99

§ 94.10 CLEANSING GOODS IN STREET OR PUBLIC PLACE

No person shall wash, rinse, cleanse, or cause or procure to be washed, rinsed, or cleansed any cloth, yarn, or garment in any street or public place in the city.

Penalty, see § 94.99

PRIVATE PROPERTY; CLEAN CONDITIONS

§ 94.20 LITTER COLLECTION IN STORAGE AREAS

Every owner, occupant, or lessee of a house or building used for residence, business, or commercial purpose shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized. Failure to so maintain clean litter collection in storage areas shall constitute a violation of this section.

Penalty, see § 94.99

§ 94.21 COLLECTION AND SECURING OF LITTER BEFORE IT IS CARRIED FROM PREMISES

All litter that is subject to removal by the elements shall be secured by the owner of the premises where it is found before the same is allowed to be removed by the elements to adjoining premises.

Penalty, see § 94.99

§ 94.22 NEGLECTED PREMISES VISIBLE TO THE PUBLIC

It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this section to abandon, neglect, or disregard the condition or appearance of any premises so as to permit it to accumulate litter thereon.

Penalty, see § 94.99

§ 94.23 UNEMPTIED GARBAGE CONTAINERS

It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste, or garbage which has been containerized in accordance with the contract for its removal to allow that refuse, waste, or

garbage to remain uncollected beyond the date provided by the contract for its collection and removal; or in any case, to allow the container to remain unemptied for longer than fourteen (14) days; or in any case, until after that refuse, waste, or garbage creates any condition which is offensive to persons upon any private premises or public place.

Penalty, see § 94.99

§ 94.24 AREAS AROUND BUSINESS PREMISES

The owner or person in control of any public place, including but not limited to restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, hospitals, and clinics shall at all times keep the premises clean of all litter and shall take measures, including daily clean up of the premises, to prevent litter from being carried by the elements to adjoining premises. It shall be a violation of this section to abandon, neglect, or disregard the condition or appearance of any premises so as to permit it to accumulate litter thereon.

Penalty, see § 94.99

§ 94.25 LOADING OR UNLOADING DOCKS

The person owning, operating, or in control of a loading or unloading dock shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried by the elements to adjoining premises.

Penalty, see § 94.99

§ 94.26 CONSTRUCTION SITES

The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried by the elements to adjoining premises. All litter from construction activities or any related activities shall be picked up at the end of each working day and placed in containers which will prevent litter from being carried by the elements to adjoining premises.

Penalty, see § 94.99

§ 94.27 NOTICE TO REMOVE LITTER

The responsible city officials are authorized and empowered to notify the owner of any open or vacant private property within the city or the agent of such owner to properly dispose of litter located on such owner's property which is dangerous to public health, safety, or welfare. Such notice shall be by certified or registered mail, addressed to such owner at his last known address or by personal service.

§ 94.28 ACTION UPON NONCOMPLIANCE

Upon the failure, neglect, or refusal of any owner or agent notified to properly dispose of litter within fourteen (14) days after receipt of written notice provided for in § 94.27, or within fourteen (14) days after the date of such notice in the event the same is returned to the City Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the city officials are authorized and empowered to do either of the following:

(A) To pay a third party to dispose of such litter or to order its disposal by the city; or

(B) To file appropriate civil actions for temporary restraining order, temporary injunction, permanent injunction, or for damages, against any person violating this chapter.

§ 94.29 LIABILITY FOR EXPENSE OF REMOVAL BY CITY

In the event the city elects to remove dangerous litter from private property, the owner of the premises shall be liable to the city for expenses incurred by the city in removing and disposing of such litter. A statement shall be rendered to the owner or occupant of the premises for the cost thereof and if not paid, suit may be instituted.

COMMERCIAL AND NONCOMMERCIAL HANDBILLS

§ 94.40 DISTRIBUTION IN PUBLIC PLACES

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, or other public place within the city; nor shall any person hand out or distribute or sell any commercial handbill in any public place. However, it shall not be unlawful on any sidewalk, street, or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

Penalty, see § 94.99

§ 94.41 PLACING ON VEHICLES

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. However, it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Penalty, see § 94.99

§ 94.42 DEPOSITING OR DISTRIBUTING AT PRIVATE PREMISES

(A) No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(B) No person shall throw, deposit, or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. However, in the case of inhabited private premises, such person, unless requested by anyone upon such premises not to do so, shall have the authority to place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places; and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

Penalty, see § 94.99

§ 94.43 POSTING IN PUBLIC PLACES OR ON PRIVATE PROPERTY

(A) No person shall paste, post, paint, nail, or otherwise fasten any handbill, sign, poster, advertisement, or notice of any kind whatsoever or cause the same to be done on any curbstone, flagstone, or any other portion or part of any sidewalk or street or upon any tree, lamppost, hitching post, telegraph pole, telephone pole, electric light pole, a pole used to support trolley wires or other electrical conductors, hydrant, bridge, pier, or upon any structure within the limits of any street in the city except such as may be required by this code or other ordinances of the city.

(B) No person shall paste, post, paint, print, nail, or otherwise fasten any handbill, sign, poster, advertisement, or notice of any kind or cause the same to be done upon any private wall, window, door, gate, fence, advertising board or sign, or upon any other private structure or building, unless he is the owner, agent, or lessee thereof, without the consent, in writing, of the owner of such wall, window, fence, gate, advertising board or sign, or other private building or structure.

Penalty, see § 94.99

§ 94.98 EQUITABLE RELIEF

In addition to the remedies given in this chapter, the city may also elect, as an additional or accumulative remedy, to seek equitable relief to abate the problem.

(Ord. 1471, passed 12-2-85; Am. Ord. 1486, passed 4-21-86)

§ 94.99 PENALTY

(A) Any person who violates the provisions of the Chapter, for which another penalty is not already provided, shall be fined not less than fifty dollars ($50.00) and not more than seven hundred and fifty dollars ($750.00) for each offense.

(B) Any person who violates the provisions of this Chapter relating to Littering in Public Places (Code §94.02), and Throwing Litter from Vehicles (Code §94.04), shall be fined not less than fifty dollars ($50.00) for a first offense, seventy five dollars ($75.00) for a second offense, and one hundred dollars ($100.00) for a third offense, and not more than seven hundred and fifty dollars ($750.00) for all subsequent offenses. Violations of §94.02 and §94.04 may be enforced by issuance of a "Notice of Violation" for the fine amount enumerated herein, or by issuance of a Notice to Appear.

(Ord. 1471, passed 12-2-85; Am. Ord. 1486, passed 4-21-86; Am. Ord. 2876, passed 3-1-10)

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CHAPTER 95

NOISE CONTROL

95.01 General Prohibition
95.02 Violation and Penalty

§ 95.01 GENERAL PROHIBITION.

Between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 11:00 p.m. and 7:00 a.m. Friday and Saturday, it shall be unlawful for any person within the City of Washington to make, continue or cause to be made or continued, any loud, unnecessary or unusual noise which either annoys, disturbs, injures or endangers the comfort, repose, convenience, health, peace or safety of others, within the limits of the City, where such loud, unnecessary or unusual noise can be clearly heard 100 feet from the boundary of the property upon which the sound is produced or reproduced. The making or causing of such noise by mechanical means, including radio transmission or receiving sets, shall be considered prohibited by the provisions of this Chapter.

§ 95.02 VIOLATION AND PENALTY.

Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to a fine of not less than $100 and not more than seven hundred fifty dollars ($750.00).

(Ord. 2629, passed 7-18-05; Am. Ord. 3185, passed 6-6-16)

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CHAPTER 96

NUISANCES

96.01 Definition
96.02 Duty to maintain private property
96.03 Impermissible discharges into sanitary sewer system; abatement and other remedies
96.04 Declaration of nuisance
96.05 Abatement procedure
96.06 Enforcement
96.99 Penalty

§ 96.01 DEFINITION

For the purpose for this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NUISANCE. Any condition or use of premises or building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or depositing on, or the scattering over the premises of any of the following:

(1) Lumber, junk, trash, or debris;

(2) Abandoned, discarded or unused objects or equipment such as automobiles or parts, furniture, stoves, refrigerators, freezers, cans, containers, or building materials such as lumber, windows, cement blocks, piping, or wiring;

(3) Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gases, or attract rodents, vermin, or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance;

(4) Unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep, upon any premises deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents, or animals.

(5) Weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of the like kind.

(6) Weeds, grasses, or plants, other than trees, bushes, flowers, or other ornamental plants. It shall be unlawful for anyone to permit any weeds, grasses, plants, other

than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight (8) inches anywhere in the city; any such plants or weeds exceeding such height are declared to be a nuisance.

(7) Abandoned or inoperative motor vehicles and equipment.

(8) Things interfering with peace or comfort. Sound, animals, or things which interfere with the peace and comfort or disturb the quiet of any person in the city constitute a public nuisance.

(9) Offensive, nauseous, or dangerous things. Anything which is made, permitted, used, kept, maintained or operated, or any building or any animal that is kept in the city or outside of the city but within one-half (½) mile of its limits, in a manner that is offensive, nauseous, dangerous to life, limb, or property or detrimental to the health of the persons residing in that area shall be a public nuisance.

(10) Tanneries, soap factories, and the like. Whoever shall, within the limits of the city, establish or maintain any tallow chandlery, tannery, bone or soap factory, or shall steam, boil, or render any tainted lard, tallow, offal, or other unwholesome animal substance shall be deemed guilty of a nuisance; or whoever shall without the city limits and within one (1) mile thereof, establish or maintain any such chandlery, factory, tannery, or rendery, without first having obtained such permission and consent shall so conduct or carry on any such business as to taint the air and render it offensive or unwholesome, or so as to affect the health or comfort of persons residing in the neighborhood thereof shall be deemed guilty of a nuisance.

(11) Discharge of offensive matter. Whoever shall, within the city, place or throw, or permit to be discharged, or to flow from or out of any house or premises, any filthy, foul, or offensive matter or liquid of any kind, into any street, alley, or public place, or upon any adjacent lot or ground, or shall allow or permit the same to be done by any person connected with the premises, under his control, shall be deemed guilty of a nuisance.

(12) Or any other condition dangerous to health; offensive to community moral standards, unlawfully obstructing the public in the free use of public property; or behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.

(13) Connection of footing tile or downspouts to the sanitary sewer system. Whoever shall maintain their premises so as to cause, allow, or permit storm water, surface

water, ground water, runoff water, subsurface drainage water or the like to be discharged into the sanitary sewer system of the city, by way of downspouts, footing tile, or otherwise, or whoever shall allow or permit the same to be done by any person connected with the premises, under his control, thereby contributing to the backup, surcharge, overflow, or discharge of said sanitary sewer system into or onto the premises of another shall be deemed guilty of a nuisance; whoever shall maintain their premises so as to cause, allow, or permit storm water, surface water, ground water, roof run-off water, subsurface drainage water, or the like to be discharged into the sanitary sewer system of the city, by way of downspouts, footing tiles, or otherwise, or whoever shall allow or permit the same to be done by any person connected with the premises, under his control, thereby causing or tending to cause substantial diminution in the value of other property in the neighborhood in which such premises are located, shall be deemed guilty of a nuisance.

(14) The various nuisances described and enumerated in this section shall not be deemed to be exclusive, but shall be in addition to all other nuisances prescribed or prohibited by this code and those offenses known to the common law or to the statutes of this state as nuisances.

(Am. Ord. 1502, passed 10-7-86; Am. Ord. 2841, passed 8-3-09)

§ 96.02 DUTY TO MAINTAIN PRIVATE PROPERTY

No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property located in the neighborhood in which such premises are located.

Penalty, see § 96.99

§ 96.03 IMPERMISSIBLE DISCHARGES INTO SANITARY SEWER SYSTEM; ABATEMENT AND OTHER REMEDIES

(A) When the existence of a violation of § 96.01(13) is brought to the attention of the City Administrator, he shall cause an inspection and investigation to be made by the appropriate agencies to determine whether abatement is necessary.

(B) The City Administrator, or any employee duly authorized by him, shall be permitted access to any part of any property where access is necessary for the purpose of inspecting, observing, measuring, sampling, or testing to determine compliance with the provisions of § 96.01(13). If any person should refuse to permit access to the City

Administrator, the City Administrator may, with the assistance of the City Attorney, obtain the necessary court order to obtain access.

(C) If the City Administrator finds any violation of § 96.01(13) at the premises of any person, the City Administrator shall notify the owner, occupant, or user of the sanitary sewer system of the city in writing stating the nature of the violation, the time, place, and date of the inspection, and the right of the person to demand a retest as provided for in division (D) of this section, and providing for a reasonable time for abatement to be made. In the absence of unusual circumstances, thirty (30) days shall be considered a reasonable time. An extension of the time to abate any violation may be granted by the City Administrator upon written request signed by the owner, occupant, or user of said sanitary sewer system, acknowledging a violation of § 96.01(13) and promising to abate within a reasonable time.

(D) The owner, occupant, or user of said sanitary sewer system shall, upon request, have an absolute right to a retest in the event a violation is discovered. In order to obtain a retest, it shall be necessary that the owner, occupant, or user notify the City Administrator, in writing, of the demand for a retest within ten (10) days of the receipt of the notice from the City Administrator of a violation.

(E) If the owner, occupant, or user of the sanitary sewer system does not abate the violation within the prescribed time limit, or any extension thereof, the following abatement remedies, or any of them, may be resorted to by the city:

(1) Abatement by the city. The city may abate the violation, under the direction of the City Administrator, and the cost of so doing shall be collected from the person who is responsible for maintaining, allowing, and permitting the violation to exist, with a penalty of ten percent (10%) of such costs, by filing suit in an appropriate court of competent jurisdiction.

(2) Disconnection of sewer service to premises. The city may abate said violation, under the direction of the City Administrator, by disconnecting or discontinuing sewer service to the premises found to be in violation; including, but not limited to, the capping of the sanitary sewer serving said premises.

(3) Suit to enjoin violation. In addition to the other remedies and penalties provided in this section, the City Attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, permanent injunction, damages or for contribution, against any person violating this section.

(4) Surcharge bar city. The City Administrator may forward the pertinent information to the City Office Manager with instructions that the premises be surcharged. The surcharge shall be calculated by measuring the perimeter of footage of the dwelling, based upon the outside measurement of the dwelling's foundation. A surcharge of twenty five cents ($0.25) per linear foot so calculated plus ten percent (10%) of the water usage for each billing quarter shall be charged. There shall be no maximum charge for such surcharge calculation. The surcharges shall be billed with the regular periodic statements for water and sewer use and shall be due and payable and be deemed to become delinquent at the same time. That surcharge will be discontinued when proof is submitted to the city of a proper disconnection from the sanitary sewer system.

(F) Any person aggrieved by any notice of the City Administrator under this section may obtain a hearing upon the filing of a written request for such a hearing with the City Administrator. The request for hearing must be filed with the City Administrator within the time allowed for abatement, as provided for in division (C) above. The written request for a hearing shall contain, at a minimum, the following information: the time, date, and place of the original inspection; the time, date, and place of any retest; the name and address of the person requesting the hearing; the address of the premises subject to the abatement request; and a brief statement of the reasons for requesting a hearing. Any such written request will postpone the date for abatement contained in the original notice to abate until after the hearing has been held. The City Administrator shall set the date for the hearing, upon receipt of a written request for such a hearing, as soon as possible, but not more than fifteen (15) days after the request is received.

(1) The hearing shall be before a board consisting of the City Administrator or his designee of the Public Works Committee, a member of the Planning and Zoning Commission designated by the Mayor, and three residents of the city appointed by the Mayor. The City Administrator shall act as the hearing board's secretary and the Public Works Director shall act as a consultant to the board. The aggrieved person may present any facts or arguments he desires to present, he may be represented by counsel, and he may present such expert testimony or technical evidence as to establish his contentions. Within ten days after the hearing, the board, by a majority vote, may affirm, modify, or reverse any decision of the City Administrator.

(2) Notice of the board's decision shall be mailed to the aggrieved person within three working days after the rendering of the board's decision. The notice shall be sent by the board to the address of the aggrieved person provided in the request for hearing, and shall contain the following information: a short statement describing the board's decision; the period in which abatement, if any, is required, which

shall be at least fifteen (15) days but no more than thirty (30) days after said decision is rendered; and a statement describing the aggrieved person's right to appeal to the City Council.

(G) A person aggrieved by any decision of the hearing board under the provisions of this section may appeal to the City Council. The appeal shall be by notice, in writing, addressed to the Mayor, stating the reason for the appeal. The notice of appeal must be filed by the person aggrieved within ten (10) days after receipt of the notice of the hearing board's decision. The filing of the notice of appeal shall delay the effective date of the hearing board's order until a decision is rendered in the appeal to the City Council. The aggrieved person may present additional facts or arguments as he may desire to the City Council. The City Council may affirm, modify, or reverse any decision of the hearing board by a vote of a majority of said Council in attendance.

(Ord. 1502, passed 10-7-86)

§ 96.04 DECLARATION OF NUISANCE

Any act of any person or group within the city whereby the health or life of any person may be endangered, injured, or impaired; or any disease may, directly or indirectly, be caused by the act; or because of the act, any property may be endangered, injured, damaged, or is substantially diminished in value as described in § 96.01, is hereby declared to be a nuisance and unlawful.

§ 96.05 ABATEMENT PROCEDURE

(A) Procedure.

(1) Inspection and investigation. When the existence of a public nuisance is brought the attention of the City Administrator, he/she may cause an inspection and investigation to be made by the appropriate agencies to determine whether removal or abatement is necessary..

(2) Notice to abate.

(a) The City Administrator may, after inspection and investigation under the provisions of division (A) (1) of this section, cause a notice in writing to be served upon the person who is responsible for the existence of the nuisance. The notice may be served by mailing a copy thereof to the last known address of the person who is responsible for the existence of the nuisance, return receipt requested.

(b) The notice shall indicate the date of the inspection and investigation, and the hour and location where the inspection was made. The notice shall set forth what the nuisance consists of and indicate the abatement remedy required.

(B) When any nuisance, or anything likely to become a nuisance, may be found upon any premises, and the person causing such nuisance is unknown or cannot be found, the owner, agent, or occupant of the premises shall be notified by the City Administrator to abate the same. No such owner, agent, or occupant, whose duty it is made to abate such nuisance, shall fail to promptly comply with such notice.

(C) General abatement remedies; alternative. After the expiration of (7) seven days from the date the notice was mailed, if the nuisance is not abated or other remedy made as required, the city may choose either one of the following abatement remedies:

(1) The nuisance may be abated by the city, under the direction of the City Administrator, and the cost of so doing shall be collected from the person who is responsible for the nuisance with a penalty of ten percent (10%) of such costs in an appropriate court of competent jurisdiction; or

(2) In addition to the other remedies and penalties provided in this chapter, the City Attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, permanent injunction or for damages, against any person violating this chapter.

(D) Abatement in case of emergency. If a nuisance constitutes an emergency, the time for abatement may be reduced by the City Administrator in the notice which specifies that the emergency exists.

(E) City abatement of weed nuisances. In the event the city chooses to abate a weed nuisance, the following additional remedies are available to the city:

(1) Charges. The actual cost incurred by the City for the removal of weeds; provided, however, if the City uses its own employees to remove the weeds, there is hereby established a charge of Fifty Dollars ($50.00) per hour for the removal of weeds and grasses pursuant to this Chapter. Whether the removal of weeds is accomplished by City employees or not, the charge to the property owner or occupant shall not be less than One Hundred Dollars ($100.00), in any event.

(2) Lien.

(a) Charges for such grass and weed removal shall be a lien upon the premises. Within sixty (60) days after such cost and expense is incurred by the city, the City Clerk may file a notice of lien with the Recorder of Deeds of the County. This claim of lien statement shall contain a legal description of the premises, the expenses and costs incurred and the date the weeds were cut, and a notice that the City claims a lien for this amount.

(b) Notice of such lien claim shall be mailed to the owner of the premises if his address is known.

(3) Foreclosure of lien.

(a) Property subject to a lien for unpaid weed and grass cutting charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the City.

(b) The City Attorney is hereby authorized and directed to institute such proceedings, at the direction of the corporate authorities in the name of the City, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid for a period of sixty (60) days after the filing of said notice of lien, and for such service a reasonable attorney's fee shall be allowed against the owner of said premises in the foreclosure action.

(F) This Abatement Procedure section may be used in conjunction with the Penalty section contained in § 96.99, and is not required to be utilized as a precondition to the City enforcing the monetary penalty provisions of § 96.99 for violations of this Chapter.

(Am. Ord. 1472, passed 12-2-85; Am. Ord. 1588, passed 6-5-89; Am. Ord. 1589, passed 6-5-89, Am. Ord. 2254, passed 11-6-00; Am. Ord. 2620, passed 6-20-05; Am. Ord. 2813, passed 1-5-09; Am. Ord. 2996, passed 7-2-12)

§ 96.06 ENFORCEMENT

Enforcement of this chapter may by accomplished by the city in any manner authorized by law; and, in addition, any person who by reason of another's violation of any provision of this chapter, suffers special damage to himself different from that suffered by other property owners throughout the city generally, may bring an action to enjoin or otherwise abate an existing violation.

§ 96.99 PENALTY

Whoever violates any provision of this Chapter shall be punished by a fine not less than One Hundred Dollars ($100.00) for a first offense in any twelve-month period, a fine of not less than Two Hundred Dollars ($200.00) for a second offense within any twelve-month period, a fine of not less than Three Hundred Fifty Dollars ($350.00) for a third offense within any twelve-month period, and a fine of not less than Five Hundred Dollars ($500.00) for a fourth offense and all subsequent offenses within any twelve-month period. This penalty may be enforced by issuance of a "Notice of Violation" for the fine amounts enumerated herein, or by issuance of a "Notice to Appear." Each day any violation of this Chapter shall continue shall constitute a separate offense. This penalty shall be in addition to the costs and penalty provided for the abatement of nuisances as provided in §96.05(C) and §96.05(E), and in addition to any and all other remedies which may be available to the City under this Chapter, other Chapters of the Code of Ordinances, or other laws.

(Am. Ord. 2620, passed 6-20-05; Am. Ord. 2813, passed 1-5-09; Am. Ord. 2996, passed 7-2-12)

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CHAPTER 97

PARKS AND RECREATION

Washington Square Park

97.01 Definitions
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WASHINGTON SQUARE PARK

§ 97.01 DEFINITIONS

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

PERSON. Any person, firm, partnership, association, corporation, company, or organization of any kind.

PROHIBITED AREAS. The concrete coping (restraining wall), which surrounds the perimeter of the park area, and the area inside the brick walls of the water fountain located in the center of the park.

REMAIN. As used in § 97.03 shall include sitting, lying, standing, or lounging idly about, but shall not include passage through the area specified.

WASHINGTON SQUARE PARK. All real property maintained by the city, consisting of .03 acres designated as a park within and including the concrete restraining walls separating the park area from the highway surrounding it, located in Washington Square.

§ 97.02 PARTICIPATING IN GAMES OF ATHLETIC OR SPORTING NATURE

No person shall at any time play football, frisbee, baseball, or any other games of an athletic or sporting nature within Washington Square Park.

Penalty, see § 97.99

§ 97.03 LOITERING IN PROHIBITED AREAS

No person shall, at any time, sit, stand, lounge upon, or otherwise occupy any prohibited area as defined in § 97.01.

Penalty, see § 97.99

§ 97.04 CONSUMING INTOXICATING LIQUORS WITHIN PARK

No person shall, at any time, consume any intoxicating liquors or malt or vinaceous liquors within Washington Square Park.

Penalty, see § 97.99

OPEN AIR MEETINGS

§ 97.20 DEFINITION

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

> **OPEN AIR MEETING**. Any congregation of citizens held in Washington Square Park for the purpose of hearing speakers, of conducting musical productions, carrying on business or other commercial purposes, or discussing some matter of common interest where the number of participants expected may reasonably be assumed not to exceed 50.

§ 97.21 PERMIT REQUIRED

No person shall participate in any open air meeting held in Washington Square Park unless a written permit thereof shall first be obtained from the Chief of Police.

Penalty, see § 97.99

§ 97.22 APPLICATION FOR PERMIT; CONTENTS

An application to conduct an open air meeting shall be made in writing to the Chief of Police at least seventy two (72) hours prior to the event, by a representative of the group seeking the permit, and shall set forth the following information:

(A) The name, address, and telephone number of the person seeking to conduct such an open air meeting;

(B) If the open air meeting is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization;

(C) The name, address, and telephone number of the person who will be the chairperson of the open air meeting;

(D) The date when the open air meeting is to be conducted;

(E) The location of speakers and platforms;

(F) The approximate number of persons who, and animals and vehicles which, will constitute the open air meeting;

(G) The type of animals, and description of the vehicles; and

(H) The hours when such open air meeting will start and terminate.

§ 97.23 ISSUANCE

Following receipt of an application or reapplication, the Chief of Police or his designee shall either, within twenty four (24) hours, issue a permit for the holding of an open air meeting or reject the application. Permits may be rejected on the basis of improper or incomplete application and, reasons for rejection shall be made known to the applicant, in writing, at the time of the rejection. The applicant shall be allowed to correct or complete the improper application and resubmit it to the Chief of Police, the original seventy two (72) hour required advance notification time being still valid if a corrected application is resubmitted within twenty four (24) hours prior to the time of the event. If a corrected application is not received by the Chief of Police within forty eight (48) hours prior to the time of the event, a new period of forty eight (48) hours will be imposed prior to which the event may not be held. The forty eight (48) hour period shall commence upon the receipt of the corrected application.

(A) Each permit shall be issued for a time period certain.
(B) All permits shall be issued on a first-come, first served basis.

§ 97.24 FILING PRECEDENCE; CONFLICTS AS TO TIME AND PLACE

If the Chief of Police shall receive more than one application for an open air meeting at the same time, or on the same day, the application filed first in time shall take precedence. An application shall be considered to be at the same time if the event is scheduled to commence within two hours before or after the holding of another event. If the Chief of Police receives an application

for more than one open air meeting in Washington Square Park on a single day, he may set a time for the duration of each open air meeting which time shall not, without the consent of the group seeking the permit, be less than three hours.

§ 97.25 PERMIT FEE AND COSTS

(A) The Chief of Police is authorized to impose a reasonable fee for each of the following upon the individual or group conducting the open air meeting at Washington Square Park:

(1) For the issuance of a permit;

(2) For the costs of traffic control necessitated by the open air meeting at Washington Square Park; and

(3) For the costs of clean-up of Washington Square Park and any damage done thereto.

(B) The Chief of Police may require the individual or group conducting the open air meeting at Washington Square Park to deposit with the Chief of Police an amount of money equal to the estimated reasonable costs of traffic control and the estimated reasonable costs of clean-up of Washington Square Park. This deposit will be used to pay the actual costs of traffic-control and clean-up of Washington Square Park.

(C) Any unused portion of the deposit will be returned to the individual or group conducting the open air meeting at Washington Square Park, less any damage done to the facilities, appurtenances, fixtures, or property at Washington Square Park.

§ 97.26 HOURS PERMITTED

All open air meetings shall be conducted between the hours of 8:00 a.m. and 10:00 p.m. on Monday through Saturday and not before noon on Sundays. Special exceptions may be made to charigable organizations by the approval of the Chief of Police.

(Am. Ord. 3159, passed 12-7-15)

Penalty, see § 97.99

§ 97.27 SIZE LIMITATION

Open air meetings at Washington Square Park shall be limited to such numbers as will not obstruct traffic either vehicular or pedestrian, in an unreasonable manner; and in any event, no such open air meeting shall consist of more than fifty (50) participants, not to include spectators.

Penalty, see § 97.99

§ 97.99 PENALTY

(A) Whoever violates any provisions of §§ 97.01 through 97.04 shall be fined not less than twenty five dollars ($25.00) nor more than one hundred dollars ($100.00). Each day's violation shall constitute a separate offense.

(Ord. 1276, passed 6-4-79)

(B) Any person who violates any portion of §§ 97.20 through 97.27 shall be fined not to exceed five hundred dollars ($500.00) for each offense. The violation of §§ 97.20 through 97.27 is declared to be a public nuisance, to be abated in the manner provided for by law.

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CHAPTER 98

STREETS AND SIDEWALKS

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GENERAL PROVISIONS

§ 98.001 MANNER OF TRANSPORTING MATERIALS ALONG STREETS

Any person hauling any material along or upon the streets, avenues, or alleys of the city shall so construct, keep, and maintain the means of conveyance thereof so that at no time shall any of such materials so hauled be dropped or spilled onto said streets, avenues, or alleys.

Penalty, see § 98.999

§ 98.002 PROTECTION OF STREETS

It shall be unlawful for any person, firm, or corporation to run, drive, propel, or otherwise transport by steam, electricity, gasoline, or other power, any engine, tractor, or other metal tired vehicle, except smooth tire vehicles, across, over or on any public paved or oiled streets or alleys in the city, without having first laying on such streets or alleys plank of sufficient width and thickness to afford complete and absolute protection to such streets and alleys.

Penalty, see § 98.999

§ 98.003 DEPOSITING OF SNOW, ICE AND/OR OTHER MATERIALS ON PUBLIC PROPERTY

A. **DEPOSITING OF SNOW, ICE AND/OR MATERIALS ON PUBLIC PROPERTY PROHIBITED.** It shall be unlawful for any person to deposit, sweep, throw, place, or cause to be swept, thrown, placed or deposited by any means snow, ice or other material(s) on, in, or over any public street, roadway, alley, right of way, curb, gutter, fire hydrant, sidewalk or other public property in the City.

B. **PENALTY.** The penalty for a violation of subsection A of section 98.003 shall be a fine of $50 for a first offense, $75 for a second offense, and $100 for a third or subsequent offense. Violations of this section may be enforced by the issuance of a "Notice of Violation" for the fine amount enumerated herein, or by issuance of a "Notice to Appear." The penalty for a violation of this section where a Notice to Appear has been issued shall be a fine of not less than one hundred dollars ($100) and not more than seven hundred fifty dollars ($750) for each offense.

(Am. Ord. 2863, passed 11-16-09)

§ 98.004 COASTING IN STREETS; EXCEPTION

It shall be unlawful for any person to indulge in the sport commonly called coasting in or upon any of the streets or the public square of the city; provided that the Mayor may provide for roping off certain streets for the purpose of providing coasting to the exclusion of traffic.

Penalty, see § 98.999

§ 98.005 RIDING BICYCLES ON SIDEWALKS

It shall be unlawful for any person to ride any bicycle upon any sidewalk except that children under the age of twelve (12) years may ride bicycles on sidewalks within the residential area of the city.

Penalty, see § 98.999

§ 98.006 SPARE SPACE BENEATH STREETS; PERMIT REQUIRED FOR USE

No person shall be allowed to use or occupy vaults, storage areas, or for any other purpose, the space beneath the streets, sidewalks, avenues, alleys, or public places in the city, without a permit from the City Council. Such permit shall not waive the right to inspect such premises.

Penalty, see § 98.999

§ 98.007 INJURY TO SIDEWALK, CURBING, OR GUTTER

(A) No person shall injure or obstruct any gutter, pavement, curbing, or sidewalk, or cause the same to be injured or obstructed.

(B) No person shall ride upon, over, or across, or drive or pass over, along, or across any sidewalk, or any paved gutter, with any vehicle except at proper crossing places and where the alleys intersect the streets; provided, that any occupant of any lot or warehouse may have access to the same by placing in front thereof at his own expense, with the consent and direction of the City Administrator, an approved passageway over the gutter, curbing, and sidewalk in such a manner as will preserve the same from injury and not obstruct it.

Penalty, see § 98.999

§ 98.008 RECEIVING OR DELIVERING MERCHANDISE

No person, while receiving goods, wares, or merchandise, shall permit the same to remain on any sidewalk longer than two (2) hours, and for this purpose he shall not occupy over four (4) feet of the outer edge of the sidewalk in front of the place of business so receiving or delivering any such goods, wares, merchandise, and the like.

Penalty, see § 98.999

EXCAVATIONS, CONSTRUCTION, AND REPAIRS

§ 98.020 PERMIT REQUIRED TO EXCAVATE

No person shall injure or tear up any pavement, sidewalk, or crosswalk, or any part thereof, dig any hole, ditch or drain in, or dig or remove any sod, stone, earth, sand, or gravel from any street, avenue, alley, or public ground in the city without first having obtained written permission from the City Administrator; nor shall any person hinder or obstruct the making or repairing of any pavement, sidewalk, or crosswalk, or any part thereof, in any of the streets, alleys, avenues, or other public places in the city when the same is ordered by any department of or proper officer of the city government.

Penalty, see § 98.999

§ 98.021 PERMIT REQUIRED TO LAY PIPES

It shall be unlawful for any company, firm, or corporation, their agents, servants, or employees, or for any person to make or cause to be made an opening, ditch, or excavation in or upon any of the streets, avenues, alleys, or other public places of the city for the laying of any pipes or making any change, alteration, or repairs to any pipes already laid, or for any other purpose whatsoever, except upon condition that a permit therefor shall have first been obtained of the City Administrator for such purpose.

Penalty, see § 98.999

§ 98.022 ALTERATION, REMOVAL OF PIPES; PERMIT REQUIRED; SURFACE TO BE REPLACED

(A) Any company, corporation, or person desiring to lay, lower, change, or remove any water or other pipe, or pipes, or to make connection therewith, or to make any change, alteration, or improvement in the right-of-way on any street shall first apply to the City Administrator for a permit to enter upon such street, avenue, alley, or other public place of the city. Such application shall accurately describe the premises sought to be broke, dug, or excavated; and the applicant shall agree properly to guard the place which may be dug, broken, or excavated so as to protect the city from loss and all persons from accident or injury; and to complete the work to be done with reasonable dispatch, and when completed to notify the City Administrator. No such permit shall be issued by the City Administrator for the digging up, excavating, or disturbing of any street, avenue, or alley of the city until the cost of replacing or repairing of the same shall first have been ascertained by him, and paid by the applicant to him together with the fees for the making of such estimate.

(B) The application shall be signed by the person, firm, or corporation or their duly authorized agent; and in addition to the other requirements herein prescribed shall recite that the person, firm, or corporation to whom the same is issued will indemnify the city

against any loss or damage in any way resulting to the city by the granting of the permit to such applicant.

(C) After any digging, excavating, or disturbance of a street or alley of the city, the surface of the same shall be replaced as prescribed by the City Administrator. If there was an existing pavement, the restoration of the same shall be completed in accordance with Chapter 152, Appendix, city standard No. .014 or as approved by the engineers for the city.

(Am. Ord. 1144, passed 12-2-74)
Penalty, see § 98.999

§ 98.023 ISSUANCE OF PERMIT AND BOND

Upon application being made in the manner required in § 98.022, the City Administrator may issue a permit to the applicant as herein authorized, and the City Administrator may, if not satisfied of the responsibility of the person seeking such permit, require a bond or such other guaranty as will protect the public and save and keep the city harmless.

§ 98.024 OCCUPATION OF STREET WHILE BUILDING

(A) Any person desiring to occupy any portion of the public streets of the city while engaged in the erection of buildings along the line of either or any of such streets, shall first file an application with the City Administrator for a permit to so occupy the same. Such application shall state the location of the proposed building, the amount of space in the street desired for occupation and length of time to be occupied. It shall be accompanied by an obligation on the part of the applicant to observe the ordinances of the city in relation thereto; and to protect the city from any liability to any person on account of accident or damage arising from such occupation; and fully to remove all materials, dirt, and rubbish from said occupied space; and to restore the street to its original condition immediately upon the expiration of the period granted in such permit.

(B) Whenever such application and agreement shall have been so filed, the City Administrator shall have authority, in his discretion, to issue permits to parties to occupy not more than one third (1/3) in width of the streets so prayed for, specifying in the permit all the privileges therein granted, with the terms and conditions of the same and shall see that they are fully and completely complied with.

(C) Violation, or failure, to perform conditions.

(1) No person, to whom such a permit may be granted, shall fail, through either willfulness or neglect, to perform any of the conditions or execute any of the requirements of the same.

(2) In addition to the penalty provided in § 98.999, the City Administrator shall have the further power, in his discretion, to revoke the privileges granted in such permit and require the removal of all materials, dirt, and rubbish placed upon the occupied portion of the street, for violating division (C) (1) of this section.

Penalty, see § 98.999

§ 98.025 INTERFERING WITH WARNING DEVICES AROUND WORK AREA PROHIBITED

No person shall, without written consent of the City Administrator or without the consent of the person doing or superintending the work, throw down, displace, or remove any obstruction, guard, or red light placed to protect work or repairs on streets, sidewalks, or public places.

Penalty, see § 98.999

§ 98.026 USE OF AND INJURY TO SEWERS AND CULVERTS

It shall be unlawful for any person in the city to injure, obstruct, or destroy any public sewer or culvert, or the grating or openings of the same, constructed or owned in whole or in part by the city, nor shall any such sewer or culvert be used for any other purpose than that for which the same was constructed.

Penalty, see § 98.999

§ 98.027 PROTECT PUBLIC INFRASTRUCTURES; MINIMIZE SOIL EROSION

During any and all construction or building projects within the City, the following standards are hereby required to be followed to protect public infrastructures, including but not limited to curbs, gutters and sidewalks, and to minimize soil erosion and sediment runoff from construction sites, and eliminate the tracking of dirt, mud and debris onto adjoining public streets:

(A) All vehicular or equipment access to a building lot or parcel from a public street or road shall be limited to a specific designated construction entrance. Said construction entrance shall be placed at the same location as the permanent driveway entrance.

(B) Prior to beginning any construction work, a curb cut shall be made at the location of the construction entrance and aggregate stone shall be placed the full width of the entrance from the curb to within five feet of the front building line of the structure.

(C) Each and every construction entrance shall be constructed and maintained in a manner that precludes dirt, mud and other materials from being tracked onto adjoining public streets.

(D) Silt fencing shall be properly installed prior to commencing any construction work and continuously maintained for the duration of all construction activities. Said fencing shall be installed immediately adjacent to the curb and gutter across the entire frontage of the affected lot or parcel, except at the designated construction entrance; along all down-slope property lines; and at such other locations as are determined by the Public Works Director to be necessary to minimize construction site soil erosion.

(E) Any dirt, mud or other materials that is inadvertently tracked or washed onto the public street must be immediately removed by the contractor upon direction by the city, but in no event later than the end of each work day.

(F) The prime and/or general contractor shall be responsible to inspect the curb and gutter adjoining each lot prior to commencing any construction work on the site. This person shall be responsible to immediately notify the city of any damage to the curb and gutter observed to exist prior to the commencement of work.

(G) Prior to the issuance of a Certificate of Occupancy, the city shall inspect the curb and gutter adjoining the affected lot or tract. Any section of curb or gutter found to be damaged by cracking, chipping, scraping, gouging, etc., except those that have been verified by the city to have existed prior to the contract's beginning work, shall be addressed as follows at the direction of the city:

(1) In cases where extensive damages warrant immediate replacement, the curb and gutter shall be removed and replaced by the contractor from construction joint to construction joint, or

(2) In cases where damages are minor, the contractor shall pay the city a sum of money calculated as follows:

(a) the length of each section of damaged curb and gutter measured from construction joint to construction joint multiplied by $25.00 per foot.

In no event shall a Certificate of Occupancy be issued unless and until all damages have been fully satisfied as described above.

(H) The prime and/or general contractor will be held responsible for compliance with the above and shall furthermore be responsible for the actions of his employees, subcontractors and suppliers.

(I) Violators shall be fined one hundred dollars ($100.00) per day and/or shall reimburse expenses incurred by the city in abating the offense. Each day's violation shall constitute a separate offense.

(Ord. 2656, passed 12-19-05)

ENCROACHMENTS, ENCUMBRANCES, AND OBSTRUCTIONS

§ 98.040 STREETS, SIDEWALKS TO BE KEPT CLEAR

(A) The streets, avenues, alleys, and sidewalks in the city shall be kept free and clear of all encumbrances and encroachments for the use of the public; and they shall not be used or occupied in any other way than is provided by ordinance.

(B) It shall be unlawful for any person to occupy or encumber any sidewalk, street, or alley in the city by standing, sitting, or remaining upon the same as to prevent or obstruct. the free and convenient passage of persons along and across any of the streets, sidewalks, or alleys, but all such persons shall disperse or move on at the request of any police officer.

Penalty, see § 98.999

§ 98.041 REMOVAL OF OBSTRUCTIONS

The City Administrator is authorized to cause any obstruction, encroachment, article, or thing which may be in violation of the law or the provisions of this chapter, to be removed within a reasonable time after notice to the owner, agent, or person in possession of the premises where such violation occurs, or after notice to the person causing any such obstruction. In case the owner, agent, or person causing such obstruction cannot be found, then the Public Works Director shall cause any such obstruction to be removed at once, and in addition to the penalty in this chapter prescribed, the person causing such obstruction shall pay all costs and expenses of such removal. In cases when notice has been given, the person so notified, failing after a reasonable time to remove any such obstruction, shall be liable in a like manner as in cases where no notice is given.

§ 98.042 ERECTION OF BUILDING ON STREET PROHIBITED

(A) No person shall erect or place any building, in whole or in part, upon any street, avenue, or alley or other public ground of this city.

(B) The owner, occupant, or person in control of any building, fence, porch, steps, gallery, or other obstruction which is now or may hereafter be erected or placed upon any street, avenue, alley or sidewalk or other public ground of the city, shall remove the same upon

written notice of the City Administrator; and no person shall fail or refuse to comply with such notice within ten days after being so notified.

(C) Whenever the owner, occupant, or person in control of any building, fence, or other obstruction upon any street, avenue, alley, sidewalk, or public ground in this city shall refuse or neglect for a period of ten (10) days after notice as prescribed in division (B) of this section to remove the same, or if the owner, occupant, or person in control cannot be readily found for the purpose of such notice, the City Administrator shall remove or cause to be removed such obstruction; and the expenses thereof shall be recoverable from such owner, occupant, or person in control. No person shall oppose or resist the execution of the orders of the City Administrator.

Penalty, see § 98.999

§ 98.043 PROHIBITING OBSTRUCTION OF ALLEY

No automobile, truck, or vehicle of any kind or description, or any part of the same shall be permitted to stand or remain in and obstruct any public alley in the city for a longer time than five consecutive minutes at any one time, except while the same is being loaded or unloaded; and while being loaded or unloaded such vehicle shall remain in such public alley only a reasonable length of time.

Penalty, see § 98.999

§ 98.044 PERSONAL PROPERTY LEFT ON STREET

In all cases where any article of personal property shall have remained on any street, lane, avenue, alley, or public ground in the city, contrary to ordinance, for twenty four (24) hours, and the owner or agent for the same can be found in the city, it shall be the duty of the Chief of Police or any police officer of the city to remove the same to some convenient place if deemed necessary. It shall thereupon be the duty of the Chief of Police to advertise such article of personal property for the space of ten days by posting up notices in three of the most public places of the city; and at the expiration of such notice, if no owner applies for such article, to sell the same at public auction at the city hall building in the city, and to at once pay the proceeds arising therefrom, to the City Treasurer. All such funds shall be retained by the City Treasurer subject to the order of the City Council.

Penalty, see § 98.999

§ 98.045 OBSTRUCTION BY AWNINGS PROHIBITED

No part of any awning, or anything attached thereto, shall be less than six and one-half (6½) feet from any sidewalk at its lowest point, and shall in no manner interfere with, obscure or obstruct the light of any public lamp.

Penalty, see § 98.999

§ 98.046 SUSPENDING FLAGS AND BANNERS OVER STREETS

The suspending of any banners, signs, transparencies, or other thing over any street in the city is forbidden, unless a permit is secured from the City Council.

Penalty, see § 98.999

§ 98.047 OPENING GRATING, VAULT, OR CELLAR DOOR

No person shall keep or leave open any cellar door or grating of any vault on any public highway or sidewalk, or suffer the same to be left or kept open, or place any obstruction thereon that will endanger the public travel.

Penalty, see § 98.999

PAVING OF STREETS

§ 98.060 CONTRACTOR PAVING STREETS TO ERECT GUARDS

When any street, alley, or other public place in the city shall hereafter be paved or otherwise improved, it shall be the duty of the contractor who has charge of such work to cause to be placed in such street, alley, or public place at the intersection of all cross streets, proper and sufficient guards to prevent automobiles, trucks, or other vehicles of all kinds and descriptions, from entering in and upon such streets so being paved or otherwise improved, for a distance of at least one block from that part of the improvement that has been lastly constructed.

Penalty, see § 98.999

§ 98.061 RIDING OR DRIVING OVER PAVEMENT WITHIN GUARDS PROHIBITED

It shall be unlawful for any person to ride, drive, or in any manner propel any kind of vehicle or piece of machinery, over, along, or upon that portion of any street, alley, or other public place in the city being paved or otherwise improved that is within the guards or obstructions placed upon such street, alley, or public place by the party in charge of such pavement of improvement as provided in § 98.060.

Penalty, see § 98.999

§ 98.062 REMOVAL OF GUARDS

It shall be unlawful for any person other than those engaged in the construction of such pavement

or improvement to remove or destroy any such guards or obstructions placed upon any such street, alley, or public place that is being paved or improved.

Penalty, see § 98.999

DRIVEWAY CONSTRUCTION AND ALTERATION

§ 98.075 COMPLIANCE

No person shall construct, build, establish, or maintain upon any public thoroughfare a driveway from any property abutting such public thoroughfare to the pavement along such public thoroughfare, or use any portion of such parkway for a private drive, except in compliance with and under the terms of this subchapter.

Penalty, see § 98.999

§ 98.076 PERMIT REQUIRED

Any person desiring to construct or alter any private driveway referred to in § 98.075 shall make application for a permit therefor to the City Administrator. No construction or work of any kind shall be done or permitted on such proposed driveway until and unless such permit is duly applied for and issued. Upon receipt of such application upon the forms prescribed by the City Administrator, if the same shall be found to be in accordance with the terms of this subchapter, the City Administrator shall issue such permit, subject to the conditions and terms of this subchapter.

Penalty, see § 98.999

§ 98.077 NUMBER OF DRIVEWAYS ALLOWED

(A) One driveway shall be permitted for each lot within the city limits. Upon application, the Public Works Director shall, in his discretion, issue a permit for one additional driveway to any lot or parcel of land concerning which such application shall have been made if, upon investigation, he shall find that the construction and maintenance of such additional driveway or driveways shall not substantially impair, endanger, or interfere with the public safety, or rights-of-way.

(B) In exercising such discretion the Public Works Director shall consider the amount of pedestrian and vehicular traffic on the proposed driveways and on the street or sidewalk adjacent to the property sought to be connected with any street or thoroughfare. He shall also consider the grade or elevation of the public street with which any such driveways are to be connected to any street intersection, railroad, or railway crossing, fire or police station, or school or church.

§ 98.078 PROCEDURE WHEN PERMIT DENIED

In the event the City Administrator, in his discretion, shall refuse to issue a permit for a driveway, his action in so refusing such permit shall be subject to review by the City Council. If the City Council finds the construction and maintenance of any such driveway will not substantially impair, endanger, or interfere with the public safety, it shall by resolution direct the issuance of any such permit for a driveway of such width and at such location as the City Council shall consider proper and in furtherance of public safety; otherwise a permit shall not be issued.

§ 98.079 WIDTH AND LOCATION OF DRIVEWAYS

Each driveway permitted under this subchapter shall be of such grade and of such width, as specified in Standards 013, 014, or 015, which are hereby adopted and incorporated by reference as if fully set forth herein, shall be constructed in accordance with driveway plans and specification on file in the office of the City Administrator at such location as the City Administrator in his discretion shall find proper after making the investigation in the light of the standards referenced in this section.

Penalty, see § 98.999

§ 98.080 MATERIAL REQUIREMENTS

Driveways connecting with paved streets shall be paved with portland cement concrete, in accordance with plans and specifications on file in the office of the City Administrator. Concrete shall be at least six (6) inches in depth. That portion of any driveway which crosses any concrete sidewalk shall be constructed of concrete six (6) inches thick.

Penalty, see § 98.999

§ 98.081 GRADING

That portion of driveway which crosses a sidewalk shall be kept as nearly as possible at the same grade as the walk, so as to avoid interference with pedestrian traffic. No steps shall be created in the sidewalk because of any driveway construction, and at no time shall the gradient of the sidewalk which crosses a driveway exceed one (1) foot vertical to ten (10) feet horizontal. The established grade at the gutter or street level shall not be changed by the driveway, and no part of the driveway shall extend beyond the curb or street line in such a manner as to change the grade of the gutter or street or obstruct the free flow of water in the gutter. Where elevations or depressions are necessary in the parkway strip between the curb or street and the sidewalk or property line, the parkway shall be graded on both sides of the driveway to a distance sufficient to create a gradual ascent or descent. At no time shall the gradient exceed one foot vertical to ten feet horizontal.

Penalty, see § 98.999

§ 98.082 REMOVAL OF CURBS

Combined curb and gutter and separate curbing shall be entirely removed for the full width of the driveway opening at the curb line. Any such curb removal shall be done by saw cut so as to avoid any injury to the curb remaining in place, which shall be rounded off and finished under the supervision of the City Administrator or his representative.

Penalty, see § 98.999

§ 98.083 DRAINAGE

No driveway shall be so constructed so as to interfere with the drainage of the adjoining street, or so as to permit the forming of pools of water in the driveway.

Penalty, see § 98.999

§ 98.084 BARRIERS AND LIGHTS REQUIRED

Adequate barriers and lights shall be maintained whenever any sidewalk is obstructed by construction of a driveway, to prevent injury to any pedestrians.

Penalty, see § 98.999

§ 98.085 TEMPORARY DRIVEWAYS

It shall be unlawful to establish a temporary driveway for the conveyance of vehicles across any parkway or sidewalk when no regular driveway is established; provided that a permit therefor is obtained from the City Administrator. Such temporary driveway shall be properly planked so that the parkway, sidewalk, and curb are adequately protected from damage.

§ 98.086 INSPECTION OF CONSTRUCTION

Inspection of driveway construction shall be provided by duly authorized city personnel following a minimum of twenty four (24) hour notice by the contractor.

PARADES AND OPEN AIR MEETINGS

§ 98.100 DEFINITIONS

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

OPEN AIR MEETING. Any congregation of citizens held outdoors and upon any public property for the purpose of hearing speakers or discussing some matter of common interest where the number of participants expected may reasonably be assumed to exceed fifty (50).

PARADE. Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park, or other public place in the municipality.

(Ord. 949, passed 11-18-68)

§ 98.101 PERMIT REQUIRED

No person shall participate in a parade or open air meeting held on any public way or on any public property unless a written permit therefor shall first be obtained from the Chief of Police, except that this subchapter shall not apply to:

(A) Funeral processions;

(B) Students going to and from classes or participating in educational activities, including band practice, providing such conduct is under the immediate direction and supervision of the proper school authorities; or

(C) A governmental agency acting within the scope of its functions.

(Ord. 1520, passed 5-4-87)

Penalty, see § 98.999

§ 98.102 APPLICATION FOR PERMIT; CONTENTS.

An application to conduct a parade or open air meeting shall be made in writing to the Chief of Police at least seventy two (72) hours prior to the event, by a representative of the group seeking the permit, and shall set forth the following information:

(A) The name, address, and telephone number of the person seeking to conduct such parade or open air meetings:

(B) If the parade or open air meeting is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization;

(C) The name, address, and telephone number of the person who will be the parade chairperson or chairperson of the open air meeting;

(D) The date when the parade or open air meeting is to be conducted;

(E) The route to be traveled, the starting point, the termination point, and the location of speaker's platforms;

(F) The approximate number of persons who, and animals and vehicles which, will constitute such parade or open air meeting; the type of animals, and description of the vehicles;

(G) The hours when such parade or open air meeting will start and terminate;

(H) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(I) The location by streets of any assembly areas for such parade or open air meeting; and

(J) The time at which units of the parade will begin to assemble at any such assembly area or areas.

(Ord. 949, passed 11-18-68)

§ 98.103 FILING PRECEDENCE; CONFLICTS AS TO TIME AND PLACE

If the Chief of Police shall receive more than one (1) application for a parade or open air meeting at the same time and the same place, or on the same day, the applications filed first in time shall take precedence. An application shall be considered to be at the same time if the event is scheduled to commence within two (2) hours before or after the holding of another event. An application shall be considered to be at the same place if the requested parade route comes at any point within six (6) blocks or any equivalent distance from the route of another parade or if the open air meeting be conducted within one-half (½) mile of another open air meeting. If the Chief of Police receives an application for more than one (1) parade or open air meeting in a single day, he may set a time for the duration of each parade or open air meeting which time shall not, without the consent of the group seeking the permit, be less than three (3) hours.

(Ord. 949, passed 11-18-68)

§ 98.104 ISSUANCE OF PERMIT

Following receipt of an application or reapplication the Chief of Police shall either within twenty four (24) hours issue a permit for the holding of a parade or open air meeting or reject the application. Permits may be rejected on the basis of improper or incomplete application and,

reasons for rejection shall be made known to applicant, in writing, at the time of rejection. The applicant shall be allowed to correct or complete the improper application and resubmit it to the Chief of Police, the original seventy two (72) hour required advance notification time being still valid if the corrected application is resubmitted within twenty four (24) hours prior to the time of the event. If a corrected application is not received by the Chief of Police within twenty four (24) hours prior to the time of the event, a new period of forty eight (48) hours will be imposed prior to which the event may not be held. The forty eight (48) hour period shall commence upon receipt of the corrected application.

(Ord. 949, passed 11-18-68)

§ 98.105 ISSUANCE OF MULTIPLE PERMITS

The Chief of Police shall issue permits for more than a single parade during one (1) day in accordance with the requirements of §§ 98.103 and 98.104 of this chapter provided, however, that he may not issue multiple permits beyond the point at which the issuance of an additional permit would require the continuing diversion of so great a number of police officers or other municipal personnel so as to prevent normal police protection or other services to the municipality.

(Ord. 949, passed 11-18-68)

§ 98.106 HOURS PERMITTED

All parades shall be held during daylight hours at times other than peak traffic periods (7:30 a.m. to 9:00 a.m.) and (4:30 p.m. to 6:00 p.m.) Monday through Saturday, and not before noon on Sundays. All open air meetings shall conclude by midnight and shall not be held before noon on Sunday.

(Ord. 949, passed 11-18-68)
Penalty, see § 98.999

§ 98.107 SIZE LIMITATIONS

Parades and open air meetings shall be limited to such numbers as will not obstruct traffic either vehicular or pedestrian, in an unreasonable manner, and in any event, no such parade or open air meeting shall consist of more than five hundred (500) persons.

(Ord. 949, passed 11-18-68)
Penalty, see § 98.999

TREES AND SHRUBBERY

§ 98.120 APPROVAL REQUIRED FOR PLANTING

(A) It shall be unlawful to plant any tree or shrub in any public street, street rights-of-way or public parkway.

(B) It shall be unlawful to plant any tree or shrub in any other public place, unless prior approval is given by the City Council, or its duly authorized designee.

(Ord. 2462, passed 8-4-03)

Penalty, see § 98.999

§ 98.121 REMOVAL OF TREES OR SHRUBS; APPROVAL REQUIRED

It shall be unlawful to remove or cut down any tree or shrub in any street, parkway, Glendale Cemetery, or other public place without the approval of the City Administrator.

Penalty, see § 98.999

§ 98.122 DANGEROUS TREES

Any tree or shrub which overhangs any sidewalk, street, or other public place in the city in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises on which such tree or shrub grows so that the obstructions shall cease.

Penalty, see § 98.999

§ 98.123 HAZARDOUS LIMBS

Any limb of a tree which has become hazardous or is likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

Penalty, see § 98.999

§ 98.124 INJURING TREES AND SHRUBS

It shall be unlawful to injure any tree or shrub planted in any such public place.

Penalty, see § 98.999

§ 98.125 ATTACHMENT OF WIRES OR ROPES; PERMISSION REQUIRED

(A) It shall be unlawful to attach any wire or other rope to any tree without permission of the City Council.

(B) Any person or company given the right to maintain poles or wires in the streets, alleys, or other public places in the city shall, in the absence of provision in the franchise

concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed and subject to the supervision of the Superintendent of Streets and Waterworks, so that no injury shall be done to the poles or wires or shrubs and trees by contact.

Penalty, see § 98.999

§ 98.126 ATTACHING ADVERTISEMENTS, NOTICES, AND POSTERS PROHIBITED

It shall be unlawful to attach any sign, advertisement, notice, campaign poster, or campaign placard of any candidate for office or of any political party to any tree or shrub, telephone pole, light pole, or any other object in any street, parkway, or other public place.

Penalty, see § 98.999

NAMING OF STREETS; NUMBERING LOTS AND BUILDINGS

§ 98.140 NAMING OF STREETS

(A) The corporate authorities may name originally, and then may change, the name of any street, alley or other public place within the city.

(B) No change in the name of any street, alley or other public place shall be effective until thirty (30) days after passage of the ordinance or resolution changing the name and the post office branch serving that area has been notified of the change in writing by certified or registered mail.

§ 98.141 NUMBERING OF LOTS AND BUILDINGS

(A) The City Administrator, or his designee, shall have the authority to issue numbers for buildings and lots and also the authority to change the numbering of buildings and lots.

(B) No change in the numbering of buildings and lots shall be effective until thirty (30) days after such numbering is changed and the post office branch serving that area has been notified of the change in writing by certified or registered mail.

(C) Posting of address numbers.

(1) All owners of improved residential, commercial and industrial properties shall post the respective address numbers, as assigned by the city, at or near the main entrance of all principal structures, provided that the place upon which those

numbers are posted is not further than sixty five (65) feet from the nearest pavement edge of the street upon which the structure faces.

(2) For those improved properties that would have a plane upon which the address numbers would be posted further than sixty five (65) feet from the nearest pavement edge of the street upon which the structure faces, a sign shall be posted bearing the property's respective address, not further than sixty five (65) feet from the pavement edge. Such signs shall not be any longer than the area of address numbers with a maximum four (4) inch perimeter around the address number. Such address numbers shall not be subject to the city's sign ordinance.

(3) All address numbers shall be permanently affixed and shall be clearly visible from the street, free of current and future temporary and permanent visual obstructions. They shall not be posted on doors, windows or other moveable components.

(4) Address numbers shall be posted upon planes that are parallel to the street direction upon which the property faces.

(5) Address numbers upon structures shall be posted between four (4) feet and nine (9) feet above the first floor (above grade) level.

(6) Address numbers upon signs shall be posted between thirty (30) inches and forty eight (48) inches above grade.

(7) The minimum height of each address number shall be four (4) inches and the maximum height of each address number shall be twelve (12) inches. Minimum spacing between each number shall be twenty five percent (25%) of the number's height with a maximum spacing of fifty percent (50%) of the number's height.

(8) All numbers constituting an address number shall be uniform in height and style.

(9) All address numbers shall be whole Arabic numerals only. No fractions or decimals shall be allowed. They shall be devoid of serifs and other ornamentation that would cause illegibility. Script, Roman numerals and other forms of numbers shall not be acceptable, unless used in addition to Arabic numerals.

(10) Address numbers shall severely contrast in color to the background upon which they are affixed.

(11) Address numbers on mailboxes along the street shall not be sufficient identification to comply with this section.

(12) With subdivisions of an addressed property (apartments, offices, suites, and so forth), each subdivision shall have its own identifier clearly and permanently affixed at or near its main entrance. In the instance of an apartment, office or other complex, where an address has more than one principal structure, each structure shall have its own identifier, English alphabet only, with each subdivision within each structure having its own identifier, Arabic numeral only.

(Ord. 1661, passed 3-4-91)

Penalty, see § 98.999

§ 98.999 PENALTY

Whoever violates any provision of this chapter for which another penalty is not already provided, shall be fined not less than twenty five dollars ($25.00) not more than two hundred dollars ($200.00) for each offense. Each day's violation shall constitute a separate offense.

CHAPTER 99

RAFFLES

99.01 Purpose and short title
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§ 99.01 PURPOSE AND SHORT TITLE

(A) Purpose. The purpose of this chapter is to regulate and control the conduct of raffles within the city.

(B) Short title. This chapter shall be known as the ***Raffles Chapter*** of the city, and may be so cited and pleaded and shall be referred to herein as the chapter.

(Ord. 1527, passed 7-20-87)

§ 99.02 CONSTRUCTION

In the construction of this chapter, the definitions hereunder shall be observed and applied, except when the context clearly indicates otherwise:

(A) Words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural number shall include the singular number.

(B) The word **SHALL** is mandatory and not discretionary.

(C) The word **MAY** is permissive or discretionary.

(D) Words not defined shall be interpreted in accordance with definitions contained in Webster's New Collegiate Dictionary (1973 edition).

(Ord. 1527, passed 7-20-87)

§ 99.03 DEFINITIONS

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

CHANCE. A number or a combination of numbers, or some other symbol or combination of symbols, one or more of which chances is represented to qualify for designation as the winning chance.

CHARITABLE ORGANIZATION. An organization or an institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.

CITY. The city of Washington, Illinois.

CITY COUNCIL. The City Council of the city of Washington, Illinois.

CITY CLERK. The City Clerk of the city of Washington, Illinois.

EDUCATIONAL ORGANIZATION. An organization or institution organized and operated to, provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.

FRATERNAL ORGANIZATION. An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.

LABOR ORGANIZATION. An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

LICENSEE. An organization which has been issued a license to operate a raffle.

NET PROCEEDS. The gross receipts from the conduct of raffles, less sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.

NONPROFIT. Organized, operated, and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of said operation.

PERSON. An individual, firm, organization, public or private corporation, government, partnership, or unincorporated association.

PRIZE. The goods, services, money or other items of value or consideration awarded or represented to be awarded to the winning chance or chances.

RAFFLE. A form of lottery, as defined in Section 28-2(b) of the "Criminal Code of 1961," conducted by an organization licensed under said Criminal Code in which:

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

(2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

RELIGIOUS ORGANIZATION. Any church, congregation, society, or organization founded for the purpose of religious worship.

VETERANS ORGANIZATION. An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

(Ord. 1527, passed 7-20-87)

§ 99.04 LICENSE REQUIREMENTS

It shall be unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle unless said raffle has been licensed in accordance herewith.

(Ord. 1527, passed 7-20-87)
Penalty, see § 99.99

§ 99.05 AREA LIMITATION ON SALE OF CHANCES

No license issued pursuant to this chapter authorizes any person or organization to conduct or operate a raffle or to sell, offer for sale, convey, issue, or otherwise transfer for value a raffle

chance outside the corporate limits of the city and no persons or organizations shall conduct or operate a raffle licensed pursuant to this chapter outside the corporate limits of the city.

(Ord. 1527, passed 7-20-87)

Penalty, see § 99.99

§ 99.06 APPLICATION

Any person seeking to conduct or operate a raffle shall file an application therefor with the City Clerk on forms provided by the City Clerk. Said application shall contain the following information:

(A) The name, address, and type of organization;

(B) The length of existence of the organization and, if incorporated, the date and state of incorporation;

(C) The name, address, telephone number, social security number, and date of birth of the organization's presiding officer, secretary, raffles manager, and any other members responsible for the conduct and operation of the raffle;

(D) The aggregate retail value of all prizes to be awarded in the raffle;

(E) The maximum retail value of each prize to be awarded in the raffle;

(F) The maximum price charged for each raffle chance issued or sold;

(G) The time period during which raffle chances will be issued or sold; the same to be not more than one hundred twenty (120) days after issuance of the license;

(H) The time and location at which winning chances will be determined;

(I) A detailed description of the method of determining the winning chances;

(J) A sworn statement attesting to the not-for-profit character of applicant organization, signed by its presiding officer and secretary;

(K) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in application is true and correct;

(L) Copies of the applicant organization’s founding documents, and if incorporated, the articles of incorporation and by-laws; and

(M) Verification that the applicant organization is not ineligible for a raffle license under §99.07 of Chapter 99 of the Code of Ordinances.

(Ord. 1527, passed 7-20-87; Am. Ord. 3064, passed 12-16-13)

§ 99.07 LICENSE QUALIFICATIONS

Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, religious, and veterans organizations that operate without profit to their members and which have been in existence continuously for a period of five years or more immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The following are ineligible for any raffle license:

(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 organization in which a person defined in divisions (A) through (C) above has a proprietary, equitable, or credit interest, or in which such person is active or employed;

(E) Any organization in which a person defined in divisions (A) through (C) above is an officer, director, or employee, whether compensated or not; and

(F) Any organization in which a person defined in divisions (A) through (C) above is to participate in the management or operation of a raffle as defined herein.

(Ord. 1527, passed 7-20-87; Am. Ord. 3064, passed 12-16-13)

§ 99.08 LICENSE ISSUANCE

The Chief of Police shall review all raffle license applications, recommend approval or denial, and submit them to the City Clerk within ten (10) days from the date of application. The City Clerk shall, within thirty (30) days from the date of application, accept or reject a raffle license application. If an application is accepted, the City Clerk shall forthwith issue a raffle license to the applicant. If an application is rejected by the City Clerk, the applicant may appeal said rejection directly to the Washington City Council.

A single raffle license may be valid for as long as one (1) year and may provide for as many as fifty-two (52) weekly raffles. No individual raffle may be conducted for a period in excess of one hundred twenty (120) days, unless the City has specifically authorized a license for a longer period of time or grant an extension.

(Ord. 1527, passed 7-20-87; Am. Ord. 1666, passed 4-15-91: Am. Ord. 2887, passed 5-17-10)

§ 99.09 CONDUCT OF RAFFLES

The operation and conduct of raffles are subject to the following restrictions:

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the licensee;

(B) No person except a bona fide member of the licensee may participate in the management or operation of the raffle;

(C) No person may receive remuneration or profit for participating in the management or operation of the raffle;

(D) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter;

(E) Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the city; the winning chances may be determined only at the location specified on the license;

(F) No person under the age of eighteen (18) years may participate in the operation or conduct of raffles. 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 parent or guardian; and

(G) No chance shall be sold, offered for sale, conveyed, issued or otherwise transferred for value to any person under the age of eighteen (18) years; however, any person may make a gift of a chance to any person of any age.

(Ord. 1527, passed 7-20-87)

Penalty, see § 99.99

§ 99.10 RAFFLES MANAGER

The operation and conduct of all raffles held under one license shall be under the supervision of a single raffle manager designated by the licensee. In the case of a license allowing multiple raffles, the same raffle manager must supervise all raffles under the license. The raffle manager shall give a fidelity bond equal in the amount to the aggregate retail value of all prizes to be awarded in favor of the licensee conditioned upon his honesty in the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the City of Washington not less than thirty (30) days prior to its cancellation. The City Council may waive this bond requirement by including a waiver provision in the license issued to an organization under this chapter, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

(Ord. 1527, passed 7-20-87; Am. Ord. 1666, passed 4-15-91)

§ 99.11 RECORDS

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

(C) Each licensee shall report to its membership and to the city its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required herein. If a license is valid for more than thirty (30) days the report shall be made monthly.

(D) Raffle records shall be preserved for three (3) years, and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.

(E) Notwithstanding any provisions herein to the contrary, all licensees holding a license allowing multiple raffles must file all required reports with the city within thirty (30) days of the conclusion of each individual raffle. A licensee holding a license allowing multiple

raffles, and which licensee holds more than one such raffle in any thirty (30) day period, may file a single report document reporting the results of all raffles held and which have not previously been reported every thirty (30) days, and may exclude from said single report document any raffle held within three (3) days prior to the filing of said single report document. Any raffle so excluded from a current single report document shall be reported on the next filed single report document.

(Ord. 1527, passed 7-20-87; Am. Ord. 1666, passed 4-15-91;
Am. Ord. 1678, passed 8-5-91)
Penalty, see § 99.99

§ 99.12 FEE SCHEDULE

(A) No fee will be charged, and no fee must be submitted, when an application is made for a license to conduct a single raffle.

(B) A raffle fee will be charged, and a fee must be submitted, when an application is made for a license to conduct more than one raffle under a single license. The amount of the fee will be equal to one dollar ($1.00) for each raffle included within the license.

(C) Any and all raffles payable, as hereinabove provided, are nonrefundable even if the application is rejected by the City Council.

(Ord. 2081, passed 7-7-97)

§ 99.13 SALE LIMITATIONS

Chances may not be sold, offered for sale, conveyed, issued, or otherwise transferred for value after the time designated in the application made pursuant to § 99.06(H) as the time at which winning chances will be determined.

(Ord. 1527, passed 7-20-87)
Penalty, see § 99.99

§ 99.14 PRIZE LIMITATIONS

The aggregate retail value of all prizes awarded in a single raffle shall not exceed Forty Thousand Dollars ($40,000).

(Ord. 1527, passed 7-20-87; Am. Ord. 2807, passed 12-1-08; Am. Ord. 3064, passed 12-16-13)
Penalty, see § 99.99

§ 99.15 CHANCE LIMITATION

The price which may be charged for each raffle chance sold, offered for sale, conveyed, issued, or otherwise transferred for value shall not exceed the following schedule:

Aggregate Retail Value of Prizes	Chance Price
Less than $100.00	$1.00
$100.00 or more but less than $500.00	$5.00
$500.00 or more but less than $1,000.00	$10.00
$1,000.00 or more but less than $10,000.00	$20.00
$10,000.00 or more	$100.00

(Ord. 1527, passed 7-20-87Am. Ord. 2807, passed 12-1-08) Penalty, see § 99.99

§ 99.16 AWARDING OF PRIZE

Upon the sale, conveyance, issuance or other transfer for value of any chance, the licensee shall award the prize or prizes designated as such in the application made pursuant to § 99.06(H).

(Ord. 1527, passed 7-20-87)

Penalty, see § 99.99

§ 99.17 SEVERABILITY

If any provision of this chapter or the application thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect any other provisions of this chapter not specifically included in such ruling or which can be given effect without the unconstitutional or invalid provision or application; and to this end, the provisions of this chapter are declared severable.

(Ord. 1527, passed 7-20-87)

§ 99.18 LICENSE SUSPENSION OR REVOCATION

The Chief of Police may suspend or revoke any license issued hereunder if he has reason to believe the licensee has failed to comply with any material requirement of this chapter. Nothing herein shall prevent the city from seeking penalties from the licensee in addition to suspension or revocation of a license.

(Ord. 1666, passed 4-15-91)

§ 99.99 PENALTY

Failure to comply with any of the requirements of this chapter shall constitute a violation; and any person, upon conviction thereof, shall be fined not more than five hundred dollars ($500.00) for each offense. Each day the violation continues shall be considered a separate offense.

(Ord. 1527, passed 7-20-87)

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CHAPTER 100

FIREWORKS

100.01 Definitions
100.02 Possession, sale, use or storage
100.03 Permits for supervised public displays
100.04 Searches and seizures
100.05 Exceptions
100.99 Penalty

§ 100.01 DEFINITIONS.

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

FIREWORKS. The term **FIREWORKS** shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects; provided, however, that the term "fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads" and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths (.25) grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty hundredths (.20) grains of explosive mixture; the sale and use of which shall be permitted at all times.

SPARKLERS. The term **SPARKLERS** as used in the definition of FIREWORKS shall mean and include only the traditional sparkler device which consists of a wire or stick coated with pyrotechnic composition that cannot exceed 3.5 oz. (100g) per item, that produces a shower of sparks upon ignition. These items cannot contain magnesium, except that magnalium (magnesium-aluminum alloy) is permitted. Items containing any chlorate or perchlorate salts cannot exceed 0.2 oz (5g) of composition per item. The term SPARKLERS shall not include cylindrical fountains, fountains, cones or cone fountains, illuminating torches, wheels, ground spinners, and ground type sparkling devices.

(Ord. 2074, passed 5-19-97; Am. Ord. 2468, passed 9-2-03)

§ 100.02 POSSESSION, SALE, USE OR STORAGE

No person shall possess, offer for sale, expose for sale, sell at retail, store, loan, giveaway, possess with intent to sell, use, discharge, fire or explode any fireworks within the City; provided, however, that the City Administrator may grant a permit for supervised, public display or exhibition of fireworks and pyrotechnics as herein provided.

(Ord. 2074, passed 5-19-97)

Penalty, see § 100.99

§ 100.03 PERMITS FOR SUPERVISED PUBLIC DISPLAYS

(A) The City Administrator, or his designee, may grant a permit for a supervised, public display of fireworks or pyrotechnics only after an investigation and upon finding that the person seeking the permit is competent to handle the display and the proposed location of the display and execution of the display will be of such character as not to be hazardous to property or endanger any person or persons.

(B) Applications for permits shall be made in writing at least fifteen (15) days in advance of the date of the display and action shall be taken on such application within forty-eight (48) hours after such application is made. If a permit is issued, sales, possession, use and distribution of fireworks for such display shall be lawful for that display only. No permit granted herein shall be transferable.

(C) No application for a permit for a supervised, public display of fireworks or pyrotechnics shall be accepted by the City Administrator for action unless the applicant first provides to the City a surety or cash bond in a sum not less than one thousand dollars ($1,000.00) as surety that the applicant will comply with the provisions of this Ordinance, The Fireworks Use Act, ILCS Ch. 425, Act 35, §§ 1 et seq., and the regulations of the State Fire Marshal. The bond shall be released to applicant following written recommendation by the City Administrator after completion of the public display.

(Ord. 2074, passed 5-19-97)

§ 100.04 SEARCHES AND SEIZURES

Whenever the Chief of Police, City Administrator, or a member of the City Council, has reason to believe that any violation of this chapter has occurred within the City and/or that a person has in his possession fireworks or combustibles, the Chief of Police, City Administrator, or council member, through the City Attorney, may file a complaint in writing, verified by affidavit, with the Circuit Court of Tazewell County, stating the facts upon which such belief is founded, the premises to be searched, and the property to be seized, and thereby procure a search warrant and execute the same. Upon execution of the search warrant, the Chief of Police may seize, take,

remove, or cause to be removed, at the expense of the owner, all stocks of fireworks possessed, stored, held or offered or exposed for sale in violation of this Chapter.

(Ord. 2074, passed 5-19-97)

§ 100.05 EXCEPTIONS

The provisions of this chapter shall not apply to:

(A) The use of fireworks by railroads, public utilities, public and private carriers or other transportation agencies for signal purposes or illumination; or

(B) The sale or use of blank cartridges for show or theater, or for signal or ceremonial purposes in athletic or sports events, or for animal training; or

(C) Use by the armed forces of the United States or the State of Illinois.

(Ord. 2074, passed 5-19-97)

§ 100.99 PENALTY

(A) Whoever violates any provision of this chapter by selling, offering to sell, exposing for sale, selling at retail, loaning or giving away or possessing with intent to sell fireworks within the City shall be fined not less than one hundred dollars ($100.00) nor more than seven hundred fifty dollars ($750.00) for each offense. A separate offense shall be deemed to be committed for each such violation which occurs or continues.

(B) Whoever violates any provision of this chapter by possessing, using, discharging, firing or exploding any fireworks within the City shall be fined not less than twenty five dollars ($25.00) nor more than seven hundred fifty dollars ($750.00) for each offense. A separate offense shall be deemed to be committed for each such violation occurs or continues.

(Ord. 2074, passed 5-19-97)

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CHAPTER 101

SEIZURE AND IMPOUNDING OF VEHICLES

101.001 Definitions
101.002 Vehicles subject to seizure and impounding
101.003 Seizure and impounding of vehicles
101.004 Posting of bond
101.005 Preliminary hearing
101.006 Final hearing
101.007 Unclaimed vehicles
101.008 Liability for penalty and costs
101.009 Conduct of Hearings
101.010 Hearing Officer

§ 101.001 DEFINITIONS

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

(A) The term "Controlled Substance" means any substance as defined and included in the schedule contained in Article II of the Illinois Controlled Substance Act (720 ILCS 570/201 *et. seq.*), as amended from time to time, and cannabis as defined in §1 of the Cannabis Control Act (720 ILCS 550/1 *et. seq.*), as amended from time to time.

(B) The term "Drug Paraphernalia" means any equipment, product, and/or materials as defined in §2 of the Drug Paraphernalia Act (720 ILCS 600/2), as amended from time to time.

(C) The term "Driving Under the Influence" means any violation as defined in §11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501), as amended from time to time.

(D) The term "Driving While License, Permit or Privilege to Operate a Motor Vehicle is Suspended or Revoked" means any violation as defined in §6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), as amended from time to time.

(E) The term "Hearing Officer" means a licenses attorney who is not an officer or employee of the City.

(F) The term "Operation of a Motor Vehicle without a Valid Driver's License" means a violation of §6-101 and/or §6-303 of the Illinois Vehicle Code, as amended from time to time (625 ILCS 5/6-101 and 625 ILCS 5/6-303), as amended from time to time, where the driver's license or driving privileges have been suspended, revoked, canceled, never obtained, or previously had been obtained and have been expired for not less than six (6) months.

(G) The term "Owner of Record" means the record title holder to a motor vehicle.

(H) The term "Unlawful Use of Weapons" means a violation of §24-1 of the Criminal Code of 1961 (720 ILCS 5/24-1 *et. seq.*), as amended from time to time.

§ 101.002 VEHICLES SUBJECT TO SEIZURE AND IMPOUNDING

A motor vehicle shall be subject to seizure and impoundment under this Chapter where such motor vehicle is used in any of the following:

(A) the possession or delivery of a Controlled Substance or Drug Paraphernalia;

(B) Driving Under the Influence;

(C) Driving While License, Permit or Privilege to Operate a Motor Vehicle is Suspended or Revoked;

(D) Operation of a Motor Vehicle without a valid Driver's License;

(E) the Unlawful Use of Weapons.

§ 101.003 SEIZURE AND IMPOUNDING OF VEHICLES

Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Chapter, the police officer shall cause the motor vehicle to be towed to a facility controlled by the City or its agents. 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 Chapter.

§ 101.004 POSTING OF BOND

If a bond in the amount of Five Hundred Dollars ($500.00) is posted with the City, the impounded vehicle will be released to the owner of record, upon the payment by the owner of record of the towing and storage costs. If a penalty is imposed for a violation of this Chapter, the bond will be forfeited to the City; provided, in the event that a violation of this Chapter is not proven, the bond will be returned to the person posting the bond. All bond money posted pursuant to this Chapter will be held by the City until the hearing officer issues a decision, or, if there is a judicial review, until the court issues its final decision.

§ 101.005 PRELIMINARY HEARING

The owner of a motor vehicle seized under the provision of this Chapter who has failed or refused to post the bond set forth above, may request a preliminary hearing to contest whether the police officer had probable cause to believe the vehicle was being used in violation of this Chapter, by filing with the Chief of Police, within twelve (12) hours after the seizure of the motor vehicle, a written demand for a preliminary hearing. If such written demand is timely filed, a hearing officer of the City shall conduct a preliminary hearing within twenty-four (24) hours after the request for preliminary hearing is received by the City; 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. For purposes of this Section, the following shall apply:

(A) All interested persons will be given a reasonable opportunity to be heard at the preliminary hearing.

(B) The formal rules of evidence will not apply at the hearing, and hearsay testimony will be allowed, and will be admissible.

(C) The sole issue for determination by the hearing officer at the preliminary hearing shall be whether the police officer had probable cause, at the time of the arrest and/or impoundment, to believe the vehicle was used as hereinabove provided in §101.002.

(D) If, after the conclusion of the hearing, the hearing officer determines the police officer had probable cause at the time of the impoundment to believe that the vehicle was used as hereinabove provided in §101.002, the hearing officer shall order the continued impoundment of the vehicle until a final hearing is held, unless the owner of the vehicle posts a cash bond with the City in the amount of Five Hundred Dollars ($500.00), plus the towing and storage costs, and shall then set the time and date for a final hearing.

(E) If the hearing officer determines that the police officer did not, at the time of the arrest and/or impoundment, have probable cause to believe that the vehicle was used as hereinabove provided in §101.002, the motor vehicle will be returned to the owner of record of the vehicle without any penalty or other costs.

(F) If the hearing officer determines, during the course of the preliminary hearing, that it is appropriate to convert the preliminary hearing into a final hearing, the hearing officer may do so by advising the interested person(s) present at the preliminary hearing, provided that upon the conversion to a final hearing, the hearing officer may grant only such relief and/or remedies as may be available under §101.006.

(Am. Ord. 2815, passed 1-5-09; Am. Ord. 2836, passed 6-15-09)

§ 101.006 FINAL HEARING

(A) Notice of Hearing. Within ten (10) days after a vehicle is seized and impounded pursuant to this Chapter, the City shall notify the owner of record of the motor vehicle of the date, time and location of a hearing. Such notice shall be mailed by certified mail, return receipt requested, to the owner of record, as shown on the records of the Illinois Secretary of State. However, no such Notice of Hearing need to be sent to the Owner of Record if the owner is personally served with the Notice of Hearing within ten (10) days after the vehicle is seized and impounded, and the owner acknowledges receipt fo the Notice of Hearing in writing. The Notice of Hearing sal state the penalties that may be imposed at the Final Hearing, including a statement that a vehicle not released by payment of the penalty and fees and remaining impounded may be sold or disposed of by the City in accordance with state law.

(B) Hearing. For purposes of this Section, the following shall apply to the owner's hearing:

(1) Unless continued by order of the hearing officer, the hearing shall be held within thirty (30) days after the motor vehicle was seized.

(2) All interested persons will be given a reasonable opportunity to be heard at the preliminary hearing, subject to the control of the hearing by the hearing officer.

(3) If, after the conclusion of the hearing, the hearing officer determines by a preponderance of the evidence that the vehicle was used as hereinabove provided in §101.002, the hearing officer shall order the continued impoundment of the vehicle until the owner of the vehicle pays to the City a penalty in the amount of Five Hundred Dollars ($500.00), and payment of the towing and storage costs to the towing service. The penalty shall be a debt due to the City. The towing and storage fees shall be a debt of the owner due and owing to the tow service, provided that if the City pays the tow and storage fees, the amount actually paid by the City shall be a debt of the owner due and owing to the City.

(4) If the owner of record fails to appear at the hearing, the hearing officer shall enter an order of default in favor of the City, which order shall require the payment to the City of an administrative penalty of Five Hundred Dollars ($500.00).

(5) If the hearing officer determines that the vehicle was not used as hereinabove provided in § 101.002, the motor vehicle will be returned to the owner of record of the vehicle without any penalty, or, if a cash bond had previously been posted, the cash bond shall be returned. Provided that, unless the hearing officer makes a

fmding that the actions of the arresting and/or impounding officer were wrongful, the owner of record shall remain responsible for any towing and storage fees regardless of whether the hearing officer determines it is appropriate to return the vehicle or cash bond.

(Am. Ord. 2686; passed 8-7-06; Am. Ord. 2815, passed 1-5-09)

§ 101.007 UNCLAIMED VEHICLES

(A) Any motor vehicle that is not claimed within thirty (30) days after the expiration of the time in which the owner of record may seek judicial review of the action of the City under this Chapter, or the time at which a final judgment is rendered in favor the City by a Court, or the time at which a final administrative decision is rendered against an owner of record who is in default, may be disposed of as an abandoned or unclaimed vehicle, as otherwise provided by law.

(B) If the penalty and towing and storage costs are not paid within Eighty (80) days after a penalty is imposed pursuant to this Chapter, the vehicle shall be deemed to be abandoned and may be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles, unless a petition for judicial review is filed with a court of proper jurisdiction. Where a petition for judicial review of the hearing officer's determination is filed and pending in a court of proper jurisdiction, the vehicle shall not be deemed to be abandoned and shall not be sold. If the petition for judicial review is resolved in favor of the City, the vehicle shall be deemed abandoned and may be disposed of by the City if the penalty and towing and storage costs are not paid within thirty (30) days after the date of the Court's order.

§ 101.008 LIABILITY FOR PENALTY AND COSTS

(A) The owner of record of a motor vehicle that is seized or impounded shall be liable to the City for a penalty of Five Hundred Dollars ($500.00) in addition to being liable to the towing service provider for any fees for the towing and storage of the motor vehicle.

(B) Fees for towing and storage are established by the towing company, and not by the City, except where the motor vehicle is stored on City property, in which case the storage cost will be established by the City Administrator or the Chief of Police.

(C) A vehicle impounded pursuant to this Chapter shall remain impounded until the earlier of the following to occur:

(1) the penalty is paid to the City, and all towing and storage costs are paid to the towing company;

(2) a bond in an amount equal to the liability of the Owner as herein provided in paragraph A above is posted with the City and all applicable towing and storage costs are paid to the towing company; or

(3) the vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned or unclaimed vehicles.

(4) Except as otherwise specifically provided by law, no owner, lienholder, or any other person shall be legally entitled to take possession of a motor vehicle impounded under this Chapter until the bond or penalty and all towing and storage costs applicable under this Chapter have been paid in full.

(Ord. 2622, passed 6-20-05; Am. Ord. 2815, passed 1-5-09)

§ 101.009 CONDUCT OF HEARINGS

All administrative hearings held pursuant to the provisions of this Chapter shall be conducted as follows:

(A) the parties to the administrative hearing shall be afforded an opportunity for a hearing before the Hearing Officer;

(B) An attorney who appears on behalf of any person shall file with the Hearing Officer a written appearance;

(C) In no event shall the case for the City be presented by the Hearing Officer; provided, however, that documentary evidence, including the notice of violation, which has been prepared by a department or agency of the City, may be presented at the hearing by the Hearing Officer;

(D) The Hearing Officer may grant continuances only upon a finding of good cause;

(E) All testimony shall be given under oath;

(F) The Hearing Officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents. Issuance of subpoenas will be subject to the following restrictions:

(1) The Hearing Officer may issue subpoenas only if the Hearing Officer determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is:

a. relevant to the case; and

b. relates to a contested issue in the case.

(2) A subpoena issued under this Chapter shall identify the person to whom it is directed, the documents or other items sought by the subpoena, if any, the date of the appearance of the witnesses and the production of the documents or other items described in the subpoena, the time for the appearance of the witnesses and the production of documents or other items described in the subpoena, and the place for the appearance of the witnesses and the production of the documents or other items described in the subpoena.

(3) In no event shall the date identified for the appearance of witnesses or the production of the documents or other items be less than seven (7) days after service of the subpoena.

(4) Within three (3) business days of being served with a subpoena issued in accordance with this Chapter, the recipient of the subpoena may appeal the order authorizing the issuance of the subpoena to the Hearing Officer.

(G) Subject to paragraph J. of this Section, the Hearing Officer may permit witnesses to submit their testimony by affidavit or by telephone.

(H) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(I) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a notice of hearing or a notice of violation, issued and signed, shall be prima facie evidence of the correctness of the facts specified therein.

(J) Upon timely request of any party to the proceeding, any person who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

(K) The record of all hearings before the Hearing Officer shall include the following:

(1) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means;

(2) all documents presented at the hearing;

(3) a copy of the notice of hearing or notice of violation; and

(4) a copy of the findings and decision of the Hearing Officer.

(L) Upon conclusion of the hearing, the Hearing Officer will issue a final determination of liability or no liability. Upon issuing a final determination of liability, the Hearing Officer may:

(1) impose penalties that are consistent with the applicable provision of this Chapter;

(2) issue orders that are consistent with applicable provisions of this Chapter;

(3) assess costs reasonably related to instituting the hearing process.

(M) In the issuance of a final determination of liability, the Hearing officer shall inform the respondent of his or her right to seek judicial review of the final determination.

(N) If at the time of the hearing, the recipient of a notice of hearing or notice of violation, or his or her attorney of record, fails to appear, the Hearing Officer may find the recipient in default and proceed with the hearing and accept evidence relevant to the existence of a violation of this Chapter and conclude with a finding, decision and order. A copy of the order of default must be served in the manner permitted for the service of the notice of hearing.

(O) The recipient of a notice of violation who is found to be in default may petition the Hearing Officer to set aside the Order of default and set a new hearing date, as follows:

(1) The Hearing Officer may set aside any order entered by default, and set a new hearing date, upon a petition filed within twenty-one (21) days after the issuance of the order of default, if the Hearing Officer determines that the petitioner's failure to appear at the hearing was for good cause or, at any time, if the petitioner establishes that the petitioner was not provided with proper service of notice of the hearing. If the petition is granted, the Hearing Officer shall proceed with a new hearing on the underlying matter as soon as practical.

(2) If any order is set aside under this paragraph, the Hearing Officer has the authority to enter an order directing the City to refund any penalties and/or fines paid pursuant to the vacated order.

(P) Any final determination by the Hearing Officer under this Chapter constitutes a final determination for purposes of judicial review and is subject to review under the Illinois Administrative Review Law.

(Am. Ord. 2686; passed 8-7-06)

§ 101.010 HEARING OFFICER

Each Hearing Officer shall be an attorney licensed to practice law in the State of Illinois for at least three (3) years. Hearing Officers shall have all of the powers necessary to conduct a fair and impartial hearing, including but not limited to, the power to:

(A) Hold conferences for the settlement or simplification of the issues;

(B) Administer oaths and affirmations;

(C) Hear testimony;

(D) Rule upon motions, objections, and the admissibility of evidence;

(E) At the request of any party, or on the haring Officer's own motion, subpoena the attendance of witnesses and the production of relevant books, records, or other information;

(F) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;

(G) Regulate the course of the hearing in accordance with this Chapter or other applicable law;

(H) Issue a Final Order which may include findings of fact and conclusions of law, and

(I) Impose penalties and fines and issue orders that are consistent with applicable provisions of the Code of Ordinances, and assess costs upon finding a party liable for the charged violation; provided however, in no event may a Hearing Officer have the authority to:

(1) impose a penalty of imprisonment;

(2) impose a penalty in excess of $50,000 exclusive of costs of enforcement or costs imposed to secure compliance with this Code.

(Am. Ord. 2686; passed 8-7-06)

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CHAPTER 102

TREES

102.001 Purpose and intent
102.002 Tree Board; Establishment; Composition; Appointment of members; Duties
102.003 Enforcement
102.004 Permits
102.005 Tree diversity
102.006 Abuse; Mutilation or Injury
102.007 Public nuisances
102.008 Interference with City Personnel
102.009 Violation and penalty
102.010 Tree trimming and removal
102.011 Required; Fee
102.012 Term
102.013 Liabilty Insurance
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§ 102.001 PURPOSE AND INTENT

(A) Purpose. It is the purpose of this chapter to promote and protect the public health, safety and welfare by providing for the regulation of the planting, maintenance and removal of trees on public property.

(B) Intent. It is the intent of the City Council that the terms of this chapter shall be construed so as to promote:

(1) The planting, maintenance and retention, of desirable trees and the removal of undesirable trees on public property; and

(2) The protection of community residents from personal injury and property damage, and the protection of the city from property damage caused or threatened by the improper planting, maintenance, or removal of trees located within the community, and

(3) The establishment of a tree authority for the purpose of fulfilling the above.

§ 102.002 TREE BOARD; ESTABLISHMENT; COMPOSITION; APPOINTMENT OF MEMBERS; DUTIES

(A) Establishment. The Washington Tree Board (hereinafter "tree board") is hereby established. Its functions and duties are limited to those set forth in this section.

(B) Composition. The tree board shall consist of a minimum of five members who shall all be residents or employees of the city. All members of the tree board shall be appointed by the Mayor with the advice and consent of the City Council. Members of the tree board shall serve without compensation.

(C) Appointment of members. One of the five members initially appointed to the tree board shall serve for a term of one year; two of the five members initially appointed shall serve for a term of three years. The Mayor shall designate the initial term of each member at the time of his/her appointment. Thereafter the members of the tree board shall be appointed for a three-year term. Terms shall start on a common date. The Mayor shall designate the chairperson of the tree board. Members shall be eligible to succeed themselves.

(D) Expiration or vacation of term. Within 30 days following the expiration of the term of any member, a successor shall be appointed by the Mayor with the advice and consent of the City Council. Should a vacancy occur in any position on the tree board, a successor shall be appointed by the Mayor with the advice and consent of the City Council.

(E) Duties. The tree board shall perform the following duties:

(1) The tree board shall meet as needed to fulfill the duties imposed upon it under this chapter.

(2) The tree board shall advise the City Council on any matters pertaining to this chapter and its enforcement. The tree board shall be responsible for making recommendations to the City Council for all city regulations concerning trees on public property, including but not limited to the following:

(a) Development, alteration and revision of the arboriculture specifications manual; and

(b) Development, alteration and revision of an urban forestry plan for the city; and

(c) Recommendation for amendments to this chapter band for enactment of additional ordinances concerning trees; and

(d) Establishment of policy concerning selection, planting, maintenance and removal of trees; and

(e) Establishment of educational and informational programs.

(3) The tree board, upon request of any person who disagrees with the decision of the enforcement officer, shall hear all issues of the disputes, which arise between the enforcement officer and any such person. Whenever these issues involve matters of the interpretation or enforcement of the arboriculture specifications manual, the

Urban Forestry Plan, or of the interpretation or enforcement of this chapter, including disputes regarding the issues of permits, or the concurrence or nonconcurrence of the enforcement officer in permits required under other ordinances or laws, or the abatement of nuisances, the decision of a majority of the members of the tree board shall be binding on the enforcement officer. Nothing in this section shall be construed to limit the jurisdiction of any court with respect to such disputes.

§ 102.003 ENFORCEMENT

(A) Designation of enforcement officer. The administration and enforcement of this chapter shall be conducted by the enforcement officer.

(B) Duties.

(1) The enforcement officer shall make available to any interested person copies of this chapter, information about the activities of the tree board, copies of the arboricultural specifications manual, and copies of the Urban Forestry Plan. This plan may be amended as needed and copies are available at City Hall.

(2) The enforcement officer shall administer this chapter, the arboricultural specifications manual, and the Urban Forestry Plan.

(3) The enforcement officer shall issue such permits as are required by this chapter and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this chapter, the Urban Forestry Plan, and the regulations and standards of the arboriculture specifications manual. The enforcement officer shall have the right to inspect all work performed pursuant to such permits. If the enforcement officer finds that the work performed is not in accordance with the requirements of this chapter, the Urban Forestry Plan, or the regulations of the arboriculture specifications manual, the enforcement officer shall provide written notice of its findings to the permit applicant. After delivery of such notice, the enforcement officer may:

(a) Declare the permit null and void; and

(b) Issue a written order that the permit applicant cease and desist all work for which the permit was required; and

(c) Apply to a court of competent jurisdiction for a penalty as prescribed by this chapter; and

(d) Take steps to correct the results of the noncomplying work and the reasonable costs of such steps shall be charged to the permit applicant.

§ 102.004 PERMITS

(A) Scope of requirements. No person, except the enforcement officer, or other authorized city employee, a contractor hired by the city, or a public utility company and their authorized agents and contractors may perform any of the following acts without first obtaining from the enforcement officer a permit for which no fee shall be charged, and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law. Any person exempt from obtaining a permit must first notify the enforcement officer prior to the commencement of any of the following acts:

(1) Plant on city-owned property, or treat, prune, remove, or otherwise disturb any tree located on city-owned property, except that this provision shall not be construed to prohibit owners of property adjacent to city-owned property from watering or fertilizing without a permit any tree located on such city-owned property. City-owned property shall be defined as that area within city-owned right-of-way or property that the City of Washington has title to;

(2) Trim, prune, or remove any tree or portion thereof if such tree or portions thereof reasonably may be expected to fall on city-owned property thereby to cause damage to persons or property or if access to city-owned property is needed to complete this work;

(3) Place on city-owned property, either above or below ground level, a container for trees.

(B) Issuance. Within seven days of receipt of a permit application, the enforcement officer shall issue a permit to perform (within 30 days of the day of issuance), any of the acts specified in subsections (a) and (b) of this section, for which a permit is required. A permit is required whenever:

(1) Such acts would result in the abatement of a public nuisance; or

(2) Such acts are not inconsistent with the development and implementation of the Urban Forestry Plan or with the regulations or standards of the arboriculture specifications manual; and whenever

(3) An application has been signed by the applicant and submitted to the enforcement officer detailing the location, size, number, and species of trees that will be affected by such acts, setting forth the purpose of such acts and the methods to be used and presenting any additionally information that the enforcement officer may find reasonably necessary;

(4) The applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this chapter, the Urban Forestry Plan and the regulations and standards set forth in the arboriculture specifications manual; and

(5) The applicant certifies that he or she has read and understands those provisions of this chapter, the Urban Forestry Plan and the arboriculture specifications manual which are pertinent to the work for which the permit is sought; and

(6) If the work for which a permit is issued entails the felling of any tree or part thereof, located on private property, which as a result of such felling reasonably may be expected to fall upon city-owned property, and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and to hold the city harmless from all damages resulting from work conducted pursuant to the permit and shall deposit with the city clerk a liability insurance policy in the amount of $100,000.00 per person, $300,000.00 per accident for bodily injury and $50,000.00 aggregate for property damage liability or in the total amount of $500,000.00 if such policy provides single limit coverage which policy shall name the city as an additional insured.

(C) Public utility companies. Public utility companies shall notify the enforcement officer prior to the initiation of pruning cycles which will involve trees located on city-owned property for the purpose of maintaining safe line clearance. The notice shall state the estimated timeframe of the pruning cycle as well as the planned locations in the city where the work will be performed. All pruning work shall be carried out in accordance with accepted arboriculture standards. Public utility companies shall also notify the enforcement officer prior to the installation or maintenance of underground utilities if such activity will occur within the dripline of trees located on city-owned property. In the case of severe storms, natural disasters or other emergency situations, a public utility company may perform any required pruning or underground utility maintenance necessitated by such situation and thereafter notify the enforcement officer of the work performed.

§ 102.005 TREE DIVERSITY

Tree species shall not represent more than thirty (30) percent of one family, twenty (20) percent of one genus, or ten (10) percent of one species on public lands within Washington. Citizens are also encouraged to select trees that will help diversify the municipal forests within the City of Washington.

Prohibited Trees. The following trees may not be used in meeting any of the requirements of this Division:

- Ailanthus (Tree of Heaven)
- Box Elder
- Bradford Pear
- Callery Pear
- European Mountain Ash
- European White Birch
- Mulberry
- Norway Maple
- Poplar
- Purple-leaf Plum
- Russian Olive
- Siberian Elm
- Silver Maple
- Willow

Other trees may be included; for an updated list, please contact the City Clerk. Any exception to this list must be approved by the enforcement officer. Tree-related landscaping materials should not be known invasive species.

§ 102.006 ABUSE, MUTILATION OR INJURY

No person, without lawful authority, shall willfully injure, deface, disfigure, cut, care, transplant, remove, destroy, attach any rope, wire, nail, advertising posters, election posters or other contrivance to any tree, allow any gaseous, liquid, chemical or solid substance which is harmful to such tree to come in contact with it; set fire to, or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree located on city-owned property; or cause reasonably avoidable damage to the root system by excavation, trenching, or tunneling.

§ 102.007 PUBLIC NUISANCES

(A) The following are hereby declared public nuisances under this chapter:

(1) Any dead or near dead tree, whether located on city-owned property or on private property.

(2) Any otherwise healthy tree whether located on city-owned property or on private property which harbors insect pests or plant diseases which reasonably may be expected to injure or harm any tree.

(3) Any tree or portion thereof whether located on city-owned property or on private property which by reason of location or condition constitutes an imminent danger to the health, safety, or welfare of the general public.

(4) Any tree or portion thereof whether located on city-owned property or on private property which obstructs the free passage of pedestrians or vehicular traffic or which obstructs a street light or traffic control device.

(5) All large established trees shall be pruned to the following height to allow free passage of pedestrians and vehicular traffic: At least seven (7) feet over sidewalks and a minimum clearance of fourteen (14) feet over all streets.

(6) Any tree or portion thereof whether located on city-owned property or on private property which obstructs the view at an intersection in the "visibility triangle" as defined in § 154.170(C).

(B) Right to inspect. The officers, agents, servants, and employees of the city have the authority to enter upon private property whereon there is located a tree that is suspected to be a public nuisance.

(C) Abatement. The following are the prescribed means of abating public nuisances under this chapter:

(1) Any public nuisance under this chapter which is located on city-owned property shall be pruned, removed, or otherwise treated in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

(2) Any public nuisance under this chapter which is located on private property shall be pruned, removed, or otherwise treated by the property owned or his agent in whatever fashion is required to cause abatement of the nuisance. No property

owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied:

(a) The enforcement officer shall cause written notice to be personally served or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year;

(b) Such notice shall designate the kind of tree, which has been declared to be a public nuisance, its location on the property, the reason for declaring it a nuisance;

(c) Such notice shall describe by legal description or by street address of the premises;

(d) Such notice shall state the actions that the property owner may undertake to abate the nuisance;

(e) Such notice shall require the elimination of the nuisance no less than thirty (30) days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year;

(f) Such notice shall reference [include a copy of this chapter and a copy of 65 ILCS 5/11-20-11 and 5/11-20-12 if applicable and shall also state in bold type as follows:

"In the event that the nuisance is not abated by the date specified in the notice, the enforcement officer is authorized to cause abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the property owner is subject to prosecution under § 96.99 of the Municipal Code. Nothing in this provision shall be construed to exempt any person from the requirements of the Municipal Code."

(3) The enforcement officer is empowered to seek from any court of competent jurisdiction an order directing immediate abatement of any public nuisance.

(4) Without going to court, the enforcement officer is empowered to cause immediate abatement of any public nuisance provided that the nuisance is determined by the enforcement officer to be an immediate threat to any person or property.

§ 102.008 INTERFERENCE WITH CITY PERSONNEL

No person shall unreasonably hinder, prevent, delay or interfere with an officer, agent, servant, or employee of the city while engaged in the execution or enforcement of this chapter.

§ 102.009 VIOLATION AND PENALTY

Whoever violates any provision of this Chapter shall be punished by a fine not less than One Hundred Dollars ($100.00) for a first offense in any twelve-month period, a fine of not less than Two Hundred Dollars ($200.00) for a second offense within any twelve-month period, a fine of not less than Three Hundred Fifty Dollars ($350.00) for a third offense within any twelve-month period, and a fine of not less than Five Hundred Dollars ($500.00) for a fourth offense and all subsequent offenses within any twelve-month period. This penalty may be enforced by issuance of a "Notice of Violation" for the fine amounts enumerated herein, or by issuance of a "Notice to Appear." Each day any violation of this Chapter shall continue shall constitute a separate offense. This penalty shall be in addition to the costs and penalty provided for the abatement of nuisances as provided in §96.05(C) and §96.05(E), and in addition to any and all other remedies which may be available to the City under this Chapter, other Chapters of the Code of Ordinances, or other laws. If, as a result of the violation of any provision of this chapter, the injury, mutilation, or death of a tree located on city-owned property is caused, the cost of repair or replacement of such tree shall be borne by the party in violation.

§ 102.010 TREE TRIMMING AND REMOVAL

No person shall fell, cut, or trim any tree for hire in Washington, or engage in the business of so doing without registering. Any such person shall be a certified arborist. This shall apply only to the felling, cutting or trimming of trees, limbs and branches which are four inches or more in diameter at the point of cutting or severance.

§ 102.011 REQUIRED; FEE

Any person desiring to engage in the business of tree trimming and removal (as defined above) shall first register his/her name, his/her residence and his/her place of business with the Planning & Development Department.

§ 102.012 TERM

The registration required by this division shall be valid for a period of one year unless sooner revoked as provided in this division.

§ 102.013 LIABILITY INSURANCE

No person shall be allowed to register under the terms of this division unless he shall deposit with the building inspector evidence of liability insurance issued to him for the full period of registration, such insurance to be in the amount of $50,000.00 for property damage, $100,000.00 for personal injury to one person and $300,000.00 for personal injury to more than one person, or, in lieu thereof, bodily injury and property damage combined, $300,000.00 each occurrence, $300,000.00 aggregate.

§ 102.014 REVOCATION

Any person violating the provisions of this chapter may have his certificate of registration revoked for not more than one year. Such action may be taken by the tree board, upon recommendation by the building inspector and after a hearing thereon.

[The next page is 601.]

TITLE XI

BUSINESS REGULATIONS

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CHAPTER 110

GENERAL LICENSING PROVISIONS

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§ 110.01 APPLICATIONS FOR LICENSES

In all cases where it is not otherwise expressly provided in this chapter, the City Administrator or other designated authority shall hear and grant all applications for licenses upon the terms specified in any of the provisions of this chapter.

§ 110.02 TO WHOM ISSUED

All licenses shall be issued to such persons as shall comply in all respects with the provisions of this chapter.

§ 110.03 ISSUANCE OF LICENSES

Each and every license authorized and required by any provision of this chapter and granted shall be issued by the City Administrator except as otherwise provided upon the payment to the City Treasurer of the license fee or tax, and not otherwise. Every license, when accompanied by a receipt from the City Collector showing that the license fee or tax has been paid shall be signed by the City Administrator or other designated authority unless otherwise provided. No person shall be deemed to be licensed in any case until the actual payment of the license fee or tax and the issuance of the license in due form, signed, attested, sealed and countersigned as herein required.

(Am. Ord. 1266, passed 4-16-79)

§ 110.04 DURATION OF LICENSES

All licenses required by this chapter shall be granted for a period of one (1) year to coincide with the calendar year, unless otherwise provided by the provisions of this chapter.

§ 110.05 FILING OF BONDS WHEN REQUIRED

In all cases where a bond is required before a license shall be issued, such bond shall be filed in the office of the City Administrator.

(Am. Ord. 1266, passed 4-16-79)

§ 110.06 REGISTER TO BE KEPT

It shall be the duty of the City Administrator to register, in suitable books, all licenses issued under the provisions of this chapter entering the name of the person licensed, the date of the license, for what purpose granted, the date of expiration, the amount paid, the name of the security on the bond, and in case of vehicles, the number of the same, which shall also be inserted in the license; if transferred, to whom, and the date of the transfer, and in case of licenses to sell liquor, the house or place where the same is to be sold must be designated and a column must be set apart for remarks.

(Am. Ord. 1266, passed 4-16-79)

§ 110.07 LICENSE TO BE POSTED

Every licensee under this chapter shall cause his license to be framed and kept in plain view in a conspicuous place on the licensed premises or at his place of business.

Penalty, see § 10.99

§ 110.08 DELEGATION OF LICENSING POWERS

The City Administrator may delegate any or all of his licensing powers, except those pertaining to liquor, to some other designated authority. The City Administrator may also designate a deputy to perform the licensing functions of the City Administrator.

§ 110.09 REVOCATION; ADDITIONAL PENALTIES

Any provision made for the revocation of any license shall be in addition to any other penalties provided for the violations of this code.

CHAPTER 111

ADULT USES AND ACTIVITIES

General Provisions

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Licensing

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111.20 Display of license
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111.22 Employment of persons under age of 18 prohibited
111.23 Illegal activities on premises

111.99 Penalty

GENERAL PROVISIONS

§ 111.01 DEFINITIONS

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

ADULT BOOK STORES. An establishment having twenty percent (20%) or more of its stock in trade in books, magazines, films for rent, sale, or viewing on the premises by use of motion picture devices, or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET. A public or private establishment which is licensed to serve food or alcoholic beverages, which features topless dancers or waitresses, strippers, male or female impersonators, or similar entertainers.

A**DULT MINI-MOTION PICTURE THEATER**. An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of fifty (50) or more persons used regularly and routinely for presenting motion pictures

having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

BODY SHOP or MODEL STUDIO. Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude and semi-nude dancing, readings, counseling sessions, body painting, and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to person paying such consideration or gratuity.

BUILDING STRUCTURE. Any structure or group of structures housing two or more businesses which share a common entry, exit, wall, including, but not limited to, shopping centers, shopping malls, shopping plazas, or shopping areas.

PERSON. Any individual natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, operator, user, or owner, or any officers, agents, employees, factors, or any kind of representatives of any thereof, in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant law, or other entity recognized by law has the subject of rights and duties. A masculine, feminine, singular, or plural is included in any circumstances.

SPECIFIED ANATOMICAL AREAS. Any of the following conditions:

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region, or pubic hair;

(b) Buttock; and

(c) Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Any of the following conditions:

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation.

(3) Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.

(4) Excretory functions as part of or in connection with any activities set forth in divisions (1) through (3) above.
(Am. Ord. 1430, passed 8-20-84; Am. Ord. 1501, passed 10-7-86)

§ 111.02 ADULT USES; ENUMERATION; LIMITATIONS; PERMITTED LOCATION

(A) The following shall be considered adult uses for the purpose of this chapter:

(1) Adult book stores;

(2) Adult motion picture theater;

(3) Adult mini-motion picture theater;

(4) Adult entertainment cabaret; or

(5) Body shop or model studio.

(B) Adult uses shall be permitted in those areas zoned as ***industrial*** in the city, and shall be subject to the following restrictions:

(1) An adult use shall not be allowed within five hundred (500) feet of another existing adult use or massage establishment as defined in § 115.01.

(2) An adult use shall not be located within five hundred (500) feet of any zoning district which is zoned in any of the following residential classifications: R-1, R-2, and CE-1.

(3) An adult use shall not be located within five hundred (500) feet of a pre-existing school, place of worship, park, library, or playground.

(4) An adult use shall not be located in a building structure which contains another business that sells or dispenses in some manner alcoholic beverages.

(5) Any adult use doing business at the time this chapter takes effect shall have one (1) year from the effective date of this chapter to comply with the provisions of division (B) (1) through (4) of this section.

(6) Any adult use doing business at the time this chapter takes effect shall have thirty (30) days from the effective date of this chapter to apply for the issuance of an adult use license.

(7) An adult use business shall not be open to the public between the hours of 12:00 midnight and 8:00 a.m. of each day.

(8) An adult use shall not sell or offer for sale at retail any alcoholic liquor, and shall not allow, permit, or suffer any alcoholic liquor to be consumed on the premises of such adult use, whether or not such alcoholic liquor was sold, offered for sale, or brought upon the premises of such adult use by any patron, customer, or member of the public.

(Ord. 1964, passed 11-20-95)
Penalty, see § 111.99

§ 111.03 MEASUREMIENT OF DISTANCES FROM CERTAIN AREAS REQUIRED

For the purposes of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the adult use to the nearest property line of another adult use, school, place of worship, park, library, playground, or district zoned for residential use.

LICENSING

§ 111.15 LICENSE REQUIRED; FILING OF APPLICATION; FILING FEE

(A) It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the city, the operation of an adult use as defined in § 111.01, without first having obtained a separate license for such adult use from the Mayor.

(B) Every applicant for a license to maintain, operate, or conduct an adult use shall file an application in duplicate under oath with the Mayor upon a form provided by the City

Clerk and pay a nonrefundable filing fee of twenty five dollars ($25.00) to the city's Office Manager, who shall issue a receipt which shall be attached to the application filed with the Mayor.

(C) Within ten (10) days after receiving the application, the Mayor shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation, shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Mayor shall advise the applicant in writing whether the application is granted or denied.

(D) Whenever an application is denied or held for further investigation, the Mayor shall advise the applicant in writing of the reasons for such action.

(E) Failure or refusal of the applicant to give any information relevant to the investigation to the application or his refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his refusal to submit to or cooperate with any inspection or investigation required by this chapter shall constitute an admission by the applicant that he is ineligible for such permit and shall be grounds for denial thereof by the Mayor.

Penalty, see § 111.99

§ 111.16 CONTENTS OF APPLICATION

An applicant for a license shall furnish the following information under oath:

(A) Name and address.

(B) Written proof that the individual is at least eighteen (18) years of age.

(C) The exact nature of the adult use to be conducted and the proposed place of business and facilities thereto.

§ 111.17 ISSUANCE OF ADULT USE LICENSE; EXPIRATION

(A) The Mayor shall issue a license to maintain, operate, or conduct an adult use unless he finds:

(1) That the applicant is under age of eighteen (18) years or under any legal disability.

(2) That the applicant, at the time of application for renewal of any license issued under this chapter, would not be eligible for such license upon a first application.

(3) That the adult use would violate the provisions of § 111.02(B) of this chapter.

(B) Every adult use license issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of its issuance, unless sooner revoked.

§ 111.18 SUSPENSION OR REVOCATION OF LICENSE

(A) Any license issued for an adult use may be revoked or suspended by the Mayor, if the Mayor shall find:

(1) That the licensee has violated any of the provisions of this chapter regulating adult uses.

(2) That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this chapter or knowingly caused or suffered another to furnish or withhold such information on his behalf.

(B) The Mayor before revoking or suspending any license shall give the licensee at least ten (10) days' written notice of the grounds therefor and the opportunity for a public hearing before the Mayor, at which time the licensee may present evidence bearing upon the issues. In such cases, the grounds shall be specific and in writing.

§ 111.19 AUTOMATIC SUSPENSION

(A) In the event a person under age of eighteen (18) years is on the premises of an establishment operating as an adult use under this chapter, and views any specified sexual activities or specified anatomical areas as defined in § 111.01 of this chapter, then the license issued pursuant to this chapter shall be suspended for a period of three (3) months.

(B) In the event a licensee is convicted of violating any of the provisions of Ill. Rev. Stat. Ch. 38, § 11-20, as now in force or as may be amended from time to time, or any of the provisions of § 133.05 as now in force or as may be amended from time to time, then shall be suspended for a period of three months.

(C) The Mayor, before suspending any license, shall give at least ten (10) days' written notice of the charge. The licensee may within five (5) days of receipt of said notice request a public hearing before the Mayor at which time the licensee may present evidence bearing upon the issues. The notice required hereunder may be delivered personally to the licensee or be posted on the premises of the establishment being used as an adult use.

§ 111.20 DISPLAY OF LICENSE

Every licensee shall display a valid license in a conspicuous place within the adult use business so that the same may be readily seen by persons entering the premises.

Penalty, see § 111.99

§ 111.21 EXTERIOR DISPLAY OF MATERIALS PROHIBITED

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, or show window, not licensed as an adult use.

Penalty, see § 111.99

§ 111.22 EMPLOYMENT OF PERSONS UNDER AGE OF 18 PROHIBITED

It shall be unlawful for any adult use licensee or his manager or employee to employ in any capacity within the adult business any person who is not at least eighteen (18) years of age.

Penalty, see § 111.99

§ 111.23 ILLEGAL ACTIVITIES ON PREMISES

No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the city, law of the state, or law of the United States.

Penalty, see § 111.99

§ 111.99 PENALTY

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment.

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CHAPTER 112

ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 112.01 DEFINITION

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning. Words and phrases as used in this chapter shall be construed and defined as per statutory reference.

(A) **IN 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. Specifically, however, **IN PACKAGE,** as it relates to the sale of beer, does not allow the sale of the can or bottle so long as it is originally packaged by the manufacturer in another larger container such as a six pack, 12-pack, or case.

(B) **PREMISES.** "Premises" means the area within a building for which a license to sell and consume alcoholic liquor is issued and which is actually used in connection with the storage, preparation, sale and consumption of alcoholic liquor, but specifically excluding any outside areas such as patios, decks, open porches, roof tops, balconies, stoops, sidewalks, yards, driveways, parking lots, and similar outside areas.

(C) **LIQUEUR.** “Liqueur” is a flavored alcoholic liquor containing at least 2.5% sugar by volume and is typically made by mixing or redistilling any class or type of spirit with fruits, flowers, plants, juices, coffee or other flavorings. Examples of liqueurs are Triple Sec, Kahlua, Amaretto and Bailey’s Irish Crème.

(Ord. 1496, passed 7-4-86; Am. Ord. 1712, passed 4-6-92; Am. Ord. 2795, passed 8-18-08: Am. Ord. 3028, passed 4-15-13)

§ 112.02 PROHIBITED ACTS

(A) No person shall transport, carry, possess, or have on any public street, alley, sidewalk or in Washington Square Park in the city any alcoholic liquor on or about his person <u>except</u> in the original package and with the seal unbroken.

(B) No person shall transport, carry, possess, or have on any high school property in the city any alcoholic liquor on or about his person <u>except</u> in the original package and with the seal unbroken.

(C) No person shall consume any alcoholic liquor in any public place within the city except in premises licensed for the retail sale of alcoholic liquors under Section 112.20 or for the consumption of beer and wine under Section 112.50.

(D) No person under the age of 21 shall possess any alcoholic liquor, except as otherwise permitted in this Chapter.

(E) No person under the age of 21 shall consume any alcoholic liquor, except as otherwise permitted by this Chapter.

(F) No person under the age of 21 years shall purchase, acquire, or otherwise accept any alcoholic liquor, except as otherwise permitted by this Chapter.

(G) No person, regardless of age, shall sell, gift, transfer or deliver any alcoholic liquor to a person under the age of 21, except as otherwise permitted by this Chapter.

(H) No parent or legal guardian shall knowingly permit his or her residence to be used in a manner or by individuals that constitutes a violation of any of the prohibitions of this Section. A parent or legal guardian is deemed to have knowingly permits his or her residence to be used in violation of this Section if he or she knows or reasonably should know that individuals are or will be engaging in acts that are prohibited by this Section, and said parent or legal guardian authorizes, enables, or permits the use of the residence by such individuals.

(I) No person, regardless of age, shall knowingly permit a gathering at a residence which he or she occupies or over which he or she has control, of two or more persons where any one or more of the persons is under age 21 and the person who occupies or controls the residence knows that any such person under the age of 21 is engaged in acts prohibited by this Section.

(J) No person, regardless of age, shall rent a hotel or motel room for the purpose of or with the knowledge that such room shall be used for acts which are prohibited by this Section.

(K) No parent or legal guardian shall knowingly allow or permit the parent's child or legal guardian's ward to violate any provision of this Section or Chapter.

(L) No person shall have in his or her possession any alcoholic liquor on public school district property on school days or at events on public school district property at which or on which children are present, unless the alcoholic liquor is in the original container with the seal unbroken and in the possession of a person who is not otherwise legally prohibited from possession of the alcoholic liquor or is in the possession of a person in or for the performance of a religious service or ceremony authorized by the school board.

(M) No person shall sell, give, or furnish to any person under the age of 21 years, any false or fraudulent written, printed, or photostatic evidence of age and/or identity of such person.

(N) No person shall sell, give, or furnish to any person under the age of 21 years evidence of age or identification of any other person.

(O) No person under the age of 21 years shall possess a false or fraudulent written, printed, or photostatic evidence of age and/or identity, or otherwise possession some type of written, printed or photostatic evidence of age and/or identity which is not his or her own.

(P) No person under the age of 21 years shall present, offer, show, or otherwise display a false or fraudulent written, printed or photostatic evidence of age and/or identity for purposes of purchasing, acquiring, receiving or otherwise obtaining or procure any alcoholic liquor.

(Ord. 1360, passed 5-17-85; Am. Ord. 1712, passed 4-6-92; Am. Ord. 2816, passed 1-5-09; Am. Ord. 2970, passed 3-19-12)

Penalty, see § 112.99

§ 112.02A PERMITTED EXCEPTIONS

The possession and dispensing, 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 by a person under twenty one (21) years of age under the direct supervision and approval of the parent or parents or legal guardian of such person under twenty one (21) years of age in the privacy of the parent's or legal guardian's home, is not prohibited by this Chapter, or the possession and delivery of alcoholic liquors in pursuance of a person's lawful employment is not prohibited by this Chapter and shall not be construed as a violation of any prohibited act under § 112.02.

(Am. Ord. 2816, passed 1-5-09)

RETAIL SALES

§ 112.03 HOURS OF SALE

(A) It shall be unlawful for Class A and E license holders to sell or offer for sale at retail any alcoholic liquor in the city, between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday, and from 1:00 a.m. to 10:00 a.m. on Sunday, except that holders of Class A-2 licenses may remain open and sell or offer for sale alcoholic beverages until 2:00 a.m. on Friday, Saturday, and Sunday mornings of each week and Thanksgiving Day morning. Unless specified otherwise in this Chapter 112, for all other licenses, it shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the city, between the hours of 1:00 a.m. and 6:00 a.m. on Monday through Saturday, and from 1:00 a.m. to 10:00 a.m. on Sunday. Notwithstanding the above, on New Year's Day of each year all Class A license holders may remain open and sell or offer for sale alcoholic beverages until 4:00 a.m., although no new patrons may be admitted to the establishment after 2:00 a.m.

(B) It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in the case of restaurants, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

(Ord. 1412, passed 5-21-84; Am. Ord. 1712, passed 4-6-92; Am. Ord. 3021, passed 2-18-2013; Am. Ord. 3028, passed 7-1-13; Am. Ord. 3034, passed 5-6-13; Am. Ord. 3191, passed 7-5-16)

Penalty, see § 112.99

§ 112.04 SALES TO AND POSSESSION OF BY PERSONS UNDER 21 YEARS OF AGE

(A) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.

(B) If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

(C) For Purposes of preventing the violation of this Section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable of produce adequate written evidence of identity and of the fact that he or she is over the age of the twenty one (21) years.

(D) Adequate written evidence of age and identity of the person is a 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. Proof that the defendant licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is an affirmative defense in any criminal prosecution therefore or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent, or if the written evidence shows the person to be under the age of 21.

(E) No agent or employee of the licensee shall be disciplined or discharged for selling or furnishing liquor to a person under twenty one (21) years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under twenty one (21) years of age, adequate written evidence of age and identity of the person 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, which written evidence reasonably showed the person to be over the age of 21. This division (4), however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

(F) Except as otherwise provided in this section, whoever violates any of the provisions of this section shall, in addition to other penalties provided for in this chapter or as provided by law, be guilty of an ordinance violation.

(Ord. 1712, passed 4-6-92; Am. Ord. 2816, passed 1-5-09)

Penalty, see § 112.99

§ 112.04A DELETED

(Ord. 1712, passed 4-6-92; Am.Ord. 2816, passed 1-5-09)

§ 112.05 RETAIL SALES NEAR CHURCHES, SCHOOLS, HOSPITALS, AND THE LIKE

(A) No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where the sale of alcoholic liquors is not the principal business carried on; nor shall this prohibition apply to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet of any church or school where such church or school has been established within such one hundred (100) feet since the issuance of the original license.

(B) In the case of a church, the distance of one hundred (100) feet shall be measured to the nearest part of any building used for worship services or educational programs, and not to property boundaries.

(C) Nothing in this section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when

groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(Ord. 1712, passed 4-6-92)

Penalty, see § 112.99

§ 112.05A SALE OF ALCOHOLIC LIQUOR IN RESIDENTIAL AREAS

(A) No license shall be issued for the sale at retail of any alcoholic liquor from premises which are totally bounded on three (3) or more sides by properties zoned and used for residential purposes; provided this prohibition shall not apply to the renewal of a license for the sale at retail of alcoholic liquor on premises which are totally bounded on three (3) or more sides by properties zoned and used for residential purposes where any of such residential zoning was established since the issuance of the original liquor license.

(B) It shall be unlawful to sell at retail any alcoholic liquor from premises which are totally bounded on three (3) or more sides by properties zoned and used for residential purposes. The immediately preceding prohibition shall be effective only as to sales from premises originally licensed from and after March 16, 1998.

(C) For purposes of this § 112.05A the words "totally bounded on three (3) or more sides" mean that each of three (3) or more of the four (4) sides surrounding and contiguous to the premises consist only of property zoned and used for residential purposes. Alleys and streets shall not defeat contiguity.

(Ord. 1870, passed 9-19-94; Am. Ord. 2109, passed 3-9-98)

§ 112.06 UNOBSTRUCTED VIEW OF PREMISES UPON WHICH THE SALE OF ALCOHOLIC LIQUOR IS LICENSED

(A) In premises upon which the sale of alcoholic liquor is licensed no screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of the licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road, or sidewalk at all times; and no booth, screen, partition, or other obstruction nor any arrangement of light or lighting shall be permitted in or about the interior of the premises which shall prevent a full view of the entire interior from the street, road, or sidewalk; and the premises must be so located that there shall be a full view of the entire interior from the street, road, or sidewalk.

(B) The premises shall be continuously lighted during business hours by natural or artificial white light so that all parts of the interior of the premises shall be clearly visible; provided, that if the premises where the alcoholic liquor is sold is a restaurant, then a portion of the room may be screened or partitioned for a kitchen where food may be

cooked or prepared. However, no alcoholic liquors shall be sold or given away in this kitchen or room permitted to be partitioned and obstructed from view of the street, road, or sidewalk, as aforesaid.

(C) In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, such license shall be subject to revocation in the manner herein provided.

(D) In order to enforce the provisions of this section, the Mayor shall have the right to require the filing with him of plans, drawings, and photographs showing the clearance of the view as above required.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.07 PEDDLING ALCOHOLIC LIQUOR PROHIBITED

It shall be unlawful to peddle alcoholic liquor in the city.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.08 EMPLOYMENT OF PERSONS UNDER A CERTAIN AGE

(A) In the sale, distribution or delivery of alcoholic liquors, no licensee shall employ, with or without compensation, or in any way directly or indirectly use the services of a person under the age of eighteen (18) years.

(B) No licensee, its officers, agents, managers, or employees shall permit, allow, or authorize any person under the age of twenty one (21) years to draw, pour, or mix any alcoholic liquor, or permit, allow, or authorize any person under the age of twenty one (21) years to attend any bar.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.09 SALES ON CREDIT

No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a pass book, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose the debt thereby attempted to be created shall not be recoverable at law. However, nothing herein contained shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be

signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the by-laws of said club. Further, nothing herein contained shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests. Further, nothing herein contained shall be construed to prevent payment by credit card or other credit device for the purchase of liquor in the original package or container for consumption off the premises.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.10 EQUAL ACCESS TO LICENSED PREMISES

No licensee under the provisions of this chapter, and the provisions of the Illinois Liquor Control Act of 1934, shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of any premises in which alcoholic liquors are authorized to be sold, subject only to the conditions and limitations established by law and applicable alike to all citizens.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.11 PROHIBITED HAPPY HOURS

(A) No retail licensee or employee or agent of such licensee shall:

(1) Sell 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 §112.11A;

(3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(4) Encourage or permit, on the Licensed Premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the Licensed Premises; or

(5) Advertise or promote in any way, whether on or off the Licensed Premises, any of the practices prohibited under divisions (1) through (5) of this division (B).

(B) A violation of this section shall be grounds for suspension or revocation of the retailer's license as provided in this chapter.

(Ord. 1712, passed 4-6-92; Am. Ord. 3180, passed 4-18-16)

§112.11A PERMITTED HAPPY HOURS AND MEAL PACKAGES, PARTY PACKAGES, AND ENTERTAINMENT PACKAGES

(A) As used in this Section:

"Dedicated event space" means a room or rooms or other clearly delineated space within a retail 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 retail 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.

(B) A retail 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 retail 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 Section;

(9) include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a municipal ordinance 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 is between the hours of 3:00 p.m. and 6:00 p.m. Monday through Friday only; and

(c) 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.

(Ord. 1712, passed 4-6-92; Am. Ord. 3180, passed 4-18-16)

Penalty, see § 112.99

§ 112.12 DUTY TO RENDER AID AND CALL POLICE

No licensee, its agents or employees, shall knowingly fail to render assistance and aid or to call the police with reference to any violation of the criminal laws of the State of Illinois committed by or upon a patron of the licensed establishment while such patron is upon the licensed premises.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.13 RETAIL SALES AT ADULT USE ESTABLISHMENTS PROHIBITED

It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the City of Washington at any establishment which is defined as an adult use under § 111.02(A) of Chapter 111 of the Code of Ordinances of the City of Washington, Tazewell County, Illinois, as amended from time to time.

(Ord. 1964, passed 11-20-95)
Penalty, see § 112.99

§ 112.14 ACCESS TO LICENSED AREAS

The Liquor Commissioner and/or any peace officer of the City of Washington's Police Department wearing a uniform or displaying a badge or other sign of authority, shall have unobstructed, unhindered and immediate access to the Premises, including but not limited to all outdoor areas covered by a Class K license and/or all Special Areas covered by a Class L license, during business hours and/or any time the Premises, outdoor areas and/or special areas are occupied. The licensee, its agents and/or employees shall allow and/or facilitate said access, and shall not hinder or obstruct said access in any way.

(Ord. 2838, passed 7-6-09)
Penalty, see § 112.99

RETAIL LICENSES

§ 112.20 CLASSIFICATION OF LIQUOR LICENSES; NUMBER OF LICENSES PERMITTED

Licenses to sell liquor at retail are divided into seven classes, as follows:

(A) **Class A**. Class A licenses shall authorize the retail sale on the premises of alcoholic liquors for consumption on or off the premises. There shall be two types of Class A licenses: A-1 and A-2. A-1 licenses shall allow the sale of alcoholic beverages between the hours of 8:00 a.m. and 1:00 a.m. on Monday through Saturday and from 10:00 a.m. to 1:00 a.m. on Sunday. The holders of Class A-2 licenses shall be allowed to remain open and sell or offer for sale alcoholic beverages until 2:00 a.m. on Friday, Saturday, and Sunday mornings of each week. The license fee for Class A-1 licenses shall be nine hundred dollars ($900.00) per year. The license fee for Class A-2 licenses shall be one thousand dollars ($1,000.00) per year.

(Am. Ord. 3034, passed 5-6-13; Am. Ord. 3200, passed 9-19-16)

(B) **Class B**. Class B licenses shall authorize the retail sale of alcoholic liquor in package and not for consumption on the premises where sold. This license shall be known as a supermarket license and shall be available only to an enterprise conducted where food and other beverages are sold, the building to contain an area of more than five thousand (5,000) square feet, and the business conducted at said location to have a gross annual sales of all merchandise of more than four hundred thousand dollars ($400,000.00). The license fee for such license shall be one thousand dollars ($1,000.00) per year.

(C) **Class C**. Class C licenses shall authorize the retail sale of malt, ale, beer, and vinous beverages in package and not for consumption on the premises where sold. The license fee for such license shall be seven hundred fifty dollars ($750.00) per year.

(D) **Class D**. Class D licenses shall authorize the retail sale of malt, ale, beer, and vinous beverages as well as the sale of up to a one (1) ounce shot of liqueur served and mixed in a non-alcoholic beverage of at least twelve (12) ounces for consumption on the premises where sold only. The license fee for such license shall be seven hundred fifty dollars ($750.00) per year.

(Am. Ord. 3028, passed 4-15-13)

(E) **Class E**.

(1) Class E licenses shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, to be issued to a regularly organized club, as hereinafter defined, such sales to be made only to members of their club and their duly registered guests. The annual fee for such license shall be one hundred dollars ($100.00).

(2) Each club shall keep a current and complete list of all the names and addresses of the club members.

(3) For purposes of this section, a "REGULARLY ORGANIZED CLUB" is defined as follows: a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to a definition of a club, as provided by state law.

(4) No Class E license shall be issued until the Mayor has satisfied himself that the club applying for the license was actually and, in fact, organized for some purpose or object other than the sale or consumption of alcoholic liquor.

(F) **Class F**. Class F liquor licenses shall authorize the retail sale of alcoholic liquor in package and not for consumption on the premises where sold. The license fee for such license shall be one thousand dollars ($1,000.00) per year.

(Ord. 1275, passed 6-4-79; Am. Ord. 1401, passed 2-6-84; Am. Ord. 1412, passed 5-21-84; Am. Ord. 1712, passed 4-6-92, Am. Ord. 2795, passed 8-18-08)

(G) **Class G**. Class G licenses shall authorize the retail sale of alcoholic liquors on the premises only, and not for consumption off the premises where sold, and only in connection with and as a part of a private party or a private meeting not generally open to the public. This license shall be known as a Banquet Facility license. Such licenses shall permit the sale of alcoholic liquor and beverages between the hours of 6:00 a.m. and 1:00 a.m. on Monday, Tuesday and Wednesday; from 6:00 a.m. to 2:00 a.m. on Thursday, Friday, and Saturday; and from 10:00 a.m. to 1:00 a.m. on Sunday. Notwithstanding the above, on New Year's Day of each year license holders may remain open and sell or offer for sale alcoholic beverages until 2:00 a.m. The license fee for such licenses shall be seven hundred dollars ($700.00) per year.

(Am. Ord. 3066, passed 2-3-14; Am. Ord. 3200, passed 9-19-16)

(H) **Class H**. Class H liquor licenses shall permit the sale of retail of beer, wine, and wine coolers for consumption on the premises ("Festival Gardens") where sold in specific areas of the City during community-wide celebrations. Such sales shall be by responsible persons and shall be allowed for limited periods of time in a limited space which shall be set forth in resolution of the City Council authorizing the Festival Garden.

The area of the Festival Garden shall be enclosed with a restraining fence or structure satisfactory to the Mayor or his designee and shall have a single point of ingress and egress. The hours of operation must be conspicuously posted at the entrance.

Unless directed otherwise by the Liquor Commissioner, a Washington police officer must be present as a security officer at the point of entry and egress during the period of operation of the Festival Garden and the expense of the security officer, including their salary, shall be the sole responsibility of the licensee. The licensee must carry dram shop insurance naming the City as a co-insured and comply in all respects with the requirements necessary for the sale of alcoholic beverage in the State of Illinois, including but not by way of limitation the licensee's Specific Event Retail Liquor License issued by the Illinois Liquor Control Commission.

A license fee for such license shall be $50.00, for a period not to exceed five (5) days.

(Ord. 2505, passed 01-05-04, Am. Ord. 2795, passed 8-18-08)

(I) **Class I**. Class I liquor licenses shall permit the sale at retail of beer, wine, and wine coolers for consumption on the premises ("Event Location") to be sold for a special event by an educational, fraternal, political, civic, religious or not-for profit corporation except that wine or crafted beer sold as such events by a winery or microbrewery may be sold in its original package, only as to those wines or crafted beers produced by such winery or microbrewery. Such sales shall be by responsible persons and shall be allowed for limited periods of time in a specific location as determined by the City Liquor Commissioner. The City Liquor Commissioner, by nature of the event and/or location, will determine whether fencing of the event area will be required and whether a Washington Police Officer will be required to be present to monitor the event. If it is determined that a Washington Police Officer is required, the expense of the officer will be the responsibility of the licensee.

The licensee must carry dram shop insurance naming the City as a co-insured and comply in all respects with the requirements necessary for the sale of alcoholic beverages in the State of Illinois, including but not by way of limitation, the additional requirements for a Special Event Retailer's License required by 235 ILCS 5/7-1, as amended from time to time.

A license fee for such license shall be $100.00, for a period not to exceed forty-eight (48) hours.

(Am. Ord. 3142, passed 8-3-15; AM. Ord. 3192, passed 7-18-16)

(J) **Class J**. Class J licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant described in the license. No more than 25% of the total annual gross sales of such restaurant establishment shall be derived from the sale of alcoholic liquors, and it shall be the responsibility of the licensee to provide satisfactory evidence of such gross and liquor sales to the City Liquor Commissioner each year in conjunction with the license renewal process. *Restaurant* means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity, and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The license fee for Class J licenses shall be eight hundred fifty dollars ($850.00) per year.

(K) **Class K**. Notwithstanding any other provision of this code, it shall be unlawful for any retail liquor licensee to serve or allow to be consumed alcoholic liquor at an outdoor eating, drinking and seating area without first obtaining a license as provided herein. Class K liquor licenses shall be a supplementary license permitting the sale of alcoholic liquors in an outdoor eating, drinking or seating area (i.e. beer garden, open air cafe,

patio, etc.) located adjacent to and operated by and in conjunction with an otherwise licensed premise subject to the following:

(1) Only those licensees holding a Class A, Class D or Class J liquor license shall be eligible to apply for, receive and hold a Class K license, which allows for the sale and consumption of alcoholic liquor off-premises. Only those alcoholic liquors lawfully licensed to be sold and consumed in the adjacent licensed premises may be sold and/or consumed in the outdoor eating, drinking or seating area. All other provisions of the Washington Municipal Code pertaining to the respective Class A, Class D, or Class J liquor license shall apply to the Class K licensed area unless otherwise provided herein.

(2) The outdoor eating, drinking or seating area must comply with the following: a) be immediately adjacent and contiguous to the Class A, Class D or Class J licensed premises, b) be no greater in area than the gross floor area of the licensed premises, c) for Class A and Class D licenses, be accessible to customers and patrons from the interior of the licensed premises only; be entirely and completely contained by fencing or other suitable material at least six feet in height, measured from the finished floor elevation of the outdoor eating, drinking or seating area, which effectively prevents the passing of alcohol to the outside; and defines the seating area and sets that area apart from the surrounding property; and be reasonably viewable and accessible from the exterior, d) for Class J licenses, be contained by fencing or other suitable material at least three feet in height (material appropriateness to be determined by outdoor area location), measured from the finished floor elevation of the outdoor eating, drinking or seating area, which defines the seating area and sets that area apart from the surrounding property, and provides for limited and controlled access to the outdoor eating, drinking and seating area. The hours of operation of the outdoor eating, drinking and seating area of a Class J license holder shall not extend past 11:00 pm daily, e) for Class A licenses, where 75% of the total annual gross sales is derived from the sale of food the Class J license regulations contained herein shall apply.

(Am. Ord. 3142, passed 8-3-15)

(3) At least one, fully operable, emergency only exit shall be provided from the outdoor eating, drinking or seating area directly to the outside for all Class A and D licenses and for any Class J license where the only other means of egress is through the interior of the licensed premises. Said emergency only exit shall be in addition to the access provided directly from the licensed premises, may be used to provide a means of egress/ingress for persons whose physical limitations or handicaps preclude their entrance or exit from the interior of the licensed premises and may be used for the purpose of taking delivery of products, materials and supplies.

(4) Existing Class A liquor license holders selling alcoholic liquors in outdoor eating, drinking or seating areas on or before January 1, 2008, shall obtain the required Class K license on or before September 19, 2008, and shall have until October 1, 2009, to come into compliance with the regulations stipulated in paragraphs (2) and (3) above. All other license holders shall obtain the required Class K license and come into compliance with all applicable regulations within 60 days after passage of this ordinance.

(5) The total square footage of the outdoor eating, drinking, or seating area shall be included in the total parking calculations and requirements for the site, provided that all Class A or Class D establishments holding licenses on August 1, 2008, shall be exempt from this additional parking requirement.

(6) No amplified sound or music nor any live entertainment shall be permitted in the outdoor eating, drinking or seating area after 10:00 p.m. and shall at all times be subject to all noise limitations of the City.

(7) Each and every owner, operator and/or manager licensed to sell alcoholic liquors in an outdoor eating, drinking or seating area shall provide regular, diligent and effective management and employee oversight and control of such outdoor eating, drinking or seating area to assure compliance with the provisions of this Chapter and the Code of Ordinances of the City of Washington, Illinois.

(8) The annual fee for the Class K license shall be $100.00 which shall be in addition to any other fees required by license holders pursuant to this Chapter.

For purposes of this Subsection (K) only, the term "Off-Premises" shall mean an area outside and adjacent to a building for which a liquor license to sell and consume alcoholic liquor is issued, and on which it shall be lawful to sell and consume alcoholic liquors if the licenseholder also holds a Class K license.

(L) **Class L**. Class L liquor licenses shall permit the sale at retail of alcoholic liquor for consumption on the premises to be sold at a temporary event by a currently licensed retail seller of alcoholic liquor in the City of Washington, for a one (1) day period of time. Such sales shall be by responsible persons and shall be allowed for single day in a specific location as follows:

(1) Definitions.

(a) "Premises" shall mean the building out of which the licensee primarily operates, and for which a current liquor license is in effect and has previously been issued.

(b) "Special Area" shall mean the area within which the temporary event will take place, and for which the Temporary Event license is sought.

(2) Only the holders of current Class A, D, E, G, and J liquor licenses, issued by the City of Washington, may apply for a Temporary Event license under the provisions of this Paragraph (L).

(3) A complete liquor license application must be submitted for the Special Area.

(4) The Special Area must comply with all of the following requirements:

(a) the Special Area must be adjoining and adjacent to the Premises, unless otherwise determined by the City Liquor Commissioner; and

(b) the Special Area must satisfy all of the requirements for the issuance of a liquor license (which specifically includes ownership of the Special Area or a written lease agreement for the Special Area), with the exception of the requirement that the sales take place in a building; and

(c) the Special Area must be fully enclosed by means of a fence or other structure, such that access to and from the area is limited to only one (1) point of access, and such that litter and other debris are or will be wholly contained within the Special Area. The City Liquor Commissioner, by nature of the event and/or location, will determine whether fencing of the event area will be required and whether a Washington Police Officer will be required to be present to monitor the event. If it is determined that a Washington Police Officer is required, the expense of the officer will be the responsibility of the licensee.

(5) The hours of sale within the Special Area may not commence before Noon, and must terminate no later than 11:00 p.m. on the day that such temporary event is held or conducted. The hours of sale for the Premises are not affected by the provisions of this paragraph (L), and need not be limited to the hours of sale within the Special Area.

(6) The Temporary Event license will permit the sale of Alcoholic Liquor for one (1) day only.

(7) No noise emanating from the Special Area shall be audible from the closest lot line of any residentially zoned lot that is also used for residential purposes. If noise is audible at the closest lot line of any residentially zoned lot that is also used for residential purposes, the Temporary Event license will be immediately

revoked, and the sale of alcoholic liquor within the Special Area shall cease and become illegal upon notification thereof by the Chief of Police or his or her designee.

(8) A license fee for such license must be paid with the application in an amount equal to One Hundred Fifty Dollars ($150.00).

(9) The licensee must satisfy all of the requirements of Chapter 112 of the Code of Ordinances of the City pertaining to the sale of alcoholic liquor, including but not limited to the carrying of dram shop insurance naming the City as a co-insured, and must comply in all respects with the requirements necessary for the sale of alcoholic beverages in the State of Illinois, including but not by way of limitation, the additional requirements for a Special Event Retailer's License required by 235 ILCS 5/7-1, as amended from time to time.

(10) Not more than two (2) Temporary Event Licenses may be issued to a single holder of a liquor license during any one (1) liquor license year (May 1st through April 30th).

(11) No Temporary Event License may be issued to the holder of liquor license issued by the City of Washington, if the holder has violated the provisions of Chapter 112 of the Code of Ordinances of the City, or compromised and settled such a liquor code violation, within the twelve months immediately prior to the filing of the application for a Temporary Event License.

(12) The application for a Temporary Event License must be submitted not less than ten (10) business days prior to the temporary event. Upon submission of the application, with the license fee attached, the Chief of Police, or his or her designee, shall inspect the Special Area and advise the Liquor Control Commissioner as to whether the Special Area complies in all respects with the Code of Ordinances of the City, and as to the prior violations of the Liquor Code of the City. Thereafter, the Liquor Control Commissioner will review the application, application materials and attachments, the report of the Chief of Police, and will grant or deny the application for a Temporary Event License within ten days of the filing of the application for the Temporary Event License.

(Am. Ord. 3192, passed 7-18-16; Am. Ord. 3200, passed 9-19-16)

(M) **Class M**. A Class M liquor license shall be a supplementary license permitting the sale of alcoholic liquor in connection with the operation of an off-site catering business that serves alcoholic liquor in connection with the catering of foods and for consumption only on the premises where the food is catered. Class M licenses shall be subject to the following:

(1) Only those licensees holding a caterer retailer license pursuant to Section 5/1-3.34 of the Illinois Liquor Control Act (235 ILCS 5/1-3.34) and also holding a Class A, Class B, Class D, Class G, or Class J liquor license shall be eligible to apply for, receive and hold a Class M license.

(2) A Class M license shall only be issued to persons who can demonstrate that they are operating a bona fide catering business.

(3) The sale of alcoholic liquor shall be incidental to the food service. The revenue which the licensee derives for the sale of food must comprise at least fifty-one (51%) of the gross revenue earned from the sale of food and alcoholic liquor at each and every event or function.

(4) No alcoholic liquor shall be sold or served at a single location for more than eight (8) consecutive hours. Furthermore, the sale of alcoholic liquor shall only be allowed on Monday through Saturday from 6:00 a.m. until 1:00 a.m. the following morning and on Sunday from 10:00 a.m. until 1:00 a.m. the following morning.

(5) The event or function shall not be open to the general public but only to invited guests. The sale of alcoholic liquor may be made in bulk to the person or organization conducting the function or be made to invited guests by the drink.

(6) One or more employees of the license holder shall at all times be present throughout the event or function and be capable of observing any and all part(s) of the premises where alcoholic liquor is being sold or consumed.

(7) The licensee must implement measures to insure that minors are not served alcoholic liquors and do not consume alcoholic liquor on the premises of the rental hall or any place alcoholic liquor is being served or consumed.

(8) Class M license holders shall be exempt from Sections 112.05 and 112.05A ((distance from churches, schools, hospitals and residential areas) and 112.06 (visibility).

(9) The annual fee for the Class M license shall be $250.00 which shall be in addition to any other fees required by license holders pursuant to this Chapter.

(Am. Ord. 3200, passed 9-19-16)

(N) Number of licenses.

(1) There shall be no more than eleven (11) Class A licenses for the sale of alcoholic liquor at retail in the City in force at any one time.

(2) There shall be no more than three (3) Class B licenses for the sale of alcoholic liquor at retail in the City in force at any one time.

(3) There shall be no more than one (1) Class C licenses for the sale of beer and wine at retail in the City in force at any one time.

(4) There shall be no more than four (4) Class D licenses for the sale of beer, wine and liqueur at retail in the City in force at any one time.

(5) There shall be no more than two (2) Class E licenses for the sale of alcoholic liquor at retail in the City in force at any one time.

(6) There shall be no more than eight (8) Class F licenses for the sale of alcoholic liquor at retail in the City in force at any one time.

(7) There shall be no more than two (2) Class G license for the sale of alcoholic liquor at retail in the City in force at any one time.

(8) There shall be no more than two (2) Class J license for the sale of alcoholic liquor at retail in the City in force at any one time.

(Ord. 979, passed 1-8-70; Am. Ord. 1469, passed 10-7-85; Am. Ord. 1474, passed 12-16-85; Am. Ord. 1525, passed 7-6-87; Am. Ord. 1712, passed 4-6-92; Am. Ord. 1822, passed 2-22-94; Am. Ord. 1843, passed 6-6-94; Am. Ord. 1897, passed 2-20-95; Am. Ord. 1918, passed 5-15-95; Am. Ord. 2083, passed 12-2-96; Am. Ord. 2077, passed 6-16-97; Am. Ord. 2110, passed 3-9-98; Am. Ord. 2152, passed 11-2-98; Am. Ord. 2191, passed 7-6-99; Am. Ord. 2199, passed 9-20-99; Am. Ord. 2271, passed 1-22-01; Am. Ord. 2405, passed 9-3-02; Am. Ord. 2424, passed 12-16-02; Am. Ord. 2494, passed 12-1-03; Am. Ord. 2505, passed 1-5-04; Am. Ord. 2513, passed 2-16-04; Am. Ord. 2518, passed 4-5-04; Am. Ord 2563, passed 10-18-04; Am. Ord. 2564, passed 10-18-04; Am. Ord. 2594, passed 2-21-05; Am. Ord. 2666, passed 3-20-06; Am. Ord. 2682; passed 7-3-06; Am. Ord. 2693, passed 9-18-06; Am. Ord. 2714, passed 1-2-07; Am. Ord. 2770, passed 3-3-08; Am. Ord. 2772, passed 4-7-08, Am. Ord. 2795, passed 8-18-08; Am. Ord. 2797, passed 9-2-08; Am. Ord. 2819, passed 3-2-09; Am. Ord. 2829, passed 4-20-09; Am. Ord. 2848, passed 8-17-09; Am. Ord. 2855, passed 9-21-09; Am. Ord. 2877, passed 3-1-10; Am. Ord. 2880, passed 4-5-10; Am. Ord. 2936, passed 6-20-11; Am. Ord. 2965, passed 2-20-12; Am. Ord. 3001, passed 8-20-12; Am. Ord. 3013, passed 12-10-12; Am. Ord. 3021, passed 2-18-13; Am. Ord. 3028, passed 4-15-13; Am. Ord. 3042, passed 7-1-13; Am. Ord. 3066, passed 2-3-14; Am. Ord. 3113, passed 2-2-15; Am. Ord. 3130, passed 6-1-15; Am. Ord. 3141, passed 8-3-15; Am. Ord. 3174, passed 4-4-16; Am. Ord. 3176, passed 4-18-16;

Am. Ord. 3201, passed 9-19-16; Am. Ord. 3203, passed 9-19-16;
Am. Ord. 3224, passed 3-20-17)
Penalty, see § 112.99

§ 112.21 LICENSE REQUIRED

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 in the city, any alcoholic liquor, without first having obtained a license to do so as provided in this chapter. It shall likewise be unlawful for any such person to sell or offer for sale any intoxicating liquors, alcoholic or malt or vinous liquors in violation of the terms and conditions of such license.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.22 APPLICATION; INFORMATION REQUIRED

(A) All applications for the license required by § 112.21 of this chapter shall be made in writing to the Mayor, or to the party designated by him; signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club, corporation, limited liability company, association, or partnership; verified by affidavit; and submitted and filed with the Mayor at least fifteen (15) days prior to the issuance of any license.

(B) An applicant for a retail license from the city shall submit to the state an application in writing under oath stating:

(1) The applicant's name and mailing address;

(2) The name and address of the applicant's business;

(3) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk;

(4) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the "Business Corporation Act of 1983" to transact business in the State of Illinois;

(5) The number, the date of issuance and the date of expiration of the applicant's current local retail liquor license;

(6) The name and address of the landlord if the premises are leased;

(7) The date of the applicant's first request for a state or city liquor license and whether it was granted, denied or withdrawn;

(8) The address of the applicant when the first application for a state or city liquor license was made;

(9) The applicant's current city and state liquor license number;

(10) The date the applicant began liquor sales at his place of business;

(11) The address of the applicant's warehouse if he warehouses liquor;

(12) The applicant's Retailer's Occupation Tax (ROT) registration number;

(13) The applicant's document locator number on its Federal Special Tax Stamp;

(14) Whether the applicant is delinquent in the payment of the Retailer's Occupation Tax (sales tax) and, if so, the reasons therefor;

(15) Whether the applicant is delinquent under the cash beer law and, if so, the reasons therefor;

(16) In the case of a retailer, whether he is delinquent under the 30-day credit law and, if so, the reasons therefor;

(17) In the case of a distributor, whether he is delinquent under the 15-day credit law and, if so, the reasons therefor;

(18) Whether the applicant has made an application for a liquor license which has been denied and, if so, the reasons therefor;

(19) Whether the applicant has ever had any previous liquor license suspended or revoked and, if so, the reasons therefor;

(20) Whether the applicant has ever been convicted of a gambling offense or felony and, if so, the particulars thereof;

(21) Whether the applicant possesses a current Federal Wagering Stamp and, if so, the reasons therefor;

(22) Whether the applicant or any other person directly in his place of business is a public official and, if so, the particulars thereof;

(23) The applicant's name, sex, date of birth, social security number, position and percentage of ownership in the business; and the name, sex, date of birth, social security number, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director or manager, limited liability company member and manager, and any person who owns five percent (5%) or more of the shares of the applicant business entity or parent corporations or series limitied liability companies of the applicant business entity;

(24) That he has not received or borrowed money or anything else of value, and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed ninety (90) days as expressly permitted under 235 ILCS 5/6-5, directly or indirectly, from any manufacturer, importing distributor, distributor, or from any representative of any such manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor of Ill. Rev. Stat., Ch. 43, Section 123;

(25) In addition to any other requirement of this section, an applicant shall provide and submit proof of adequate dram shop insurance;

(26) In addition to the foregoing information, such application shall contain such other and further information as may, by rule or regulation not inconsistent with law, be prescribed by the Local Liquor Control Commissioner;

(27) If the applicant reports a felony conviction, such conviction may be considered in determining qualifications for licensing, but shall not operate as a bar to licensing;

(28) If said application is made in behalf of a partnership, firm, association, club, limited liability company or corporation, then the same shall be signed by one (1) member of such partnership or the president or secretary of such corporation, all members and managers of such limited liability company, or an authorized agent of said partnership or corporation; and

(29) All other applications shall be on a form prescribed by the state.

(Ill. Rev. Stat., Ch. 43, § 145)

(C) In addition to other forms and applications required by this section, all applications for the license required by §112.21 of this chapter shall be accompanied by:

(1) A fully completed and executed authorization in such form as may be proscribed from time to time by the City of Washington Chief of Police granting the City of Washington authority to request criminal history and/or conviction information from the Illinois State Police;

(2) A properly and fully completed Conviction Information Request form, or such other form as the Illinois State Police may require from time to time, including the applicant's original fingerprint images; and

(3) A check made payable to the Illinois State Police to cover the necessary Illinois State Police fees and expenses of processing the conviction information/criminal history background check.

(Ord. 1712, passed 4-6-92; Am. Ord. 2529, passed 5-3-04;
Am. Ord. 2923, passed on 1-18-11)

§ 112.23 FEES; MANNER OF PAYMENT; RENEWALS; DISPOSITION

(A) License fees shall be payable in full at the time of the filing of the original or renewal application. Failure to pay the appropriate fee promptly when due shall be grounds for denial of the license. All licenses shall expire April 30, next, after date of issue. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

(B) All original license fees shall be paid to this city at the time the application is made and shall be turned over to the City Treasurer. In the event the license applied for is denied the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the City Council by proper order.

(C) All original liquor license fees shall be turned over to, and all renewal fees shall be paid to, this city and a receipt therefor, signed by the City Clerk, showing payment of such license fee, shall be attached to every application for a license or for the renewal of a license to sell intoxicating liquor at retail. No application shall be considered, acted upon or granted until and unless such application for a liquor license has been filed in the office of the City Clerk and a receipt showing payment to the city of the license fee required by this chapter to be paid therefor is attached to such application. In the event the license applied for is denied, the fee shall be returned to the applicant.

(Ord. 1712, passed 4-6-92)

§ 112.24 GRANTING LICENSE FOR RETAIL SALE

Subject to the limitations and restrictions set forth in this chapter, and all other lawful limitations and restrictions, the Mayor of the city, or anyone designated by him may, from time to time, grant licenses for the retail sale of alcoholic liquors within the city limits to any resident or any state corporation qualified to receive such license, or to any company, association, or partnership for all of the members thereof, or residents of the city; provided that an application is made to him in writing, and that any and all such persons furnish sufficient evidence to satisfy the Mayor, or anyone designated by him, that they are persons of good moral character, have never been convicted of a felony, and have never possessed a license to sell at retail intoxicating liquor that was revoked by either the city or state authorities, and otherwise qualify to receive such a license.

(Ord. 1712, passed 4-6-92)

§ 112.25 RESTRICTIONS UPON ISSUANCE

No license authorized by this chapter shall be issued to:

(A) A person not of legal age or under any legal disability.

(B) A person not a resident of the city.

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

(D) A person who is not a citizen or legal resident of the United States.

(E) A person who has been convicted by a felony under any federal or state law, unless the Illinois Liquor Control Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and such Commission's investigation.

(F) A person who has been convicted of being a keeper or is keeping a house of ill fame.

(G) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(H) A person whose license issued under this chapter or the provision of the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) has been revoked for cause.

(I) A person who at the time of application for renewal of any license issued under this chapter would not be eligible for the issuance of a license upon a first application.

(J) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent (5%) of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason, including residency.

(K) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the city.

(L) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act of 1983 (805 ILCS 5/1.01 et seq.), as amended, to transact business in Illinois.

(M) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(N) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, subsequent to the passage of the Illinois Liquor Control Act of 1934, or shall have forfeited his bond to appear in court to answer charges for any such violation.

(O) A person who does not beneficially own the premises for which a license is sought, or does not have a written lease thereon for the full period for which the license is to be issued.

(P) Any law-enforcing public official, including members of local liquor control commissions and any mayor, alderman, or member of the City Council; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that the license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.

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

(R) Any person not eligible for a state retail liquor dealer's license.

(S) A person who has been convicted of a gambling offense as prescribed by Ill. Rev. Stat., Ch. 38, § 28-1(a) (3) - (a) (10) or as prescribed by a statute replacing any of the aforesaid statutory provisions.

(T) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.

(U) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

(V) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal wagering stamp for the current tax period.

(W) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

(X) A limited liability company, if any member or manager thereof owning an aggregate of more than five percent (5%) of the interest of such limited liability company would not be eligible to receive a license hereunder for any reason other than citizenship and residency within the city.

(Y) A limited liability company, unless it is organized in Illinois, or unless it is a foreign limited liability company which is qualified under the Illinois Business Corporation Act (805 ILCS 5/1.01 et seq.) as amended, to transact business in Illinois.

(Z) A limited liability company if any member or owner thereof owning in the aggregate more than twenty percent (20%) of the interest of such limited liability company has been issued a Federal Wagering Stamp for the current tax period.

(Ord. 1712, passed 4-6-92; Am. Ord. 2923, passed 1-18-11)

§ 112.26 BOND

An application for a liquor license shall be accompanied by a bond in the penal sum of one thousand dollars ($1,000) with sureties licensed as sureties by the state. Such bond shall be conditioned that the person, firm, or corporation to which such license shall be issued, their heirs, executors, successors, and assignees shall save and keep the city harmless from any and all loss from damage and claims for damage arising out of the operation of the business under said license.

(Ord. 1212, passed 4-14-77; Am. Ord. 1712, passed 4-6-92)

§ 112.27 RENEWAL OF LICENSE; APPLICATION

(A) Any licensee may renew their license at the expiration thereof, provided: (1) the licensee is then qualified to receive a license; (2) the premises for which such renewal license is sought are suitable for such purpose; (3) the renewal license shall be subject to any terms, conditions and restrictions imposed on such license for the renewl term; and (4) the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the City Council from decreasing the number of licenses to be issued within its jurisdiction, or otherwise revising the terms, conditions and/or restrictions of liquor licenses or any classifications thereof.

(B) All applications for the renewal of a license shall be made in writing to the Mayor at least fifteen (15) days prior to April 30 of each year, and shall be accompanied by the appropriate license fee. It shall not be necessary for the renewal application to be filed annually in order to obtain a renewal of such license; provided, however, the applicant shall submit in lieu of such renewal application an affidavit stating that the information and statements and all answers on the original application are still true and correct, and are in full force and effect.

(Ord. 1712, passed 4-6-92; Am. Ord. 3021, passed 2-18-13)

§ 112.28 TRANSFER OF LICENSE

A license shall be purely a personal privilege, good for not to exceed one (1) year after issuance, unless sooner revoked as by law provided, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the law of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquors, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six (6) months after the death, insolvency, or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.

(Ord. 1712, passed 4-6-92)

§ 112.29 CHANGE OF LOCATION

A retail dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such changes issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the regulations of this city.

(Ord. 1712, passed 4-6-92)

§ 112.30 DISPLAY OF LICENSE

Every person licensed in accordance with the provisions of this chapter shall immediately post and keep posted while in force in a conspicuous place on the premises, the license so issued. Whenever this license shall be lost or destroyed, a duplicate in lieu thereof shall be issued by the Mayor.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.31 REVOCATION AND SUSPENSION

(A) The Mayor may revoke or suspend any license issued by him if he determines the licensee has violated any of the provisions of this chapter or any of the provisions of state law pertaining to the sale of alcoholic liquor, as amended from time to time. In addition to the suspension, the Mayor may levy a fine on the licensee for such violation. The fine imposed shall not exceed one thousand dollars ($1,000.00) for each violation; each day on which a violation occurs 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 or her or its license. Proceeds from such fine shall be paid into the general corporate fund of the municipal treasury.

(B) No license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Mayor with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such public hearings shall be held in accordance with the provisions of § 7-5 of the Liquor Control Act of 1934 (ILCS Ch. 235, Act 5, § 1-1 et seq.).

(Ord. 1712, passed 4-6-92; Am. Ord. 1978, passed 2-5-95)

§ 112.32 PRIVILEGES GRANTED UNDER LICENSE

(A) A license issued under this chapter shall permit the sale of alcoholic liquor only in the premises described in the application and license, and only under the conditions and restrictions imposed in this chapter on the particular class of license described therein.

(B) There shall be no refund of any license fee paid under the provisions of this chapter, except as above provided. Any licensee shall have the right to a renewal of such license, subject to the terms, conditions and restrictions in effect for such license in the renewal term, provided that the licensee is then qualified to receive a license and the premises for which such renewal is sought are suitable for such purpose. The renewal right shall not be deemed to restrict the right of the Mayor to revoke any such license.

(Ord. 1712, passed 4-6-92; Am. Ord. 3021, passed 2-18-13)

§ 112.33 RECORD OF LICENSES TO BE KEPT; DISTRIBUTION OF COPIES

The Mayor shall keep or cause to be kept a complete record of all licenses required by this chapter which are issued by him, and all licenses issued shall be given a number beginning with number one. The City Clerk shall furnish the Mayor, City Treasurer, and the Chief of Police each with a copy of the receipt for the license fee.

(Ord. 1712, passed 4-6-92)

§ 112.34 DURATION OF LICENSE

All licenses shall be valid for not to exceed one (1) year after issuance unless sooner expired, revoked or suspended as in this chapter provided. Licenses shall state thereon the class to which they belong, the name of the licensee and the address and description of the premises for which they are granted, and shall state the date of their issuance and expiration.

(Ord. 1712, passed 4-6-92; Am. Ord. 3021, passed 2-18-13)

§ 112.35 EXAMINATION OF APPLICANT

The Mayor shall have the right to examine, or cause to be examined, under oath, any applicant for a liquor license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner provided by law, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of the State of Illinois. For the purpose of obtaining any information desired by the Mayor under this section, he may authorize his agent to act on his behalf.

(Ord. 1712, passed 4-6-92)

§ 112.36 VIOLATION OF TAX ACTS

In addition to other grounds specified in this chapter and specified in the Illinois Liquor Control Act of 1934, the Mayor, on complaint of the Illinois Department of Revenue, shall refuse the

issuance or renewal of a license, or suspend or revoke the license, of any person for any of the following violations of any Tax Act administered by the Illinois Department of Revenue:

(A) Failure to make a tax return.

(B) The filing of a 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 sub-certificates of registration, if required.

(F) Willful violation of any rule or regulation of the Illinois Department of Revenue relating to the administration and enforcement of tax liability.

(Ord. 1712, passed 4-6-92)

§ 112.37 BOOKS AND RECORDS

It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Illinois Liquor Control Commission and the Mayor. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. However, all original invoices covering purchases of alcoholic liquor must be retained on the licensed premises for a period of ninety (90) days after such purchase.

(Ord. 1712, passed 4-6-92)
Penalty, see § 112.99

§ 112.38 POWERS OF LOCAL LIQUOR CONTROL COMMISSIONER

The Local Liquor Control Commissioner shall have the following powers, functions, and duties with respect to licenses:

(A) To grant and/or suspend for not more than thirty (30) days or revoke for cause all licenses issued by the city to persons for premises within the city;

(B) To enter or authorize any law enforcing officer to enter at any time upon any premises licensed, whenever any of the provisions of the Liquor Control Act of 1934, as amended, or any rules and regulations adopted by the Local Liquor Control Commissioner or by the State of Illinois Liquor Control Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(C) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act, or a foreign corporation functioning as a club in this state under a certificate of authority issued under that Act has violated the Illinois Liquor Control Act of 1934, as amended, by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(D) To receive complaints from any citizen within the city that any of the provisions of this section, the provisions of the Illinois Liquor Control Act of 1934, as amended, or any rules and regulations adopted pursuant to the Illinois Liquor Control Act of 1934, as amended, have been or are being violated and to act upon such complaints in the manner herein provided, or as otherwise provided by the Illinois Liquor Control Act of 1934, as amended;

(E) To receive local liquor license fees and pay the same forthwith to the City Treasurer;

(F) To levy fines in accordance with this section and the provisions of Ill. Rev. Stat., Ch. 43, § 149, as amended; and

(G) All powers and duties granted, or which may hereafter be granted, to the Liquor Control Commissioner by the State of Illinois.

(Ord. 1712, passed 4-6-92; Am. Ord. 3087, passed 8-4-14)

§ 112.39 LOCAL LIQUOR CONTROL COMMISSIONER; ASSISTANTS

(A) The Mayor of the City shall be the local Liquor Control Commissioner for the City of Washington, and is charged with the administration, in the City, of the appropriate provisions of the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq*.) And this Chapter.

(B) The Local Liquor Control Commissioner may appoint individuals to serve on the Liquor Control Commission as established pursuant to Section 32 of the Code, and may also appoint any member of the City Council or the City Administrator to serve as Deputy Local Liquor Control Commissioner, which person shall have the authority to exercise any of the powers and duties of the Local Liquor Control Commissioner enumerated herein, except as the Local Liquor Control Commissioner may specifically exclude by such appointment.

(C) Such Deputy Local Liquor Control Commissioner may be appointed to serve at the pleasure of the Local Liquor Control Commissioner, but not beyond the term of the office of the Local Liquor Control Commissioner; and may be appointed either (i) to act in the absence of the Local Liquor Control Commissioner, or (ii) to act in lieu of the Local Liquor Control Commissioner. Such Deputy Local Liquor Control Commissioner may

be removed at any time at the sole discretion of the Local Liquor Control Commissioner, without approval of the City Council.

(Am. Ord. 2685; passed 8-7-06; Am. Ord. 3087, passed 8-4-14)

§ 112.40 VIDEO GAMING MACHINES PROHIBITED

Except for liquor licensees lawfully operating as licensed establishments under Section 136.50 (entitled "Licensed Video Gaming"), all liquor licensees under Chapter 112 are prohibited from having, anywhere on their premises, an electronic video gaming machine that may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots or any other card or dice game or other game of chance, or that is otherwise akin to a gambling or gaming device under Chapter 136, even if solely for amusement purposes. Any liquor licensee that violates this Section 112.40 may subject to a fine and/or revocation or suspension of its license pursuant to Section 112.31. Additionally, any electronic video gaming machine operated on a liquor licensee's premises in violation of Section 112.40 may be subject to seizure by the City and forfeiture.

(Ord. 3003, passed 9-4-2012)

NON-RETAIL LICENSES

§ 112.50 PUBLIC ACCOMMODATION (PA) LICENSE

(A) For purposes of this Section the following definitions shall apply:

(1) "public accommodation" is defined as "a facility or business establishment of any kind, whose goods, services, facilities, privileges or advantages are extended, offered, sold or otherwise made available to the public."

(2) "business property" is defined as "the building out of and real property upon which the public accommodation operates."

(3) "licensed premises" is defined as "the area within a building for which a license authorizing the consumption of beer and wine is issued and which is actually used in connection with the consumption of beer and wine, but specifically excluding any outside areas such as patios, decks, open porches, roof tops, balconies, stoops, beer gardens and the like, sidewalks, yards, driveways, parking lots and similar outside areas."

(4) "PA License" is defined as "a license authorizing the consumption of beer and wine only inside the licensed premises of a person or business entity operating as a public accommodation."

(B) Except for licensees under this Chapter, no person, including any business entity, operating as a public accommodation within the City, shall permit or allow any invitee to possess or consume alcoholic liquor on its business property.

(C) A public accommodation meeting the following business classification, as determined by the City, may apply for a PA License: (1) a ceramic arts hobby facility/business establishment; (2) a painting arts hobby facility/business establishment; and (3) a culinary arts hobby facility/business establishment.

(D) Beer and wine may only be brought onto the licensed premises in its original package by either:

(1) the consuming party for personal use; or

(2) by the person or entity who has rented the licensed premises to hold an event, gathering or other function, and the beer and wine is only provided to the person's or entity's invitees.

(E) No alcoholic beverages can be sold, offered for sale, gifted, given in return for any donation or any monetary contribution of any kind, or otherwise provided to invitees, by the licensee or its agents, on the licensed premises and business property.

(F) The possession or consumption of any alcoholic liquor on the licensed premises by any person under 21 years of age is prohibited. The provisions of Section 112.04 apply to licensees and their agents in terms of not permitting possession or consumption of alcoholic liquors by persons under 21 years of age.

(G) Consumption of beer and wine on the licensed premises may only occur between the hours of 6:00 a.m. and 12:00 a.m. on Monday through Thursday; between the hours of 6:00 a.m. on Friday and 1:00 a.m. on Saturday; between the hours of 6:00 a.m. on Saturday and 1:00 a.m. on Sunday; and between the hours of 10:00 a.m. on Sunday and 12:00 a.m. on Monday. The licensee shall not permit any invitee to remain at the licensed premises for longer than one-half hour after the aforementioned closing times.

(H) Licensees are prohibited from providing any outdoor entertainment on the business property.

(I) All applicants for the PA License must submit a written application to the Mayor, or the party designated by him/her, as set forth in Section 112.22 for retail licenses, or in such form as approved by the Mayor, or the party designated by him/her. All information required of a retail license applicant may be required for a PA License applicant.

(J) All licensees must obtain dram shop and/or host liquor liability insurance coverage, and must provide and submit proof of insurance when submitting the PA License application.

(K) A PA License issued under this Section shall be valid from the date of issuance until the next succeeding April 30, with an annual license fee of two hundred fifty dollars ($250.00).

(L) Except as expressly modified in this Section, licensees of a PA License are subject to all other provisions of Chapter 112.

(Ord. 2970, passed 3-19-12; Am. Ord. 3200, passed 9-19-16; Am. Ord. 3242, passed 8-7-17)

§ 112.99 PENALTY

(A) Whoever violates the provisions of this chapter for which no suspension or revocation of the license has been incurred shall be fined not more than one thousand dollars ($1,000.00) for each offense; each day on which a 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. No licensee shall be fined except after a public hearing as provided by 235 ILCS 5/7-5, as amended from time to time.

(B) Any individual who violates any of the provisions of this chapter shall be fined not more than seven hundred fifty dollars ($750.00) for each offense; each day on which a violation continues shall constitute a separate violation.

(Ord. 1712, passed 4-6-92; Am. Ord. 2816, passed 1-5-09; Am. Ord. 2923, passed 1-18-11; Am. Ord. 3114, passed 2-2-15)

CHAPTER 113

AMUSEMENTS

General Provisions
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GENERAL PROVISIONS

§ 113.01 DEFINITIONS

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

ENTERTAINMENT or **AMUSEMENT**. Any theatrical, exhibition, show, and similar amusement or entertainment offered, which the public is required to pay a fee.

PLACE. The theater, opera house, auditorium, hall, park grounds, gardens, tent, or other enclosure within which it is intended to produce, offer, or present any such amusement or entertainment.

§ 113.02 LICENSE REQUIRED

No person, either as owner, lessee, manager, officer, or agent, or in any other capacity, shall give, conduct, produce, or offer for gain or profit, any of the entertainments, exhibitions, performances, or amusements specified and defined in this chapter without first having obtained a license therefor.

Penalty, see § 10.99

§ 113.03 APPLICATION; BOND

(A) An application for the license required by § 113.02 shall be made in writing to the City Administrator, setting out the full name of the applicant, if an individual, and if a corporation, the full name and residence of its principal officers; the location and description of the building, enclosure, or place for which a license is desired or where it is desired to present any public amusement; the class of entertainment it is desired to

produce, offer, or present at such place; the seating capacity and the price of admission intended to be charged.

(B) When the application for a license shall be for the use or occupancy of a public street or other public grounds, every applicant shall file with his application his bond in the penal sum of one thousand dollars ($1,000.00) with a surety company licensed to do business in the state. Such bond shall be conditioned that the person to whom such a license shall be issued, his heirs, executors, and assignees will save and keep the city harmless from any and all loss from damage and claims for damages arising from or out of the use of such public street or public grounds. The bond shall be further conditioned that such person will keep the city harmless from all litigation and for the faithful performance and observance of all the terms and conditions of this chapter; provided, that if the place desired to offer such entertainment is not a fit and proper place and is not conducted and maintained in accordance with the provisions of this chapter governing or controlling such places or if the entertainment desired to be produced or offered is of an immoral or dangerous character, or if the person making application for a license is not of good character, the City Administrator may refuse to approve such application.

(C) No license shall be issued by the City Collector, except upon the approval of the application therefor by the City Administrator. However, the bond may be waived or changed to a different amount by resolution of the City Council.

§ 113.04 INFORMATION TO BE SHOWN IN LICENSE

All licenses for entertainments under the provisions of this chapter shall contain a provision that no gaming, raffle, lottery, or chance gift distribution of money or articles of value shall be connected therewith or allowed by the person obtaining the license, or in anywise permitted or held out as an inducement to visitors. Such license shall also state the number of persons such licensed theater, hall, building, or place has accommodations for, and no more than that number shall be allowed to occupy such.

§ 113.05 FEES; PRORATION

(A) The following license fee shall be imposed upon each license granted and shall be paid to the City Collector upon the granting of such license: For one (1) day or fraction thereof, the sum of ten dollars ($10.00); for one (1) year or fraction thereof, the sum of one hundred dollars ($100.00).

(B) Where any license under the provisions of this chapter is provided for an annual period, if less than six (6) months of the annual period shall have expired at the time of the issuance of such license, the full annual license fee shall be charged therefor; if more than six

months of the annual license period shall have expired, one-half (½) of the full annual license fee shall be charged. In no event shall any license be issued for any part of a license year for a less sum than one-half (½) of the full annual license fee. No apportionment of fees shall be made in any case where the licensing period is less than a year.

§ 113.06 ISSUANCE OF LICENSE

Upon receipt of the application for a license required by this chapter, the City Administrator shall make or cause to be made an examination of the place for which a license is desired; and if it shall appear that such place is constructed or maintained in accordance with the provisions of any applicable building requirements, is so located as not to prove a nuisance and has safe means of exit and safe seating facilities, then the City Administrator shall issue or cause to be issued by the City Collector, upon payment of the license fee required by this chapter to the City Treasurer, a license to such applicant, which shall entitle the licensee named therein to present the entertainments named in such license for and during the period of such license and at the place stated therein.

§ 113.07 POSTING OF LICENSE

Every license issued under the provisions of this chapter shall, at all times during the life thereof, be posted in a conspicuous place at or near the principal entrance of the premises described in such license, so the same may be easily seen and read by any person passing in or out of such premises.

Penalty, see § 10.99

§ 113.08 ENFORCEMENT

Every license granted under the provisions of this chapter shall, at all times, be subject to the provisions of this code existing when the same shall be issued, or which shall thereafter be passed, so far as the same shall apply.

§ 113.09 WAIVER OF PROVISIONS

The City Administrator, with the consent of the City Council, shall have the right to waive the provisions of this chapter for any public entertainment, the proceeds of which are for the benefit of any religious, fraternal, charitable, or educational institution located in the city.

CHAPTER 114

MASSAGE ESTABLISHMENTS AND SERVICES

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GENERAL PROVISIONS

§ 114.01 DEFINITIONS

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

EMPLOYEE. Any and all persons other than the masseurs or masseuses, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with customers and clients.

HEALTH OFFICER. The Director of the Development of Health of the county or his authorized representative.

MASSAGE. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities of massage as herein defined.

MASSEUR or **MASSEUSE**. Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

OUT-CALL MASSAGE SERVICE. Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment.

PERMITTEE. The operator of a massage establishment.

SEXUAL or **GENITAL AREA**. Includes the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(Ord. 1151, passed 4-7-75)

§ 114.02 RULES AND REGULATIONS

The Chief of Police, the Health Officer, or both officers, may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out the intent of this chapter.

(Ord. 1151, passed 4-7-75)

§ 114.03 TIME LIMIT FOR FILING APPLICATION FOR PERMITS

All persons who presently operate a massage establishment or who are employed as a masseur or masseuse must file for a permit within (3) three months of the effective date of this chapter. Applications for renewal of permits must be filed not more than two (2) months nor less than one (1) month prior to termination of an existing permit.

(Ord. 1151, passed 4-7-75)

§ 114.04 EXEMPTIONS

This shall not apply to hospitals, nursing homes, sanitariums, or persons holding an unrevoked certificate to practice the healing arts under the laws of the state, or persons working under the direction of any such persons or in any such establishments, nor shall this chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state.

(Ord. 1151, passed 4-7-75)

MASSAGE ESTABLISHMENT

§ 114.20 PERMIT REQUIRED

It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of a massage establishment as defined in § 114.01, without first having obtained a permit from the Chief of Police, after approval of the Health Officer.

(Ord. 1151, passed 4-7-75)
Penalty, see § 114.99

§ 114.21 FILING OF APPLICATION; FEE

(A) Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in duplicate under oath with the Chief of Police upon a form provided by this Chief of Police and pay a nonrefundable fee of one hundred dollars ($100.00) to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the Chief of Police.

(B) The Chief of Police shall within five (5) days refer copies of these applications to the Department of Inspections, the Fire Department, the County Department of Health, and the City Planning Department. These departments shall within thirty (30) days inspect the premises proposed to be operated as a massage establishment and make written recommendations to the Chief of Police concerning compliance with the codes that they administer.

(C) Within ten (10) days of receipt of the recommendations of the aforementioned departments, the Chief of Police shall notify the applicant that his application is granted, denied, or held for further investigation. The period of such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Chief of Police shall advise the applicant in writing whether the application is granted or denied.

(D) Whenever an application is denied or held for further investigation, the Chief of Police shall advise the applicant in writing of the reasons for such action.

(E) The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or his refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or his refusal to submit or to cooperate with any inspection required by this chapter shall constitute an admission by

the applicant that he is ineligible for the permit and shall be grounds for denial thereof by the Chief of Police.

(F) Application for massage establishment.

(1) The application for permit to operate a massage establishment shall set forth the exact nature of the massage to be administered, and the proposed place of business and facilities therefor.

(2) In addition to the foregoing, any applicant for a permit, including any partner or limited partner of a partnership applicant, and any officer, direction of a corporate applicant, and any stockholder holding more than ten percent (10%) of the stock of a corporate applicant, shall furnish the following information:

(a) Name and address.

(b) Written proof that the individual is at least eighteen (18) years of age.

(c) All residential addresses for the past three (3) years.

(d) The applicant's height, weight, color of eyes, and hair.

(e) The business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application.

(f) The massage or similar business license history of the applicant; whether this person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(g) All criminal or city ordinance violation convictions, forfeiture of bonds, and pleadings of nolo contendere on all charges, except minor traffic violations.

(h) A fully completed and executed authorization in such form as may be proscribed from time to time by the City of Washington Chief of Police granting the City of Washington authority to request criminal history and/or conviction information from the Illinois State Police, a properly and fully completed Conviction Information Request form, or such other form as the Illinois State Police may require from time to time, including

the applicant's original fingerprint images; and a check made payable to the Illinois State Police to cover the necessary Illinois State Police fees and expenses of processing the conviction information/criminal history background check.

(i) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation.

(Ord. 1151, passed 4-7-75; Am. Ord. 2528, passed 5-3-04)

§ 114.22 ISSUANCE OF PERMIT; EXPIRATION

(A) Upon receipt of the recommendations of the departments referred to in § 114.21(A) and the certificate of the Health Officer that the establishment is in compliance with all of the requirements of § 114.26, the Chief of Police shall issue a permit to maintain, operate, or conduct a massage establishment, unless he finds:

(1) That the operation, as proposed by the applicant, if permitted, would not have complied with applicable laws, including but not limited to, the building, health, planning, housing, zoning, and fire codes of the city; or

(2) That the applicant and any other person who will be directly or indirectly engaged it the management and operation of a massage establishment has been convicted of:

(a) A felony;

(b) An offense involving sexual misconduct with children; or

(c) Prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, pimping, or other offense opposed to decency and morality.

(B) The Chief of Police, at his discretion, may issue a permit to any person convicted of any of the crimes in division (A) (2) (a), (b), and (c) of this section if he finds that the conviction occurred at least four (4) years prior to the date of application, the applicant has had no subsequent convictions, and the applicant has shown evidence of rehabilitation sufficient to warrant the public trust.

(C) Every massage establishment permit issued pursuant to this chapter will terminate at the expiration of one (1) year from the date of its issuance, unless it is suspended or revoked sooner.

(Ord. 1151, passed 4-7-75)

§ 114.23 TRANSFER OF PERMITS

No permit for the operation of a massage establishment issued pursuant to the provisions of this chapter shall be transferable except with the written consent of the Chief of Police and the approval of the Health Officer. However, upon the death or incapacity of the permittee, the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.

(Ord. 1151, passed 4-7-75)
Penalty, see § 114.99

§ 114.24 DISPLAY OF PERMIT

Every permittee shall display a valid permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons entering the premises.

(Ord. 1151, passed 4-7-75)
Penalty, see § 114.99

§ 114.25 REVOCATION OR SUSPENSION OF PERMIT

(A) Any permit issued for a massage establishment may be revoked or suspended by the Chief of Police after a hearing for good cause or in any case where any of the provisions of this chapter are violated or any employee of the permittee, including a masseur or masseuse, is engaged in any conduct at permittee's place of business, which violates any of the provisions of this chapter or any state law which provides for imprisonment, and the permittee has actual or constructive knowledge of such violations or the permittee should have actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this chapter or in any case where the permittee or licensee refuses to permit any duly authorized police officer or Health Inspector of the county to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Chief of Police, after hearing upon the recommendations of the Health Officer that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

(B) Any violation of this chapter by any employee of the permittee including a masseur or masseuse shall be cause for suspension of the permit for not more than thirty (30) days in the first instance. Any subsequent violation by any employee of the permittee, including a masseur or masseuse, shall be cause for suspension or revocation of this permit.

(C) The Chief of Police, before revoking or suspending any permit, shall give the permittee at least ten (10) days written notice of the charges against him and the opportunity for a public hearing before the Chief of Police, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

(Ord. 1151, passed 4-7-75)

§ 114.26 NECESSARY FACILITIES REQUIRED

(A) No massage establishment shall be issued a permit, nor be operated, established, or maintained in the city unless an inspection by the Health Officer reveals that the establishment complies with each of the following minimum requirements:

(1) Construction of room used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the city.

(2) All massage tables, bathtubs, shower stalls, steam or bath areas, and floor shall have surfaces which may be readily disinfected.

(3) 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 personnel.

(4) 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 use on each person.

(5) 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 in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

(6) Toilet facilities shall be provided in convenient locations. When five (5) or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of the sex on the

premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.

(7) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels.

(8) The premises shall be equipped with a service sink for custodial service.

(B) The Health Officer shall certify that the proposed massage establishment complies with all the requirements of this section and shall send such certification to the Chief of Police.

(Ord. 1151, passed 4-7-75)

Penalty, see § 114.99

§ 114.27 OPERATING REQUIREMENTS

(A) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(B) Price rates for all services shall be prominently posted in the reception room in a location available to all prospective customers.

(C) All employees, including masseurs and masseuses, shall be clean and wear clean, nontransparent outer garments, use of which garments is restricted to the massage establishment. These garments shall cover the sexual and genital areas. A separate dressing room for each sex must be available on the premises with individual locker for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(D) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(E) The sexual or genital area of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee, masseur, or masseuse.

(F) It shall be unlawful for any person, in a massage establishment, to place his hand upon, to touch with any part of his body, to fondle in any manner, or to massage, a sexual or genital area of any person.

(G) No masseur or masseuse, employee, or operator shall perform, offer, or agree to perform any act which would require the touching of the patron's genital area.

(H) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor 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. When carpeting is used on the floors, it shall be kept dry.

(I) Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

(J) Eating in the massage work areas shall not be permitted. Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas.

(K) No masseur or masseuse shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption, unless a physician duly licensed by the state certifies in writing that such person may be safely massaged prescribing the conditions thereof.

(L) Each masseur or masseuse shall wash his hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.

(Ord. 1151, passed 4-7-75)

Penalty, see § 114.99

§ 114.28 EMPLOYMENT OF MASSEURS AND MASSEUSES

It shall be the responsibility of the permittee for the massage establishment or the employer of any persons purporting to act as masseurs and masseuses to insure that each person employed as a masseur or masseuse shall first have obtained a valid permit pursuant to this chapter.

(Ord. 1151, passed 4-7-75)

Penalty, see § 114.99

§ 114.29 EMPLOYMENT OF PERSON UNDER THE AGE OF 18 PROHIBITED

It shall be unlawful for any owner, proprietor, manager, or other person in charge of any massage establishment to employ any person who is not at least eighteen (18) years of age.

(Ord. 1151, passed 4-7-75)

Penalty, see § 114.99

§ 114.30 ADVERTISING

No massage establishment granted a permit under provisions of this chapter shall place, publish, or distribute, or cause to be placed, published, or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any services are available, other than those services described in § 114.01, or that employees, masseurs, or masseuses are dressed in any manner other than prescribed in § 114.27, nor shall any massage establishment indicate in the text of such advertising that any services are available other than those services described in § 114.01.

(Ord. 1151, passed 4-7-75)

§ 114.31 OUT-CALL SERVICE

No out-call massage service may be operated other than by a licensed massage establishment. All massages performed by an out-call massage service must be performed in the manner prescribed in §§ 114.01 and 114.27.

(Ord. 1151, passed 4-7-75)
Penalty, see § 114.99

§ 114.32 INSPECTION OF ESTABLISHMENT

The Police Department and the Department of Health shall from time to time and at least twice a year, make an inspection of each massage establishment granted a permit under the provisions of this chapter for the purposes of determining that the provisions of this chapter are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

(Ord. 1151, passed 4-7-75)
Penalty, see § 114.99

§ 114.33 MAINTAINING PUBLIC NUISANCE

Any building used as a massage establishment in violation of this chapter with the intentional, knowing, reckless, or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this chapter are hereby declared to be a nuisance.

(Ord. 1151, passed 4-7-75)

MASSEURS, MASSEUSES

§ 114.45 PERMIT REQUIRED; FEE

Any person, including an applicant for massage establishment permit, who engages in the practice of massage as herein defined, shall file an application for a masseur or masseuse permit with the Chief of Police upon a form provided by this Chief of Police and shall pay a nonrefundable filing fee of twenty five dollars ($25.00) for an original application and ten dollars ($10.00) for a renewal application, to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the Chief of Police.

(Ord. 1151, passed 4-7-75)

Penalty, see § 114.99

§ 114.46 APPLICATION FORM

The application for a masseur or masseuse permit shall contain the following:

(A) Name and residence address.

(B) Social security number and driver's license number, if any.

(C) Applicant's weight, height, color of hair, and eyes.

(D) Written evidence that the applicant is at least eighteen (18) years of age.

(E) Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application.

(F) Whether the applicant has ever been convicted of, pleaded nolo contendere to, or suffered a forfeiture on a bond charge of committing any crime except minor traffic violations. If the answer is in the affirmative, a statement must be made giving the place and the court in which such conviction, plea, or forfeiture was had, the specific charge under which the conviction, plea, or forfeiture was obtained, and the sentence imposed as a result thereof.

(G) The Chief of Police, or his delegate, shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

(H) Persons desiring to perform the services of a masseur or masseuse at a massage establishment, shall first undergo a physical examination for contagious and communicable diseases, including a recognized blood test for syphilis, a culture for gonorrhea, and a test which will demonstrate freedom from tuberculosis, which is to be made and interpreted by a licensed physician acceptable to the Health Officer and such other laboratory tests done in a laboratory acceptable to the Health Officer as may be

necessitated by the above examination. The Health Officer shall be furnished a certificate based upon the applicant's physical examination and issued within thirty (30) days of the examination, signed by a physician duly licensed by the state and stating that the person examined is either free from any contagious or communicable disease or incapable of communicating any of the diseases to others. Persons undergoing the physical examination referred to above must submit to the Health Officer the certificate required herein prior to commencement of their employment and at least once every twelve (12) months thereafter.

(Ord. 1151, passed 4-7-75)

§ 114.47 ISSUANCE OF PERMIT

(A) The Chief of Police may issue a masseur or masseuse permit within twenty one (21) days following application, unless he finds that the applicant for masseur or masseuse permit has been convicted of:

(1) A felony;

(2) An offense involving sexual misconduct with children; or

(3) Keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution, or pandering.

(B) The Chief of Police, in his discretion, may issue a permit to any person convicted of such crimes if he finds that such conviction occurred at least four (4) years prior to the date of the application and the applicant has had no subsequent convictions.

(C) Every masseur or masseuse permit issued pursuant to this chapter shall terminate at expiration of one (1) year from the date of its issuance, unless sooner suspended.

(Ord. 1151, passed 4-7-75)

§ 114.48 IDENTIFICATION CARD

The Chief of Police shall provide each masseur or masseuse granted a permit with an identification card which shall contain a photograph of the masseur or masseuse and the full name and permit number assigned to the masseur or masseuse, which must be worn on the front of the outermost garment at all times during the hours of operation of any establishment granted a permit pursuant to this chapter.

(Ord. 1151, passed 4-7-75)

Penalty, see § 114.99

§ 114.49 REVOCATION OF PERMIT

(A) A masseur or masseuse permit issued by the Chief of Police shall be revoked or suspended where it appears that the masseur or masseuse has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this chapter.

(B) The Chief of Police in revoking or suspending a masseur or masseuse permit shall give the permit holder a written notice specifying the grounds therefor. This person may within ten (10) days of the revocation or suspension, file a written request with the Chief of Police for a public hearing before the Chief of Police, at which time the masseur or masseuse may present evidence bearing upon the question. The decision of the Chief of Police upon such hearing shall be a final, appealable order.

(Ord. 1151, passed 4-7-75)

§ 114.50 OUT-CALL REGISTRATION

Any masseur or masseuse who provides any of the services listed in § 114.01 at any hotel or motel must first register his name and permit number with the owner, manager, or person in charge of the hotel or motel.

(Ord. 1151, passed 4-7-75)

Penalty, see § 114.99

§ 114.99 PENALTY

Every person except those persons who are specifically exempted by this chapter, whether acting as an individual, owner, employee of the owner, operator, or employee of the operator, or whether acting as a participant or worker in any way, who gives massages or conducts a massage establishment without first obtaining a permit and paying a license fee to do so from the city, or shall violate any of the provisions of this chapter shall be guilty of a misdemeanor. Upon conviction, such person shall be punished by a fine not to exceed five hundred dollars ($500.00).

(Ord. 1151, passed 4-7-75)

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CHAPTER 115

HAWKERS, PEDDLERS, TRANSIENT MERCHANTS AND ITINERANT VENDORS

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GENERAL PROVISIONS

§ 115.01 DEFINITIONS

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

HAWKER or **PEDDLER**. Every person, whether or not the person is an employee of another person, who shall sell or offer for sale, barter, or exchange, at retail, any goods, wares, or merchandise, except milk or cream, traveling from place to place, in, along, and upon the streets, avenues, alleys, or public places of the city, or who shall sell and deliver from any vehicle, going from place to place in the city, whether to regular customers or not, any goods, wares, or merchandise, except milk or cream.

ITINERANT VENDOR. Any person who transports tangible personal property for retail sale within the city who does not maintain in this city an established office, distribution house, sales house, warehouse, service center, or residence from which such business is conducted. The term **ITINERANT VENDOR**, for purposes of this chapter, shall not apply to:

(1) Any person who delivers tangible personal property within the city who is fulfilling an order for such property which was solicited or placed by mail or other means; or

(2) Any person holding a valid license, issued by the state or county, to engage in retail sales.

NON-PROFIT ORGANIZATIONS. Any bona fide charitable, educational, fraternal, labor, religious, or veterans organization that operates without profit to its members.

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

SOLICITOR. Any person who goes from house to house or from place to place in the city selling or taking orders for, or offering to sell or take orders for goods, wares, or merchandise, upon immediate delivery, when the same is to be paid for upon an installment or deferred plan, or for future delivery where a deposit of money is made in advance of final delivery.

TRANSIENT MERCHANT. Any person who is engaged temporarily in the retail sale of goods, wares, or merchandise in the city, and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. The term **TRANSIENT MERCHANT**, for purposes of this chapter, shall not apply to:

(1) Any person selling goods, wares, or merchandise which are raised, produced, or manufactured by him;

(2) Any person selling vegetables, fruit, or perishable farm products at an established city market;

(3) Any person operating a store or refreshment stand at a resort;

(4) Any person operating a stand or booth on or adjacent to property owned by him or upon which he resides;

(5) Any person operating a stand or booth at a state or county fair; or

(6) Any person operating a stand or booth at a trade show, exposition, convention, or similar event; or

(7) Any person holding a valid license, issued by the state or county, to engage in retail sales.

(Ord. 2082, passed 8-18-87)

§ 115.02 PREREQUISITES TO CONDUCTING BUSINESS

It is unlawful for any person, either as principal or agent, to conduct business as a Transient Merchant or Itinerant Vendor in this City without first complying with the requirements of Section 2a of the Retailers' Occupation Tax Act (ILCS Ch. 35, Act 120, § 2a (1995 State Bar Ed.) by obtaining a certificate of registration and by posting bond or other approved security, and without having obtained a license under this Chapter.

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed, 5-3-04)

Penalty, see § 115.99

§ 115.02A HAWKERS, PEDDLERS AND SOLICITORS PROHIBITED

It is hereby declared unlawful for any person, either as principal or agent, to conduct business as a Hawker, Peddler or Solicitor in the City of Washington. The prohibition contained in this section does not apply to those individuals identified in §115.27 as being exempted from the licensing requirements.

(Ord. 2530, passed 5-3-04)

§ 115.03 PRIMA FACIE EVIDENCE

It shall be prima facie evidence that a person is a transient merchant or itinerant vendor under this Chapter if the person does not transact business from a fixed location or if the person does not own, or lease, for a term of at least six (6) months, the property from which business is conducted.

(Ord. 2082, passed 8-18-87)

Penalty, see § 115.99

§ 115.04 LIMITATION ON HOURS OF OPERATION

It shall be unlawful for any transient merchant, or itinerant vendor to transact business of a transient merchant, or itinerant vendor as defined in § 115.01 of this chapter from door-to-door within the city before the hour of 9:00 a.m. or after 7:00 p.m. Monday through Saturday, except by prior appointment made between said transient merchant, or itinerant vendor and said citizen.

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed 5-3-04)

Penalty, see § 115.99

§ 115.05 LOCATION OF SALES FACILITIES ON PRIVATE PROPERTY

No transient merchant, or itinerant vendor licensed under the provisions of this chapter may erect or place any display, exhibition, or sales facility of any nature whatsoever upon any parcel of privately owned real property except under the following conditions:

(A) Such activity is permitted under all applicable zoning regulations.

(B) The structure from which the display, exhibition, or sales facility is operated is provided with water and sewer service in the manner required by the city code of ordinances, and conforms in all respects to the provisions of the City's Building Code as contained in Chapter 160.

(C) Parking and loading facilities available on the parcel meet the requirements established under the provisions of the city zoning ordinances.

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed 5-3-04)
Penalty, see § 115.99

§ 115.06 VEHICLES TO BE MARKED

Every vehicle or conveyance used by a person licensed hereunder shall have with the name of such person or his or her employer and the number of his or her license conspicuously displayed thereon.

(Ord. 2082, passed 8-18-87)
Penalty, see § 115.99

§ 115.07 RESTRICTIONS ON USE OF PUBLIC STREETS

(A) Except as permitted in paragraph (B) of this section, it shall be unlawful for any person licensed hereunder, for the purpose of dispensing or displaying any goods, wares, foodstuffs, or other merchandise or tangible personal property of any nature whatsoever, to erect or place any temporary or permanent stand, cart, wagon, or other structure or vehicle upon any street, alley, sidewalk, or other location owned or maintained by the city.

(B) Any person licensed hereunder may, if so indicated on the face of such license, conduct licensed operations from a single specific fixed location identified on the face of the license, which location is on property owned or maintained by the city. Conduct of licensed operations from more than one (1) location shall require a separate license and payment of an additional license fee for each such location. No such location shall be within fifty (50) feet of any entrance or exit to any building. All such locations shall be within areas of the city which are zoned C-1, C-2, or C-3 under the city zoning

ordinances. No licensee may conduct licensed operations from any location where such operations would reasonably interfere with the intended or primary use of the public place in question. No license shall be issued for any location on property owned or maintained by the city which is within three hundred (300) feet of any location for which a current valid license has been issued.

(Ord. 2082, passed 8-18-87)

Penalty, see § 115.99

§ 115.08 COMPLIANCE WITH SIGN REQUIREMENTS

Except as otherwise permitted in this chapter, no transient merchant, or itinerant vendor shall establish or display a sign without first complying with the city ordinances applicable to signs.

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed 5-3-04)

Penalty, see § 115.99

§ 115.09 FRAUD AND MISREPRESENTATION

Any licensed transient merchant, or itinerant vendor who shall be guilty of any fraud, cheating, misrepresentation, or imposition, whether himself or through an employee, while engaged in his trade within the city or who shall broker, sell, or peddle any goods other than those specified in his application for a license shall be deemed guilty of a violation of this chapter.

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed 5-3-04)

Penalty, see § 115.99

§ 115.10 DOOR-TO-DOOR SOLICITING

(A) It shall be unlawful for any person licensed hereunder, or any agent or employee of any person licensed hereunder to go in or upon any private residence, apartment, or other premises in the City for the purpose of selling or soliciting from the occupants thereof or canvassing for orders for publications, goods, wares, and merchandise or services of any character or description, or for the purposes of offering to give or to furnish or giving or furnishing any publications, goods, wares, merchandise, or services to any such occupants or inviting such orders without first having obtained the consent of the occupant thereof.

(B) It shall be unlawful for any person licensed hereunder, or for any agent or employee of any person licensed hereunder, to go in or upon any private residence, apartment, or other premises in the city for the purpose of selling or soliciting from the occupants thereof or canvassing for orders for publications, goods, wares, and merchandise or services of any character or description, or for the purposes of offering to give or to furnish or giving or furnishing any publications, goods, wares, merchandise, or services to any such

occupants or inviting such orders where any such occupant has forbidden such soliciting or canvassing, or caused to be placed on such premises, in a conspicuous place near the entrance thereof, a sign bearing the words "no trespassing", "no peddlers", "no soliciting", or any similar notice indicating in any manner that the occupants of such premises do not desire to have their right of privacy disturbed, unless such occupant has specifically requested such solicitation or canvassing.

(Ord. 2082, passed 8-18-87)

Penalty, see § 115.99

LICENSING

§ 115.20 LICENSE AND BOND REQUIRED

(A) It shall be unlawful for any person as principal or agent, to conduct business as a Transient Merchant or Itinerant Vendor within the city without first complying with the requirements of Section 2a of the Retailer's Occupation Tax Act, ILCS Ch. 35, Act. 120, § 2a, by obtaining a certificate of registration and by posting bond or other appropriate security, and without having obtained a license hereunder.

(B) It shall be unlawful for any person as principal, agent, or employee to conduct business as a Transient Merchant or Itinerant Vendor to transact any business within the city without having first obtained a license therefor for each such person who will be conducting such business in the City.

(C) No license required in paragraph (A) shall be issued until the applicant therefor has filed the bond required in paragraph (B).

(D) The applicant for a license as a Transient Merchant or Itinerant Vendor shall file with the Chief of Police a surety bond or shall make a cash deposit. The amount of the bond or deposit shall be equal to fifty percent (50%) of the wholesale value of the merchandise that the applicant intends to offer for sale; however, the amount of the bond or deposit shall not be less than one thousand dollars ($1,000.00) nor more than ten thousand dollars ($10,000.00). The City shall transfer said deposit or bond to the Attorney General of this state within fourteen (14) days after the applicant ceases to do business in the city; and the Attorney General shall hold such deposit or bond for two (2) years for the benefit of any person who suffers loss or damage as a result of the purchase of merchandise from said person licensed hereunder or as the result of the negligent or intentionally tortuous act of the person licensed hereunder. The Attorney General will pay any portion of the bond or deposit to any person in accordance with the order of a court without making an independent filing as to the amount of the bond or deposit that is payable to that person.

Any balance of said deposit held by the Attorney General two (2) years after the expiration of a license of a person hereunder shall be refunded to the person

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed 5-3-04)

Penalty, see § 115.99

§ 115.21 APPLICATION; FINGERPRINTING OF APPLICANT

(A) Applications for a Transient Merchant or Itinerant Vendor license as required by § 115.20 shall be made in writing to the Chief of Police and shall state thereon the following:

(1) Applicant's full name and permanent address (which must include a street address);

(2) The residence address of the principal (and, if applicant is a corporation, the residence address of all of its officers);

(3) The applicant's date of birth, if the applicant is an individual;

(4) The applicant's social security number or federal employer's identification number;

(5) The applicant's driver's license number and the State of issuance of such driver's license;

(6) The location(s) at which the applicant intends to do business;

(7) The nature of the business the applicant intends to conduct;

(8) A copy of the applicant's, or the applicant’s employer’s, certificate of registration under the Retailer's Occupation Tax Act;

(9) A complete inventory of the goods the applicant intends to offer for sale; and

(10) A list of all licenses to conduct business as a Transient Merchant or an Itinerant Vendor obtained by the applicant in the state in the twelve (12) months preceding the date of filing of the application.

(B) If the applicant desires to operate from property owned or maintained by the city in accordance with the provisions of § 115.07 of this chapter, the applicant shall describe the location from which the applicant desires to operate.

(C) In addition to the foregoing, before issuing a license, each Applicant must submit to the Chief of Police the following:

(1) A fully completed and executed authorization in such form as may be proscribed from time to time by the Chief of Police granting the City of Washington authority to request criminal history and/or conviction information from the Illinois State Police; fingerprints of such persons;

(2) A properly and fully completed Conviction Information Request form, or such other form as the Illinois State Police may required from time to time, including the applicant's original fingerprint images; and

(3) A check made payable to the Illinois State Police to cover the necessary Illinois State Police fees and expenses of processing the conviction information/criminal history background check.

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed 5-3-04)

§ 115.22 ISSUANCE; EXPIRATION

Upon submission of the information required by §115.21 to the Chief of Police, and upon receipt of the conviction information/criminal history background check results from the Illinois State Police by the Chief of Police, the Chief of Police shall then issue the specific license applied for, which license shall expire on December 31 of the year it was issued; however, no such license shall be issued to an applicant whose conviction information/criminal history background check results indicate, or if the Chief of Police otherwise obtains information indicating the applicant has, a conviction for:

(A) A felony, or any offense which if committed in the State of Illinois would have been a felony;

(B) A sex offense for which the applicant is required to register as a sex offender; or

(C) An offense involving fraud or deceit.

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed 5-3-04)

§ 115.23 FEES

No license to transact business as a Transient Merchant or Itinerant Vendor hereunder shall be issued until a fee of one hundred dollars ($100.00) has been paid to the City Clerk. An additional fee may be required of certain licensees under the provisions of § 115.07.

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed 5-3-04)

§ 115.24 TRANSFERENCE OF LICENSE

No license issued pursuant to the provisions of this chapter shall be transferable.

(Ord. 2082, passed 8-18-87)

Penalty, see § 115.99

§ 115.25 POSSESSION OF LICENSE REQUIRED AT TIMES WHEN ENGAGED IN ACTIVITY

Any person licensed pursuant to this chapter shall, at all times while engaged in the activities defined in § 115.01, keep said license in his possession and display the same upon the demand of any police officer or upon the request of any person whose premises he seeks to enter.

(Ord. 2082, passed 8-18-87)

Penalty, see § 115.99

§ 115.26 REVOCATION

Without excluding other just grounds for revocation, the Chief of Police may revoke any license required under this chapter which is obtained under an application containing a false or fraudulent statement, or for violation of any of the provisions of this chapter, any other ordinances of the city, any state or federal statutes, or any other grounds specified by law, or the selling or offering to sell or soliciting or canvassing for orders for any goods, wares, merchandise, or services other than those specified in his application for license.

(Ord. 2082, passed 8-18-87)

§ 115.27 EXEMPTIONS

The following, if not previously exempted from this chapter, shall be exempt from the provisions and requirements of §§ 115.20 through 115.26 of this chapter, and the prohibition against Hawkers, Peddlers, and Solicitors:

(A) Previous invitation. Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.

(B) Nonprofit organization. Any person selling, peddling, hawking, soliciting, or taking orders for any goods or services not prohibited by law on behalf of a nonprofit organization sponsored by or participated in by a local chapter of such organization; or by a national nonprofit organization not represented locally but which has filed a statement of registration with the Chief of Police specifying the name of the nonprofit organization, its permanent address, the names of its principal officers and the names of those persons

who are authorized to sell, peddle, hawk, or solicit or take orders for goods and services within the city.

(C) Celebration. Any person selling, peddling, hawking, soliciting, or taking orders for any goods or services not prohibited by law while invited to participate in any celebration, fair, festival, or similar activity sponsored by the city or a nonprofit organization.

(D) Farmers or gardeners. Any person who sells the produce of his own farm, vineyard, orchard, or garden, on the premises and such sales are made upon the same property whereupon the produce has been grown, harvested, picked, or cultivated; provided such person does not obstruct streets, sidewalks or other public places within the city. However, nothing herein contained shall be construed to authorize the sale of alcoholic, spirituous, malt, or other intoxicating liquors, or peddling of any kind whatsoever in any public park.

(E) Newspapers vendors. Any person who, on behalf of the publisher of any newspaper of general circulation within the city, peddles the same within the city.

(F) Book canvasser. Any person who solicits subscriptions for books, periodicals, and other publications for future delivery within the city.

(Ord. 2082, passed 8-18-87; Am. Ord. 2530, passed 5-3-04)

§ 115.99 PENALTY

(A) Whenever in this chapter any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this chapter shall be punished by a fine of not less than fifty dollars ($50.00) and not exceeding seven hundred fifty dollars ($750.00). A separate offense shall be deemed committed for each day any violation of any provision of this chapter shall continue.

(B) If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a license under §§ 115.20 through 115.23 of this chapter, the city may hold the inventory, truck, or other personal property of the person until he obtains a license to conduct business as a transient merchant or itinerant vendor. If the property has been held by the city for more than sixty (60) days and the person whose property is being held has not obtained a license under this chapter, the city may petition the circuit court for an order for the sale of the property being held. If the court finds that the person whose property is held has not obtained a license under this chapter, the court may order the city to sell the property. Proceeds of the sale of the property, less reimbursement to

the city of the reasonable expenses of storage and sale of the property, shall be deposited in the treasury of the city.

(C) Any person who violates the provisions of this Chapter relating to Soliciting Without a Permit or License (Code §115.20), shall be fined not less than fifty dollars ($50.00) for a first offense, seventy five dollars ($75.00) for a second offense, and one hundred dollars ($100.00) for a third offense, and not more than seven hundred and fifty dollars ($750.00) for all subsequent offenses. Violations of §115.20 may be enforced by issuance of a "Notice to Violation" for the fine amount enumerated herein, or by issuance of a Notice to Appear.

(Ord. 2082, passed 8-18-87; Am. Ord. 2876, passed 3-1-10)

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CHAPTER 116

TAXICABS

General Provisions
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GENERAL PROVISIONS

§ 116.01 DEFINITION

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

TAXICAB. Any vehicle used to carry passengers for hire, but not operating on a fixed route, and not otherwise defined as a limousine service.

LIMOUSINE SERVICE. A service providing or offering to provide transportation in a chauffeur-driven motor vehicle designed to be used to carry eight (8) or fewer passengers, but not including the carrying of passengers over fixed routes, and where such transportation is arranged in advance on a call basis only and the fares or fees for such transportation are established, in advance, by agreement of the parties.

(Am. Ord. 1823, passed 2-22-94)

§ 116.02 OBEDIENCE TO TRAFFIC RULES

It shall be the duty of every driver of a taxicab and/or a limousine to obey all traffic rules established by statute or ordinance.

(Am. Ord. 1823, passed 2-22-94)

§ 116.03 PERPETRATION OF UNLAWFUL USE

It shall be unlawful to knowingly permit any taxicab or limousine to be used in the perpetration of a crime or misdemeanor.

(Am. Ord. 1823, passed 2-22-94)
Penalty, see § 10.99

§ 116.04 OPERATION OF VEHICLES

(A) No taxicab shall be operated unless it bears a state license duly issued; and no such cab shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, and windshield wiper in good condition. It shall be the duty of the licensee to have the taxicab inspected by the City Mechanic, or an individual designated by the City Administrator, every six (6) months that the vehicle is in operation.

(B) Each taxicab, while operated, shall have on each side, in letters readable from a distance of twenty (20) feet, the name of the licensee operating it. If more than one (1) cab is operated by a licensee, each cab shall be designated by a different number, and such number also shall so appear on each side of such cab.

Penalty, see § 10.99

§ 116.05 DRIVERS

(A) No person shall drive a taxicab, or be hired or permitted to do so, unless his driver's license has affixed a classification prescribed by rule or regulation promulgated by the Secretary of State as to the operation of taxicabs.

(B) It shall be unlawful for any driver of a taxicab while on duty to drink any intoxicating liquor, or to use profane or obscene language, to shout or call to prospective passengers, or to disturb the peace in any way.

Penalty, see § 10.99

§ 116.06 PASSENGERS

(A) It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab, as long as the passenger conducts himself or herself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger.

(B) The driver shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab.

Penalty, see § 10.99

§ 116.07 RATES OF FARE; METERS

(A) No taxicab shall be operated unless it is equipped with a meter in good condition to record the amount to be charged on each trip, which amount shall be shown in figures visible to the passenger. Upon paying his fare each passenger shall be given a receipt showing the amount so paid and the name of the company or person operating the cab, together with the number of the cab, if such company or person operates more than one taxicab in the city.

(B) It shall be unlawful for a passenger to fail or refuse to pay the lawful fare at the termination of a trip.

(C) No extra charge shall be made for baggage or parcels the size of which permits them to be carried in the cab.

Penalty, see § 10.99

§ 116.08 CAB STANDS

(A) Each cab stand shall be appropriately marked by sign as directed by the City Council. It shall be unlawful to park any vehicle, other than a licensed taxicab, in any cab stand.

(B) A licensed taxicab may be parked in any cab stand while such taxicab is in charge of its driver on duty awaiting a fare.

Penalty, see § 10.99

§ 116.09 LIMOUSINE LICENSE REQUIRED

No person shall operate a limousine service in the city without a current license from the city.

(Ord. 1823, passed 2-22-94)

§ 116.10 SOLICITATION OF PASSENGERS

No person shall solicit passengers for a limousine service at a taxicab stand.

(Ord. 1823, passed 2-22-94)

§ 116.11 IMMORAL PURPOSES

It is unlawful for a limousine service driver to permit any person to occupy or use a limousine for the purpose of prostitution, lewdness, or indecent conduct, and it is unlawful for a driver to direct or offer or agree to direct any person to any place or person for the purpose of prostitution, lewdness, or indecent conduct.

(Ord. 1823, passed 2-22-94)

LICENSING

§ 116.20 LICENSE REQUIRED

It shall be unlawful to engage in the business of operating a taxicab or a limousine service in the city without first having secured a license therefor. Applications for such licenses shall be made in writing to the City Clerk, and shall state thereon the name of the applicant, the intended place of business, the number of vehicles to be operated, and the type of license requested. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given.

(Am. Ord. 1823, passed 2-22-94)
Penalty, see § 10.99

§ 116.21 CHARACTER OF APPLICANT

No such license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony; nor shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions.

§ 116.22 ANNUAL FEE; ISSUANCE OF TAG OR STICKER

(A) The annual fee, payable in advance, for such licenses shall be forty dollars ($40.00) for each taxicab or limousine operated. Whenever the number of taxicabs or limousines so operated shall be increased during the license year, the licensee shall notify the City Clerk of such change and shall pay the additional fee.

(B) Such fee shall be in lieu of any other vehicle fee required by ordinance and the City Clerk shall issue suitable tags or stickers for the number of cabs or limousines covered by each license. Such tag or sticker shall be displayed in a prominent place of each taxicab and limousine while it is in use, and may be transferred to any taxicab or limousine put into service to replace one (1) withdrawn from service.

(C) The licensee shall notify the City Clerk of the motor number and state license number of each taxicab or limousine operated and of the corresponding city tag or sticker number.

(Am. Ord. 1823, passed 2-22-94)

§ 116.23 INSURANCE REQUIRED

No taxicab or limousine shall be operated unless it is covered by a bond or public liability insurance policy as required by statute.

(Am. Ord. 1823, passed 2-22-94)

Penalty, see § 10.99

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CHAPTER 117

MOTEL TAX

117.001 Title
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§ 117.001 TITLE

This chapter shall be known and recited as the City Motel Tax.
(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07)

§ 117.002 DEFINITIONS

For the purposes of this chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meanings ascribed to them in this section:

HOTEL ROOM; MOTEL ROOM. A room within a structure kept, used or maintained as or advertised or held out to the public to be in an inn, motel, hotel, apartment hotel, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

OWNER. Any person or persons having a sufficient proprietary interest in conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room so as to entitle such person or persons to all or a portion of the net receipts thereof. The word also includes a person who is the proprietor, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity.

PERSON. Any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agent, government corporation, municipal corporation, district or other political

subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

OPERATOR. Any person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

TRANSIENT. Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of seven (7) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel or motel shall be deemed to be a transient until the period of seven (7) days has expired unless there is an agreement in writing between the owner and the occupant providing for a longer period of occupancy, or the occupant has paid in advance for over seven (7) days occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this chapter may be considered.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07)

§ 117.003 TAX IMPOSED

(A) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room within the city a tax of five percent (5%) of the rental or leasing charge for each such hotel or motel room rented for each twenty-four (24) hour period or any portion thereof; provided, however, that the tax shall not be levied and imposed upon any person to rent a hotel or motel room for more than seven (7) consecutive days or to a person who works and lives in the same hotel or motel.

(B) The ultimate incident of and liability for payment of said tax shall be borne by the person who seeks the privilege of occupying any such hotel or motel room, said person hereinafter referred to as "renter".

(C) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager, or operator of every hotel or motel to act as trustee for and on account of the city, and to secure said tax from the renter of the hotel or

motel room and pay over to the City Clerk said tax under procedures prescribed by the City Clerk or as otherwise provided in this chapter.

(D) Every person required to collect the tax levied by this chapter shall secure said tax from the renter at the time he collects the rental payment for the hotel or motel room. Upon the invoice receipt or other statement or memorandum of the rent given to the renter at the time of payment, the amount due under the tax provided in this chapter shall be stated separately on said documents.

(E) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room within the City an additional tax of one percent (1%) of the rental or leasing charge for each hotel or motel room rented for each 24-hour period or any portion thereof; provided, however, that the tax shall not be levied and imposed upon any person to rent a hotel or motel room for more than seven (7) consecutive days or to a person who works and lives in the same hotel or motel nor shall it be imposed on any person renting a room in a hotel or motel containing less than ten (10) sleeping rooms.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07; Am. Ord. 2804, passed 11-17-08)

§ 117.004 RULES AND REGULATIONS

The City Administrator may promulgate rules and regulations not inconsistent with the provisions of this chapter concerning enforcement and application of this chapter. The term "rules and regulations" includes, but is not limited to, case by case determination of whether or not the tax imposed by this chapter applies.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07)

§ 117.005 BOOKS AND RECORDS

The City Administrator, or any person certified as his deputy or representative, may enter the premises of any hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this chapter and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the City Administrator or his duly authorized deputy or representative in the discharge of his duties and the performance of this chapter. It shall be the duty of every owner to keep accurate and complete books and records to which the City Administrator or his deputy or authorized representative shall at all times have access, which records shall include a daily sheet showing:

(A) The number of hotel or motel rooms rented during the twenty-four (24) hour period, including multiple rentals of the same hotel rooms where such shall occur; and

(B) The actual hotel or motel tax receipts collected for the date in question.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07)

§ 117.006 TRANSMITTAL OF TAX REVENUE

(A) The owner or owners of each hotel or motel within the city shall file tax returns showing tax receipts received with respect to each hotel and motel room for each quarter of the city's fiscal year, commencing on May 1, 1993, and continuing on the first day of each of the city's quarters (i.e., August 1, November 1, February 1) thereafter on forms prescribed by the City Administrator. The returns shall be due on or before the thirtieth (30th) day following the end of the quarterly filing period.

(B) The first taxing period for the purpose of this chapter shall commence May 1, 1993, and end July 31, 1993, and the tax return and payment for such period shall be due on or before August 31, 1993. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this chapter. At the time of filing said tax returns, the owner shall pay to the City Clerk all taxes due for the period to which the tax return applies.

(C) In case any person who is required under this chapter to file a tax return to the city fails to file a return when and as required under this chapter, said person shall pay to the city, in addition to the amount of tax required to be transmitted, a penalty of five percent (5%) of the tax that said person is required to transmit to the city; provided, however, that a twenty percent (20%) penalty shall be imposed for any fraudulent return.

In case any person who is required under this chapter to file a tax return to the city files a return at the time required but fails to transmit the tax proceeds, or any portion thereof, to the city when due, a penalty of five percent (5%) of the amount of tax not transmitted to the city shall be added thereto; provided, however, that the fraudulent failure to pay such tax shall result in a twenty percent (20%) penalty.

(D) In addition to any penalty for which provision is made in this chapter, any amount of tax not transmitted when due shall bear interest at the rate of two percent (2%) per month, or fraction thereof, until fully transmitted.

(E) Any officer or employee of any corporation, which is an owner subject to the provisions of this chapter, who has control, supervision or responsibility of collecting tax proceeds, filing returns, and transmitting collected tax proceeds of the tax imposed by this chapter and who willfully fails to file such return or to transmit any tax proceeds so collected to the city shall be personally liable for any such amounts collected, including interest and penalties thereon, in the event that after proper proceedings for the collection of such

amount, such corporation is unable to pay such amounts to the city; and the personal liability of such officer or employees, as provided herein, shall survive dissolution of the corporation. For purposes of this subsection, a person willfully fails to act if he takes any conscious and voluntary action, intending not to perform any of his obligations hereunder, including, but not limited to, the utilizing of tax proceeds collected for the city to pay any other corporate obligations.

(F) If any operator or owner shall fail or refuse to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the City Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the City Administrator shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable to any operator or owner who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator or owner the tax, interest and penalties provided for by this chapter. In case such determination is made, the City Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator or owner so assessed at his last known address. Such operator or owner may within ten (10) days after the serving or mailing of such notice make application in writing to the City Administrator for a hearing on the amount assessed. If application by the operator or owner for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the City Administrator shall become final and conclusive and immediately due and payable. If such application is made, the City Administrator shall give not less than five (5) days written notice in the manner prescribed herein to the operator or owner to show cause at a hearing at a time and place fixed in said notice why said amount specified there should not be fixed for such tax, interest and penalties. At such hearing, the operator or owner may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing, the City Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in paragraph (G) below.

(G) Any operator or owner aggrieved by any decision of the City Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the Mayor by filing a notice of appeal with the City Clerk within fifteen (15) days of the serving or mailing of the determination of tax due. The Mayor shall fix a time and place for hearing such appeal, and the City Clerk shall give notice in writing to such operator or owner at his last known address. The findings of the Mayor shall be final and conclusive and shall be

served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(H) It shall be the duty of every owner liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the City Administrator shall have the right to inspect at all reasonable times.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07)

§ 117.007 PENALTIES

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this chapter, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars ($200.00) nor more than three hundred dollars ($300.00) for the first offense and not less than three hundred dollars ($300.00) nor more than five hundred dollars ($500.00) for the second and each subsequent offense in any one hundred eighty (180) day period.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07; Am. Ord. 3194, passed 8-1-16)

§ 117.008 PURPOSE OF PENALTIES

The purpose of imposing the above penalties is to insure the integrity of the collection process established pursuant to the chapter.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07; Am. Ord. 3194, passed 8-1-16)

§ 117.009 COLLECTION

Whenever any person shall fail to pay any tax, interest and/or penalty as herein provided, the City may use any methods of collection authorized under the laws of the State of Illinois including, but not limited to, bringing an action to enforce payment and filing a lien(s) on the property to enforce the provisions of this chapter.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07; Am. Ord. 3194, passed 8-1-16)

§ 117.010 REFUNDS

(A) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in divisions (B) and (C) of this section provided a

claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with City Clerk within three (3) years of the date of payment. The claim shall be on forms furnished by the City Clerk.

(B) An owner may claim a refund or take as credit against taxes collected and remitting the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the City Clerk that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the owner.

(C) A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in division (A) of this section, but only when the tax was paid by the transient directly to the City Clerk, or when the transient having paid the tax to the owner, establishes to the satisfaction of the City Clerk that the transient has been unable to obtain a refund from the owner who collected the tax.

(D) No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07; Am. Ord. 3194, passed 8-1-16)

§ 117.011 PROCEEDS OF TAX AND FINES

All proceeds resulting from the imposition of the tax under this chapter, including penalties, shall be paid into the treasury of the city and shall be credited to and deposited in the General Corporate Fund of the city.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07; Am. Ord. 3194, passed 8-1-16)

§ 117.012 USE OF RECEIPTS

The amounts collected by the city pursuant to this chapter shall be expended by the city as determined by the Corporate Authorities and shall not be limited to the provisions of Section 8-3-14 of the Illinois Municipal Code.

(Ord. 1787, repealed 8-20-07; Ord. 2746, passed 8-20-07)

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CHAPTER 118

RESIDENTIAL WASTE HAULERS

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§ 118.01 LICENSE REQUIRED

Every person engaged in the business of residential waste hauling within the city shall obtain a residential waste hauling license. Such license shall be issued by the City Clerk in accordance with the requirements of this chapter.

(Ord. 1853, passed 6-20-94)
Penalty, see § 118.99

§ 118.02 COLLECTION WITHOUT LICENSE PROHIBITED

No person shall collect residential waste, or advertise such services, within the city without having a valid license issued under this chapter.

(Ord. 1853, passed 6-20-94)
Penalty, see § 118.99

§ 118.03 SUSPENSION OR REVOCATION

All licenses or permits issued pursuant to the provisions of this chapter shall be- suspended or revoked, and all refusals to issue a license or permit shall be made, as a result of a violation of any of the provisions of this chapter.

(Ord. 1853, passed 6-20-94)

§ 118.04 DURATION

Each residential waste hauling license shall expire on April 30 of each year unless renewed in accordance with this chapter.

(Ord. 1853, passed 6-20-94)

§ 118.05 APPLICATION

(A) The application for and renewal of a residential waste hauling license shall include the following information:

(1) Name and phone number of the business operating the vehicles;

(2) The name of the manager of the business;

(3) The address of the business;

(4) Type of each collection vehicle (that is, pickup, dump truck, semi);

(5) Proof of current general and automobile liability insurance in the form of a certificate of insurance issued by an insurance company licensed to do business in the State of Illinois in the amounts required by state law, by Vehicle Identification Number of each collection vehicle;

(6) If the applicant is or will be collecting on a regular basis from free-standing residential units of four (4) units or less, a description of how and by whom recyclables will be collected.

(B) The licensee shall notify the city in writing within fourteen (14) days following a change in any information contained in the licensee's application.

(Ord. 1853, passed 6-20-94)

§ 118.06 CONDITIONS OF LICENSE

All persons required to have a license under this chapter shall comply with the following conditions:

(A) All licensees must provide an integrated service combining and including a minimum of weekly curbside refuse collection and bi-weekly recyclable collection. Neither service may be made available individually.

(B) All vehicles used for residential waste hauling shall display the license upon the vehicle as directed by the Public Works Director.

(C) Every vehicle utilized by a person required to have a license under this chapter and used for the transfer of residential waste through the streets of the city shall have and utilize a water-tight bed or receptacle having a closed cover and be so constructed that no portion

of the waste conveyed therein shall be scattered or left in or upon the sidewalks, streets, alleys, or public grounds of the city.

(D) No person required to have a license under this chapter shall deposit or store any residential waste, when collected, within the corporate limits of the city.

(E) No vehicle used for the collection of residential waste by a person required to have a license under this chapter shall be allowed to become offensive to the sense of smell of a person of ordinary sensibilities. Such vehicle shall be cleaned inside and out at regular intervals.

(F) Every vehicle utilized by a person required to have a license under this chapter hauling garbage or putrescible rubbish must be evacuated of its contents within twenty four (24) hours of the deposit of such garbage or putrescible rubbish.

(G) No vehicle utilized by a person required to have a license under this chapter shall be parked overnight in or adjacent to residential areas outside of an enclosed structure. If a vehicle licensed under this chapter is stored in a residential district within an enclosed structure, the owner of the vehicle shall have a rodent-control plan approved by and on file with the Public Works Director.

(H) No person required to have a license under this chapter shall transfer residential waste from one vehicle to another vehicle on any city street or in such a manner as to cause the release of waste on to any property.

(I) Any person required to be licensed by this chapter shall maintain in full force and effect general liability insurance, vehicle liability insurance, worker's compensation insurance, and unemployment insurance with insurance companies licensed to do business in the State of Illinois in the amounts required by state law. Upon request of the city, such a person shall produce evidence of such coverage.

(J) Upon request by the city, any person required to have a license under this chapter shall provide the city, in writing, with schedules of rates in effect at the time of the request.

(Ord. 1853, passed 6-20-94)

Penalty, see § 118.99

§ 118.07 RECYCLING REQUIREMENTS

All persons who provide residential waste hauling services to free-standing residential units of four (4) units or less must provide the following:

(A) Pick up of recyclable materials, including at least newsprint, clear glass jars or bottles, tin cans, aluminum cans, steel cans, and HDPE No. 1 and No. 2 plastic containers; and

(B) Once collected, all recyclables must be processed for transfer to the secondary materials market by either the hauler or a material recovery center; and

(C) Recycling services shall not be separately priced.

(Ord. 1853, passed 6-20-94) Penalty, see § 118.99

§ 118.08 MONTHLY REPORT; INSPECTION

(A) Every licensee shall file a monthly report with the Public Works Director and Tazewell County Recycling Coordinator in a form designated by the Public Works Director which states as follows:

(1) How much of each recyclable material was collected; and

(2) Where and to whom the recyclable material was disposed, or if stored, where stored. If stored, such licensee shall store the recyclables under conditions which will not degrade the quality of the recyclable materials.

(B) Such reports shall be signed under penalties of perjury.

(C) The licensee shall provide certification by the recycling processor of the quantity of recyclables which have been delivered.

(D) The licensee shall admit, for the purpose of making an inspection, any officer or employee of the city who is authorized or directed to make such inspection at any reasonable time that such admission is requested for the purpose of insuring compliance with this chapter. Such right of inspection shall extend to the place of first delivery of recyclables.

(Ord. 1853, passed 6-20-94)
Penalty, see § 118.99

§ 118.09 AUTHORITY TO PROMULGATE RULES

(A) The Public Works Director is empowered to promulgate rules for the following purposes:

(1) To designate acceptable areas along or upon city rights-of-way for the deposit for pickup of recyclable material;

(2) To promulgate such other rules relative to recycling as are reasonably necessary to protect health, safety, and welfare; and

(3) To designate procedures or forms necessary to fulfill the requirements of this chapter.

(B) Such rules may be adopted and/or amended from time to time by the Public Works Director and such rules and regulations or amendments shall be deemed effective thirty (30) days after the date of written notification to the City Council of such amendments unless the City Council shall disapprove of all or any such rules and regulations or amendments within such thirty (30) day period.

(C) No person shall violate any rules promulgated by the Public Works Director which have been approved or deemed approved pursuant to division (B) above.

(Ord. 1853, passed 6-20-94)

§ 118.99 VIOLATIONS; PENALTIES

(A) In addition to the revocation or suspension provided for in § 118.03 above, any person who violates any provision of this chapter shall be subject to a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) for each offense. Each day any violation of this chapter shall continue shall constitute a separate offense.

(B) The suspension or revocation of a residential waste hauler's license by the city or fine imposed by the city in an administrative hearing shall not be considered a recovery or penalty so as to bar any court-imposed fine from being enforced.

(Ord. 1853, passed 6-20-94)

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CHAPTER 119

DANCE HALLS

119.01 Definitions
119.02 License Required
119.03 Exemptions
119.04 Application
119.05 Fees
119.06 Investigation
119.07 Issuance
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119.09 Revocation and Suspension
119.10 Restrictions on Persons under 18
119.11 Reporting Incidents to Police; Telephone Required; Mandatory Closing
119.12 Illegal Activities on Premises
119.13 Youth Dance Restrictions
119.14 Violation and Penalty

§ 119.01 DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates that a different meaning is intended:

(A) Dance hall means any room, place, building, or structure which is open to the public in general or only to private membership by admission charge, dues, fees, or other consideration, which is primarily and predominately devoted to dancing, but not necessarily used exclusively for such purposes.

(B) Youth dance means a designated period of dancing or related activity which is represented or advertised to be designed or dedicated predominately to patronage by persons under the age of 21 years.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.02 LICENSE REQUIRED

(A) Dance Hall License. No person, either as owner, lessee, manager, officer, or agent, or in any other capacity shall operate or permit to be operated a dance hall without having first obtained a license to do so.

(B) Supplemental Youth Dance License. No person, either as owner, lessee, manager, officer, or agent, or in any other capacity shall operate or permit to be operated on premises licensed as a dance hall, a youth dance without having first obtained a Supplemental Youth Dance License.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.03 EXEMPTIONS FROM LICENSE REQUIREMENTS

(A) No Dance Hall License shall be required for an establishment which holds a current and valid liquor license pursuant to Chapter 112 of this Code.

(B) No Dance Hall License shall be required for an establishment which is primarily and predominantly devoted to dance instruction and held out as such with use limited to paying students.

(C) No Dance Hall License or Supplemental Youth Dance License shall be required for a youth dance sponsored by a public or private school for a school related activity.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.04 CONTENTS OF APPLICATION

An application for a Dance Hall License or Supplemental Youth Dance License required by this Chapter shall be made in writing to the City Clerk which shall set forth the following:

(A) The name of the individual, partnership, corporation, association, or other entity applying for the license.

(B) The residence, phone number, and driver's license number of the applicant or partners; or, if a corporation or association, the residence, phone number, and driver's license number of the officers, directors, and principal shareholders and parties in interest, who own 5 percent or more of the shares or ownership interests in the entity.

(C) The address and legal description of the location for which the license is requested, including a scale drawing of the premises clearly indicating all areas within or adjoining the building or structure which are to be used in connection with the dance hall activities or are accessible from it, including off-street parking.

(D) The type of license requested.

(E) The seating capacity and price of admission intended to be charged.

(F) Whether the applicant, officers, partners, directors, or the principal shareholders or parties in interest of the corporation or association or the corporation or association itself have been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction, and, if so, a list of such convictions with date and prosecuting jurisdiction.

(G) In the case of a Supplemental Youth Dance License the following additional information must be provided:

(1) The method by which age identification shall be established.

(2) The method by which security shall be provided both inside and outside of the dance hall.

(3) The method by which youth shall be supervised in and about the premises.

(4) Residence, phone number, driver's license number of all employees or persons who will be utilized to provide supervision in connection with such youth dance; excepting, however, security personnel who are licensed by the State Department of Education and Registration or who are commissioned peace officers.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.05 FEES

(A) The applicant applying for a Dance Hall License shall pay the City Treasurer prior to filing an application, a fee of $50.00 per year or part thereof. Should the application be denied, the license fee shall be refunded to the applicant.

(B) The fee for a Supplemental Youth Dance License shall be $30.00 per night or $300.00 per year. Any licensee holding ten youth dances in any one calendar year shall be deemed to have paid for a yearly Supplemental Youth Dance License which may be issued upon approval of the application.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.06 INVESTIGATION

Upon receipt of an application for a Dance Hall License or a Supplemental Youth Dance License, the City Administrator shall cause a copy of the application to be sent to the Police Department and Planning and Zoning Department, which shall report back to the City Administrator or his designee within 15 days whether the location for which the license is sought meets applicable city codes and whether the applicant meets the requirement for issuance of the license requested.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.07 ISSUANCE

Upon receipt of the report from the departments referred to in Section 119.06, the City Administrator shall direct the City Clerk to issue the license requested unless the City Administrator shall find:

(A) That the applicant is under the age of 18;

(B) That the applicant, or any officers, partners, directors, or principal shareholders or parties in interest therein have been convicted of any obscenity offense relating to an amusement-type activity, any gambling related offense, or an offense relating to the violation of the laws or ordinances controlling the sale of alcoholic liquor;

(C) That the operation of the dance hall or youth dance as proposed would not comply with all applicable laws, including, but not limited to, building, health, zoning, and fire codes of the City;

(D) That the applicant, or any officers, partners, directors, or the principal shareholders or parties in interest therein have held a license or had an interest in a license issued pursuant to this Chapter that was revoked for cause;

(E) In the case of a Supplemental Youth Dance License, that the applicant, or any officers, partners, directors, or the principal shareholders or parties in interest have been convicted of any offense against children or have been declared a sexually dangerous person pursuant to the laws of the state or any similar law of the United States or of any other state;

(F) The premises for which a Supplemental Youth Dance License is requested, including required off-street parking, is within 500 feet of any R-1A, R-1, or R-2 zoning district as defined in the Zoning Code of the City or any school; or

(G) The methods proposed for age identification, security, or supervision pursuant to Section 119.04 (G) are insufficient.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.08 POSTING

Every license issued under the provisions of this Chapter shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.09 REVOCATION AND SUSPENSION

(A) Any Dance Hall License or Supplemental Youth Dance License may be revolted or suspended for a period not to exceed 30 days by the City Administrator if the City Administrator shall find after a hearing:

(1) That the licensee, or any of its employees, officers, agents, or representatives, has violated any of the provisions of this Chapter, the laws of Illinois, or ordinances of the City at the licensed location;

(2) That the licensee, or any of its officers, directors, or principal shareholders have been convicted of any offense set forth in Section 119.07 (B) or 119.07 (E);

(3) The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by Section 119.04 or any investigation into any such application.

(B) The licensee shall be responsible for the acts of its agents, servants, and employees in the operation of any licensed establishment. Prior to holding a hearing concerning the question of whether a license issued pursuant to this Chapter shall be revoked or suspended, the City Administrator shall give at least a ten days' written notice to the licensee setting forth the alleged violations specifically. Notice shall be deemed given when deposited in the United States mail, postage prepaid, and addressed to licensee at the address provided by licensee in its application. The licensee may present evidence at such hearing and cross-examine witnesses. In lieu of or in addition to a suspension of a Supplemental Youth Dance License, the City Administrator may after a hearing impose additional operating conditions as set forth in Section 119.13 (F).

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.10 RESTRICTIONS OF PERSONS UNDER 18

It shall be unlawful for the holder of a Dance Hall License to permit persons under the age of eighteen (18) years on the premises of a dance hall, unless accompanied by a parent or legal guardian, or unless attending a youth dance for which a Supplemental Youth Dance License has been issued, and where youth dance restrictions as set forth in this Chapter are in effect.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.11 REPORTING INCIDENTS TO POLICE; TELEPHONE REQUIRED; MANDATORY CLOSING

(A) Each licensee and each of its agents and employees shall promptly report to the Police Department of the City any incident occurring on or about the licensed premises relating to the commission or suspected commission of any crime, including, but not limited to, any violation of this Chapter, any violation of ordinances or laws concerning the sale, possession, or consumption of alcoholic liquor, any violation of ordinances or laws concerning the sale of controlled substances or cannabis, any violation of laws concerning the abduction or the physical or sexual abuse of children, or any fights, assaults or batteries, and shall truthfully and fully answer all questions and investigations

of any identified police officer who makes inquiry concerning any persons in or about the licensed premises, and cooperate fully in any such investigation, including the giving of any oral or written statements at such reasonable times and in such reasonable locations to any police officer engaged in such investigation.

(B) Each licensee shall maintain on each licensed premises not less than one telephone in operating order, which phone must be easily accessible to the responsible person in charge of the premises and to other employees on the premises at all times for the purpose of conveniently reporting to the Police Department incidents occurring on or about the licensed premises.

(C) If a disturbance occurs on or about the licensed premises during the hours of operation which in the judgment of the Chief of Police or the ranking command officer of the Police Department on duty creates an imminent danger to lives or property, the Chief or ranking command officer may, if in his professional judgment it is reasonably necessary in order to restore order and protect lives and property, order the licensed establishment to close its business for such period of time as is reasonably necessary, but not later than the next business day, and may order all patrons to leave the licensed premises immediately.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.12 ILLEGAL ACTIVITIES ON PREMISES

No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by an ordinance of the City or law of the State of Illinois or the United States.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.13 YOUTH DANCE RESTRICTIONS

During any youth dance conducted on the licensed premises, the following restrictions shall apply:

(A) Other than parents or supervisors, no one other than youth not younger than 14 years and not older than 20 years shall be allowed in the establishment.

(B) All other provisions and requirements of this Code and the state law relating to curfew and to the operation of a licensed dance hall shall remain in effect.

(C) The licensee shall notify the Police Department of any date for a youth dance at least seven (7) days prior to the date of the event.

(D) A licensee shall take all such reasonable precautions including, but not limited to, erection of acoustical or other barriers and providing supervisory or security personnel to adequately prevent the unreasonable disturbance of the peace and tranquility of the neighborhood and the free and unencumbered access of the general public to street, sidewalks, and public areas in and around the licensed premises.

(E) All youth dances shall end no later than 10:30 p.m. on Sunday through Thursday, and no later than 11:30 p.m. on Friday and Saturday.

(F) Additional written operating conditions consistent with this Chapter may be imposed by the City Administrator for the supplemental license, which conditions will be deemed to be with the agreement of the licensee and made a part of the license, if such Supplemental Youth Dance License is granted and accepted.

(Ord. 2236, passed 6-5-00) Penalty, see §119.14

§ 119.14 VIOLATION AND PENALTY

Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be subject to a fine of not more than seven hundred fifty dollars ($750.00).

(Ord. 2236, passed 6-5-00)

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CHAPTER 120

CARNIVALS

120.01 Definitions
120.02 License Required
120.03 Application; Bond
120.04 Fees
120.05 Issuance of License
120.06 Information Required of Licensee
120.07 Posting of License
120.08 Prohibited Activities
120.09 Enforcement
120.10 Penalty

§ 120.01 DEFINITIONS

For purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(A) Carnival. The term "Carnival " means and includes an aggregation of attractions, whether shows, acts, games, vending devices or amusement devices, whether conducted under one or more managements or independently, which are temporarily set up or conducted in a public place or upon any private premises accessible to the public, with or without admission fee, in which, from the nature of the aggregation, attracts attendance and causes promiscuous intermingling of persons in the spirit of merrymaking and revelry.

§ 120.02 LICENSE REQUIRED

No person, either as an owner, lessee, manager, officer, or agent, or in any other capacity, shall setup, run, operate or conduct any Carnival as defined in this Chapter, without first having obtained a license therefore.

§ 120.03 APPLICATION; BOND

(A) An application for the license required by Section 120.02 shall be made in writing to the Chief of Police, setting out the full name of the applicant, if an individual, and if a corporation, the full name and residence of its principal officers, the location and description of the carnival or the place for which a license is desired to operate a carnival, and the price of admission intended to be charged.

(B) When the application for a license is for the use or occupancy of a public street or other public grounds, every applicant shall file with his application his bond and the penal sum of $1000 with a surety company licensed to do business in the state of Illinois. Such bonds shall be conditioned that the person to whom such license shall be issued, his heirs,

executors, successors, and assigns will save and keep the city free harmless and indemnified from and against any and all loss arising out of image and claims for damages arising out of the use of the public street or public grounds. The bond shall be further conditioned that the person will save and keep the city free harmless and indemnified from and against any and all litigation and for the faithful performance and observance of all of the terms and conditions of this Chapter; provided, that if the place desired to conduct the carnival is not a fit and proper place and is not conducted and maintained in accordance with the provisions of this Chapter governing or controlling carnivals, or if the person making the application for a license is not of good character, the Chief of Police may refuse to approve the application.

(C) No license shall be issued by the Chief of Police, except upon the approval of the application by the City Administrator. However, the bond may be waived or changed to a different amount by resolution of the City Council.

§ 120.04 FEES

A license fee will be imposed upon each license granted, and shall be paid to the City Treasurer upon the granting of such license. The license fee shall be in the amount of $10.00 for each day of operation of the carnival.

§ 120.05 ISSUANCE OF LICENSE

Upon receipt of the application for a license required by this Chapter, the Chief of Police shall make or cause to be made an examination of the place at which the carnival is proposed to be operated, and if it shall appear that such place is maintained in accordance with the provisions of any applicable building requirements, and is so located as not to prove a nuisance, and has safe means of exit and safe seating facilities, then the Chief of Police shall issue or cause to be issued, upon payment of the license fee required by this Chapter, a license to such applicant, which shall entitle the licensee named therein to operate the carnival named in such license for and during the period of the license, and at the place stated therein.

The license shall contain a provision that police officers shall have free access to the grounds and all booths, shows and concessions at all times.

§ 120.06 INFORMATION REQUIRED OF LICENSEE

Within 12 hours prior to the commencement of operations of the carnival, the licensee shall provide to the Chief of Police the name, date of birth, and social security number of each employee or subcontractor that the licensee will have on the site for the carnival. This list must be all-inclusive. If there are any changes in the employees or subcontractors on the site, the

licensee must notify the Chief of Police within 4 hours of such change, and provide the name, date of birth, and social security number of the added employee or subcontractor.

§ 120.07 POSTING OF LICENSE

Every license issued under the provisions of this Chapter shall, at all times during the operation of the carnival, be posted in a conspicuous place at or near the principal entrance of the premises described in the license, so the license may be easily seen and read by any person passing in or out of the carnival.

§ 120.08 PROHIBITED ACTIVITIES

No person, either as owner, lessee, manager, officer, or agent, or any other capacity shall setup or operate any gambling device, lottery, number or paddle wheel, number board, punch board, or other game of chance, or any lewd, lascivious or indecent show or attraction making an indecent exposure of the person or suggesting lewdness or immorality.

§ 120.09 ENFORCEMENT

Every license granted under the provisions of this Chapter shall, at all times, be subject to revocation in the event that the licensee does not comply with all of the provisions of this Chapter, and the other applicable provisions of the Code of Ordinances of the City. Failure to provide the name, date of birth, and social security number of each employee or subcontractor that the licensee has on the side of the carnival shall be a basis for revocation of the license. In the event that the license is revoked by the Chief of Police, the carnival shall cease its operations in the City.

§ 120.10 PENALTY

Whoever violates the provisions of this Chapter shall be fined not more than $2,000 for each offense. Each day upon which a violation continues shall constitute a separate violation. Not more than $10,000 in fines under this section may be imposed against any licensee during the period of his or her license.

In addition to the fines hereinabove provided, a license may be revoked for violation of any of the provisions of this Chapter or any of the other provisions of the Code of Ordinances of the City of Washington. Upon the revocation of a license, the carnival must cease operations from and after the revocation of the license.

(Ord. 2393, passed 8-5-02)

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TITLE XIII

PUBLIC OFFENSES

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CHAPTER 130

OFFENSES PERTAINING TO PROPERTY

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§ 130.01 INJURING, DEFACING PROPERTY

(A) No person shall climb upon or walk upon the top or capping of any fence or railing, or into any shade or ornamental tree upon any sidewalk or elsewhere, without the consent of the owner or occupant thereof, or shall in any way injure or deface any building, private or public property belonging to the city, public monument, fence, gate, or shade tree, or shall meddle with or injure any well, cistern, hydrant, or pump.

(B) No person shall purposely or heedlessly damage or destroy, any street light, street sign, traffic sign, traffic signal, or ornamental light.

(C) No person shall wantonly mar, injure, deface, or destroy any fence, guide post, signboard, or awning in any street or public place in the city.

Penalty, see § 130.99

§ 130.02 INJURY TO SERVICE BOXES

No person shall willfully or maliciously break, deface, injure, or carry away any cup or service lid, placed upon any of the service boxes of any gas or light company.

Penalty, see § 130.99

§ 130.03 TAMPERING WITH OR ALTERING OF GAS PIPE, METERS, AND THE LIKE

No person shall, unlawfully, tamper with, alter, or change any gas pipe, gas meter, or other meter, public or private, or the register thereof.

Penalty, see § 130.99

§ 130.04 TRESPASS TO SCHOOL PROPERTY

(A) For the purpose of this section, **STUDENT** shall mean any person of school age, enrolled in the school and in good standing, at which he or she is then present.

(B) No person not a student or employee of any school located in the city or parent or guardian of any student enrolled therein, shall remain within any school building during normal school hours without securing the written permission of the principal, dean of students, or other person who has been deemed to be in charge of such school in their absence.

(C) No person not a student or employee of any school located in the city or parent or guardian of any student enrolled therein, shall remain on any lands owned, occupied, or used by any school within the city or adjacent thereto, without securing the written permission of the principal, dean of students, or other person who has been deemed to be in charge of such school in their absence.

(D) Notice.

(1) No person shall willfully and without lawful authority enter upon lands or premises or any part thereof, of any school within the city after having been forbidden to do so, by notice from any person having authority with respect to the presence of others upon such premises.

(2) No person being upon the lands or premises or any part thereof of any school within the city shall neglect or refuse to depart therefrom being notified to depart therefrom by any person having authority with respect to the presence of others upon such premises.

(3) A person has received notice to depart or forbidding entry, within the meaning of division (D) (1) and (2) above, if he has been notified personally, either orally or in writing, or if a printed or written notice thereof has been conspicuously posted or exhibited upon such premises.

(Ord. 1045, passed 1-3-72)
Penalty, see § 130.99

§ 130.05 TRESPASS TO LAND

(A) It shall be unlawful for any person, firm, or corporation to enter upon the lands or any part thereof of another, after receiving immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or to remain upon the land of another after receiving notice from the owner or occupant to depart.

(B) One has received notice from the owner or occupant within the meaning of division (A) above if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(C) No person, firm, or corporation shall violate any of the provisions of this section. Each days' violation shall constitute a separate offense.

(Ord. 1341, passed 9-9-81)

Penalty, see § 130.99

§ 130.06 EXCAVATIONS ON PRIVATE PROPERTY

The owner, lessee, or person in possession of any real estate within the city, upon which is located or situated any sand holes or other similar excavations, is required to cause these sand holes or other excavations to be enclosed with wooden or wire fences of not less than six (6) feet in height. When such fences are of wire, only smooth not barbed wire shall be used; and the fence shall consist of not less than eight (8) rows of wire and such rows of wire shall not be more than nine (9) inches apart.

Penalty, see § 130.99

§ 130.07 FRAUDULENT USE OF TELEPHONE SERVICE

(A) It shall be unlawful for any person to insert, or attempt to insert, into the coin box or money receptacle of any telephone, any slug, button, or other substance with the intention of obtaining telephone service without paying therefor.

(B) It shall be unlawful for any person to manipulate or operate, or to attempt to manipulate or operate, in any manner whatsoever, any telephone instrument or any mechanism or device commonly used therewith, with the intention of obtaining telephone service without paying therefor.

(C) It shall be unlawful for any person to insert or to attempt to insert into the coin box or money receptacle of any telephone, any slug, button, wire, hook, or other implements or substance with the intent to obtain from any such coin or money receptacle, a legal tender coin of the United States.

Penalty, see § 130.99

§ 130.08 POSSESSION AND USE OF JACK-ROCKS PROHIBITED

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

(1) The term **JACK-ROCK** shall mean a caltrop or other device comprised of nails or other materials of like character, with two or more sharpened points, attached together in such a manner that one (1) sharp point is directed upwards regardless of how the item is placed on a flat surface.

(2) Possession may be actual or constructive.

(a) Actual possession. A person has actual possession when he or she has immediate and exclusive control over a thing.

(b) Constructive possession. A person has constructive possession when he or she lacks actual possession of a thing but he or she has both the power and intention to exercise control over a thing, either directly or through another person.

(c) If two or more persons share the immediate and exclusive control or share the intention and the power to exercise control over a thing, then each person has possession.

(B) It shall be unlawful for any person, corporation, partnership, or other entity to sell, distribute, give away, offer for sale, manufacture, purchase, possess, carry, toss, throw, or place any jack-rock on public or private property within the City of Washington.

(C) Upon the discovery of any jack-rock, the police officer or other law enforcement officer shall take the jack-rock into his custody and confiscate same. When the jack-rock is no longer necessary or needed for the prosecution or for other lawful purposes, it shall be destroyed by any means deemed appropriate by the Police Department. In no event shall the jack-rock be returned to the individual, corporation, partnership, or other entity charged with a violation of this section.

(D) Each individual jack-rock sold, offered for sale, distributed, manufactured, purchased, possessed, thrown, tossed, or placed within the City of Washington shall constitute a separate offense hereunder.

(E) Paragraph (B) of this section shall not apply to the possession or use of jack-rocks by any law enforcement officer while in the course of his or her official duties.

(Ord. 1920, passed 6-5-95)

Penalty, see § 130.99

§ 130.09 DAMAGE TO CITY PROPERTY

(A) Definitions. As used in the Section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) The term "City" means the City of Washington, Tazewell County, Illinois.
(2) The term "City Property" means any and all real property and personal property, including but not limited to trees, shrubs, vegetation, signs, vehicles, buildings, structures, and equipment owned by or in the possession of the City.
(3) The term "Minor" means any individual who has not attained the age of 18 years.
(4) The term "Person" means and includes any individual, partnership, sloe proprietorship, corporation, association, or any other legal entity.

(B) Damaging City Property Prohibited. It shall be unlawful for any person to damage, injure, deface, or destroy, in whole or in part, any City Property, without having first obtained proper authority and consent therefore.

(C) Restitution. In addition to any other remedy, fine, or penalty, a person who damages City Property shall make restitution to the City for the damage, injury, defacing, destruction or loss caused directly, or indirectly, by the Person. In case of a minor, the parents or legal guardian of the minor shall be jointly and severally responsible, together with the minor, to make such restitution.

(D) Penalty. Any person, firm or corporation violating any provision of this Section shall be fined not less than $50 for each offense, and a separate offense shall be deemed to be committed with each separate discharge of a weapon.

(Ord. 2597, passed 3-21-05)

§ 130.99 PENALTY

(A) Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not less than fifty dollars ($50.00) and not more than seven hundred and fifty dollars ($750.00) for each offense.

(B) Any person who violates the provisions of this Chapter relating to Injuring or Defacing Property (Code §130.01), and Trespass to Land (Code §130.05), shall be fined not less than fifty dollars ($50.00) for a first offense, seventy five dollars ($75.00) for a second offense, and one hundred dollars ($100.00) for a third offense, and not more than seven hundred and fifty dollars ($750.00) for all subsequent offenses. Violations of §130.01 and §130.05 may be enforced by issuance of a "Notice of Violation" for the fine amount enumerated herein, or by issuance of a Notice to Appear.

(Am. Ord. 2876, passed 3-1-10)

CHAPTER 131

OFFENSES AGAINST PUBLIC ORDER

131.01 Disorderly conduct
131.02 Disorderly houses
131.03 Disturbing elections
131.04 Disturbing religious worship
131.05 Disturbing lawful assemblies
131.06 Unlawful assemblies
131.07 Curfew
131.08 Truancy
131.09 Throwing missiles prohibited
131.10 Loitering
131.11 (Repealed Ord. 2431)
131.12 Loitering for the purpose of engaging in drug-related activity
131.13 Social Host Responsibility

131.99 Penalty

§ 131.01 DISORDERLY CONDUCT

(A) Disorderly conduct prohibited. It shall be unlawful for any person, firm, or corporation, to be guilty of disorderly conduct within the limits of the city, or upon any property owned by the city.

(B) Elements of the offense. A person, firm, or corporation commits disorderly conduct when he knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(2) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues;

(3) Transmits in any manner to the Fire Department of the municipality or any fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists;

(4) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in any such place;

(5) Transmits in any manner to any peace officer, public officer, or public employee a report to the effect that an offense has been committed, knowing at the time of

such transmission that there is no reasonable ground for believing that such an offense has been committed;

(6) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it;

(7) Throws or discards upon any public street, public sidewalk, public property, or upon the private property of another without the consent of the owner or tenant first being had, except in a container provided for the purpose, any paper, cartons, cans, bottles, garbage, refuse, trash, or junk; or

(8) Mars, injures, destroys, defaces, or aids in injuring, destroying, or defacing any public or private property; or mars, injures, destroys, or defaces or causes to be marred, destroyed, injured or defaced any bridge, fence, tree, street sign, awning, lamp post, electric light post, or apparatus or any other property, not belonging to the person so offending, whether public or private.

(Ord. 1061, passed 7-17-72)

Penalty, see § 131.99

§ 131.02 DISORDERLY HOUSES

(A) No person owning or in possession, charge, or control of any building or premises shall use the same, or permit the use of the same, or rent the same to be used for any business or employment, or for any purpose of pleasure or recreation, if such use shall, from its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises are situated, or be dangerous or detrimental to health.

(B) Every common, ill governed, or disorderly house, room, or other premises, kept for the encouragement of idleness, gaming, drinking, fornication, or other misbehavior, is declared to be a public nuisance; and the keeper and all persons connected with the maintenance thereof, and all persons patronizing or frequenting the same shall be punished as provided in § 131.99.

Penalty, see § 131.99

§ 131.03 DISTURBING ELECTIONS

No person shall create any disturbance or be guilty of disorderly conduct at any election poll.

Penalty, see § 131.99

§ 131.04 DISTURBING RELIGIOUS WORSHIP

No person shall disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior or profane discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting.

Penalty, see § 131.99

§ 131.05 DISTURBING LAWFUL ASSEMBLIES

No person shall disturb or disquiet any lawful assemblage or association of people, by any rude or indecent behavior, or by any disorderly conduct.

Penalty, see § 131.99

§ 131.06 UNLAWFUL ASSEMBLIES

(A) It shall be unlawful for any two or more persons to assemble together for any unlawful purpose, or who, being assembled, to act in concert to do an unlawful act, with force and violence, against the property of the city, or the person or property of another, or against the peace or to the terror of citizens or other persons, or to make any movement or preparation thereof.

(B) It shall be unlawful for any person to knowingly suffer or permit any assemblage for the purpose of committing any unlawful act or breach of the peace, or any riotous, offensive, or disorderly conduct, in or upon premises owned or occupied by him, or under his control, within the city.

Penalty, see § 131.99

§ 131.07 CURFEW

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

ESTABLISHMENT. Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

MINOR. Any person less than seventeen (17) years of age.

OFFICIAL CITY TIME. Central Standard Time except from the last Sunday in April to the last Sunday in October, it shall be Central Daylight Saving Time.

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, wharf, dock, public building, or vacant lot.

REMAIN. To loiter, idle, wander, stroll, or play ball in or upon.

(B) **Violating Curfew Prohibited.** It is unlawful for a person less than seventeen (17) years of age to be present at or upon any public assembly, building, place, street, or highway at the following times unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least eighteen (18) years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person less than seventeen (17) years of age to perform:

(1) Between 12:01 a.m. and 6:00 a.m. Saturday;

(2) Between 12:01 a.m. and 6:00 a.m. Sunday; and

(3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(C) **Defenses.** It shall be a defense to a violation under this section that the Minor engaged in the prohibited conduct while:

(1) accompanied by the Minor's parent, legal guardian, custodian, or by a sibling, stepbrother or stepsister who is at least 18 years of age; and

(2) participating in, going to, or returning from any of the following:

(a) employment which the laws of this state authorize a person less than 18 years of age to perform;

(b) a school recreational activity;

(c) a religious event or activity;

(d) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

(e) an activity involving the exercise of the child's rights protected under the First Amendment of the United States Constitution or Article 1, Sections 3, 4 or 5 of the Constitution of the State of Illinois, or both; or

(f) an activity conducted by a not-for-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adult(s).

(D) **Allowing Curfew Violation Prohibited.** It is unlawful for a parent, legal guardian, or other person to knowingly permit a person in his custody or control to violate this section.

Ord. 2572, passed 11-1-04

§ 131.08 TRUANCY

(A) It shall be unlawful for any person to be a truant within the corporate limits of the city.

(B) **Definitions:** For the purpose of this §131.08, the following terms shall have the following meanings:

(1) "Truant" means a child subject to compulsory school attendance and who is absent without Valid Cause from such attendance for a school day, or portion thereof.

(2) "Valid Cause" for the absence means illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

(C) It shall be unlawful for any person, by any act or omission, to knowingly encourage or contribute to a violation of §131.08. It shall also be unlawful for any person, by threat, menace or intimidation, to prevent any child entitled to attend a public school from attending such school or any school sanctioned event, or to interfere with any child's attendance at such school or school sanctioned event.

(D) The penalty for violation of this §131.08(A) by any violator ten (10) years of age or order shall be a fine of $25 for a first offense, $50 for a second offense, and $100 for a third or subsequent offense. If the violator is under the age of ten (10), the parent or custodian of the violator shall be subject to the fine. Violations of this Section 131.08(A) may be enforced by the issuance of a "Notice of Violation" for the fine amount enumerated herein, or by issuance of a Notice to Appear. The penalty for violation of §131.08(C)

shall be a fine of not less than one hundred dollars ($100) and not more than seven hundred and fifty dollars ($750) for each offense.

(Am. Ord. 1439, passed 1-7-85; Am. Ord. 1767, passed 1-4-93; Am. Ord. 2175, passed 3-1-99; Am. Ord. 2768, passed 2-18-08)

§ 131.09 THROWING MISSILES PROHIBITED

No person shall purposely or heedlessly cast or throw any stone, brick, or other missile from or into any street or other public place, or at, against, or into any building, shade tree, or other property.

Penalty, see § 131.99

§ 131.10 LOITERING

No person shall obstruct or encumber any street corner or other public place in the city by lounging in or about the same after being requested to move on by any police officer.

Penalty, see § 131.99

§ 131.11 ELECTRONIC PAGERS, PORTABLE TELEPHONES, AND CELLULAR TELEPHONES ON SCHOOL PROPERTY

Repealed by Ordinance No. 2431, passed 2-3-2003

§ 131.12 LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY

(A) No persons shall loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of the Illinois Cannabis Control Act (ILCS Ch. 720, Act 550 § 1 et. seq. (1992 Ill. Bar Ed.)), or the Illinois Controlled Substances Act (ILCS Ch. 720, Act 570, § 1 et. seq. (1992 Ill. Bar Ed.)).

(B) Among the circumstances which may be considered in determining whether such purpose is manifested are:

(1) Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter a "known unlawful drug user, possessor, or seller" is a person who has, within the knowledge of the arresting officer been convicted in any court within this state of any violation involving the use, possession, or sale of any controlled substance as defined in the Illinois Controlled Substances Act (ILCS Ch. 720, Act 570 § 1 et. seq. (1992 Ill. Bar Ed.)), or such person has been

convicted of any violation of the provisions of this chapter or substantially similar laws of any political subdivision of this state or of any other state; or a person who displays personal characteristics of drug intoxication or usage, such as "needle tracks," burned or calloused thumb and index fingers, underweight, nervous, and excited behavior.

(2) Such person is currently subject to a court order prohibiting his presence in a high drug activity geographic area.

(3) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in any unlawful drug-related activity, including, by way of example only, such person acting as a "lookout" or hailing or stopping cars.

(4) Such person is physically identified by the officer as a member of a "gang" or association which has as its purpose illegal drug activity.

(5) Such person transfers small objects or packages in a furtive fashion.

(6) Such person takes flight or manifestly endeavors to conceal himself upon the appearance of a police officer.

(7) Such person manifestly endeavors to conceal any object which reasonably could be involved in any unlawful drug-related activity.

(8) Such person possesses any instrument, article, or thing whose customary or primary purpose is for the sale, administration, or use of controlled substances such as, but not limited to, crack pipes, push wires, chore boys, hand scales, hypodermic needles, razor blades, or other cutting tools.

(9) The area involved is by public repute known to be an area of unlawful drug use and trafficking.

(10) The premises involved are known to the defendant to have been reported to law enforcement as a place of drug activity pursuant to the Illinois Controlled Substances Act (ILCS Ch. 720, Act 570 § 1 et. seq. (1992 III. Bar Ed.)).

(C) If any provision of this chapter is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

(D) No person shall occupy, loiter, or remain in any building, apartment, store, automobile, boat, boat house, airplane, or other place of any description whatsoever where controlled substances, hypodermic syringes, needles, or other implements are sold, dispensed, furnished, given away, stored, or kept illegally, with the intent to unlawfully use or possess such substances, implements or instruments.

(E) Whoever shall violate the provisions of this section shall be fined not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00) for each offense.

(Ord. 1882, passed 11-7-94)

§ 131.13 SOCIAL HOST RESPONSIBILITY

(A) Definitions.

For the purposes of this Section, the following definitions shall apply:

(1) ALCOHOL: Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(2) ALCOHOLIC BEVERAGE: Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

(3) CONVEYANCE: Any vehicle, trailer, watercraft or container operated for the transportation of persons or property.

(4) EVENT or GATHERING: Any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

(5) HOST: To overtly aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

(6) ILLICIT DRUGS: Any drug, substance or compound prohibited by law, as well as drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

(7) PARENT: Any person having legal custody of a juvenile:

(a) As a natural, adoptive, or step parent;

(b) As a legal guardian; or

(c) As a person to whom legal custody has been given by court order.

(8) PERSON: Any individual, partnership, co-partnership, corporation, association of one or more individuals, or other organization or business entity.

(9) PUBLIC PLACE: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, street, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.

(10) REASONABLE STEPS: Reasonable actions taken by a person who is the host of an event or gathering to prevent the consumption of alcohol, alcoholic beverages and illicit drugs at the event or gathering, including, but not limited to, controlling access to alcohol and alcoholic beverages; controlling the quantity of alcohol and alcoholic beverages present; verifying the age of persons in attendance by inspecting drivers' licenses or other government-issued identification cards to ensure underage persons are not consuming alcohol or alcoholic beverages; supervising the activities of underage persons; removing any underage person, in possession of or consuming alcohol, alcoholic beverages or illicit drugs, from the location of the event or gathering; and calling for law enforcement assistance in the event that underage persons are in possession of alcohol, alcoholic beverages or illicit drugs.

(11) RELIGIOUS CEREMONY: The possession, consumption and dispensation of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.

(12) RESIDENCE or PREMISES: Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specified for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

(13) RESPONSE COSTS: The costs associated with response by law enforcement, fire, and other emergency response providers to an event or gathering, including

but not limited to: (a) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, investigating and otherwise dealing with an event or gathering, and the administrative cost attributable to such response(s); (b) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of, or otherwise dealing with an event or gathering; (c) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, leaving the scene of, or otherwise dealing with an event or gathering.

(14) UNDERAGE PERSON: Any individual person under twenty-one (21) years of age.

(B) Prohibited Conduct and Responsibilities of Persons Hosting an Event or Gathering.

(1) Except as permitted by State law, it is unlawful for any person to host an event or gathering at: (a) his or her residence or premises, (b) a public place or any other residence or premises under his or her control, or (c) in any conveyance under his or her control, where illicit drugs, alcohol, or alcoholic beverages are being consumed by an underage person, and the person hosting the event or gathering, has actual or constructive knowledge that an underage person is consuming illicit drugs, alcohol or alcoholic beverages.

(2) A person who hosts an event or gathering does not have to be present at the event or gathering to be liable under this Section.

(3) A person who hosts an event or gathering shall be rebuttably presumed to have actual or constructive knowledge that underage persons have consumed illicit drugs, alcohol, or alcoholic beverages if such person is present at the location of the event or gathering at the time any underage person consumes illicit drugs, alcohol or an alcoholic beverage.

(4) It is the affirmative duty of any person who hosts an event or gathering at his or her residence or premises, a public place or any other residence or premises under his or her control, or in any conveyance under his or her control, to take all reasonable steps to prevent the consumption of illicit drugs, alcohol or alcoholic beverages by any underage person at such event or gathering.

(5) A person who hosts an event or gathering shall be deemed to have actual or constructive knowledge that an underage person has consumed or is consuming

illicit drugs, alcohol or alcoholic beverages at the event or gathering if the person has not taken all reasonable steps to prevent the consumption of illicit drugs, alcohol, or alcoholic beverages by underage persons.

(6) A person who hosts an event or gathering shall not be in violation of this Section if he or she: (a) seeks assistance from the City Police Department or other law enforcement agency to remove any person who refuses to abide by the person's performance of the duties imposed by this Section, or (b) terminates the event or gathering because the person has been unable to prevent underage persons from consuming illicit drugs, alcohol or alcoholic beverages despite having taken all reasonable steps to do so, as long as such request or termination is made before any other person makes a complaint to the City Police Department or other law enforcement agency about the event or gathering.

(7) This Section shall not apply to conduct involving the use of alcohol or alcoholic beverages that occur at a religious ceremony or exclusively between an underage person and his or her parent, as permitted by the City Code and State law.

(8) A person is responsible for and subject to penalties, for violating this Section if the person intentionally aids, advises, hires, counsels, conspires with or otherwise procures another person in hosting an event or gathering where that person has actual or constructive knowledge that underage persons will be consuming alcohol, alcoholic beverages or illicit drugs at such event or gathering.

(C) Penalties.

(1) Responsible for Costs. Any person found to be in violation of this Section shall be responsible for any and all response costs.

(2) Fines. Any person who violates or assists in the violations of any provision of this Section shall be deemed to have committed a petty offense and shall be fined not more than seven hundred fifty dollars ($750.00) for each such violation. Each day on which, or during which, a violation occurs shall constitute a separate offense.

(a) The first violation of this Section shall be punishable by a fine of not less than two hundred fifty dollars ($250.00) nor more than seven hundred fifty dollars ($750.00).

(b) A second violation of this Section by the same person, within a twelve month period shall be punishable by a fine of no less than five hundred dollars ($500.00) nor more than seven hundred fifty dollars ($750.00).

(c) A third or subsequent violation of this Section by the same person, within a twelve month period shall be punishable by a fine of seven hundred fifty dollars ($750.00).

(3) Enforcement. Violations of this Section may be enforced by issuance of a Notice of Violation for the fine and response costs amounts, and/or by issuance of a Notice to Appear.

(Ord. 2990, passed 6-4-12)

§ 131.99 PENALTY

(A) Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not less than seven hundred and fifty dollars ($750.00) for each offense.

(B) Whoever violates any provision of § 131.01 shall be fined not less than fifty dollars ($50.00) and not more than seven hundred and fifty dollars ($750.00) for each offense.

(C) Any person who violates the provisions of this Chapter relating to Disorderly Conduct (Code §131.01), Curfew (Code §131.07), Truancy (Code §131.08), throwing Missiles (Code §131.09), and Loitering (Code 31.10), shall be fined not less than fifty dollars ($50.00) for a first offense, seventy five dollars ($75.00) for a second offense, and one hundred dollars ($100.00) for a third offense, and not more than seven hundred and fifty dollars ($750.00) for all subsequent offenses. Violations of these sections of Chapter 131 may be enforced by issuance of a “Notice of Violation” for the fine amount enumerated herein, or by issuance of a Notice to Appear.

(Ord. 852, passed 1-4-61; Am. Ord. 2767, passed 2-18-08; Am. Ord. 2876, passed 3-1-10)

CHAPTER 132

OFFENSES AGAINST PERSONS

132.01 Assault
132.02 Battery
132.03 Resisting arrest
132.04 Theft
132.05 Vandalism
132.06 Drug paraphernalia
132.07 Sale, purchase, possession, or consumption of tobacco by minors
132.08 Sales to and possession of alcohol by persons under 21 years of age

132.99 Penalty

§ 132.01 ASSAULT

It shall be unlawful for any person to engage in conduct which places another in reasonable apprehension of receiving a battery, without legal authority to do so.

(Ord. 2026, passed 8-5-96)

Penalty, see § 132.99

§ 132.02 BATTERY

It shall be unlawful for a person to intentionally and knowingly, without legal justification, and by any means to:

(1) Cause bodily harm to an individual; or

(2) Make physical contact of an insulting or provoking nature with an individual.

(Ord. 2026, passed 8-5-96)

Penalty, see § 132.99

§ 132.03 RESISTING ARREST

(A) It shall be unlawful for any person to resist arrest or interfere with arrest.

(B) A person commits the offense of resisting arrest or interfering with arrest if, knowing that a law enforcement officer, member of the Police Department, or any person or animal duly empowered with police authority (hereinafter "Officer"), is making an arrest, he does any of the following:

(1) Resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from the officer; or

(2) Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.

(C) This section applies to arrests with or without warrants, for any ordinance violation or violation of state law.

(D) This section applies whether the officer is successfully making an arrest or merely attempting to make an arrest.

(Ord. 2026, passed 8-5-96)
Penalty, see § 132.99

§ 132.04 THEFT

(A) It shall be unlawful for any person to commit theft.

(B) For the purposes of this chapter, a person commits theft when he knowingly:

(1) Obtains or exerts unauthorized control over property of another; or

(2) Obtains by deception control over property of another; or

(3) Obtains by threat control over property of another;

(4) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

(a) Intends to deprive the owner permanently of the use or benefit of the property; or

(b) Knowingly uses, conceals or abandons the property of another in such manner as to deprive the owner permanently of such use or benefit; or

(c) Uses, conceals, or abandons such property knowing such use, concealment or abandonment probably will deprive the owner permanently of the use or benefit of such property.

(C) The following provisions cover theft of lost or mislaid property:

(1) If any person finds property which the finder recognizes as property belonging to an owner known to the finder, and if the finder fails to make a reasonable effort to restore the same to the owner, the finder shall be deemed to be guilty of theft.

(2) Any person who finds a sum of money, or any property with a value, in excess of one hundred dollars ($100.00), and who, with the intent of depriving the owner of possession of the property, fails to take reasonable measures to restore the same to the owner shall be guilty of theft.

(3) The following shall be reasonable measures to restore property to the owner:

(a) Taking the property to the lost and found department of the premises where the property was found. In premises having no lost and found department, the property may be taken to the administrative office, manager's office, cashier or other employee or officer ordinarily available to the public during working hours.

(b) Taking the property to the police department to be held until claimed.

(c) In the case of a lost animal, watching the lost and found ads in at least one (1) newspaper, looking for posters in the neighborhood and placing a lost and found ad in a newspaper of general circulation in the City, describing the animal and the location where the animal may be found.

(4) Unclaimed property. Any property found under this section that is not claimed within ninety (90) days of the time it is turned in to a lost and found department, other officer or employee or to the police department, shall be returned to the person finding the same. This section shall not prevent the owner from later claiming the same, but the finder shall not be guilty of theft for having kept the same in accordance with this section.

(5) No person shall be deemed guilty of theft for failure to take any action set out in subparagraph (d), above, of this section if sufficient time has not elapsed for such person to take such action.

(D) No person acting in good faith under a dispute over title to property or over the right to possession of property shall be deemed guilty of theft under this chapter. No person shall be deemed guilty of theft under this chapter for obtaining possession or control of property of a spouse.

(Ord. 2026, passed 8-5-96)
Penalty, see § 132.99

§ 132.05 VANDALISM

(A) It shall be unlawful for any person to commit vandalism.

(B) For the purpose of this chapter, a person commits vandalism when he:

(1) Willfully or maliciously damages or defaces, within the corporate limits of the city, another person's real or personal property, without the other person's consent, or

(2) Willfully or maliciously enters into, or obtains control over any motor vehicle, bicycle, aircraft or water craft of another person, without the other person's consent.

(Ord. 2026, passed 8-5-96)
Penalty, see § 132.99

§ 132.06 DRUG PARAPHERNALIA

(A) **DRUG PARAPHERNALIA** means all equipment, products, and materials of any kind which are used or intended to be used in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis, a product containing a synthetic alternative drug, an intoxicating compound, or a controlled substance in violation of the Cannabis Control Act (720 ILCS 550/1 et seq.), Section 138.02 of the City of Washington Code (Possession/Use Of Synthetic Alternative Drugs And Intoxicating Compounds Prohibited), the Use of Intoxicating Compounds Act (720 ILCS 690/.01 et seq.), or the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.).

The above definition includes, but is not limited to objects used or intended to be used in ingesting, inhaling, or otherwise introducing cannabis, an intoxicating compound, a synthetic alternative drug, cocaine, hashish, hashish oil, or derivatives of any of said substances, into the human body, including, but not limited to, where applicable, the following items:

(1) Water pipes;

(2) Carburetion tubes and devices;

(3) Smoking and carburetion masks;

(4) Miniature cocaine spoons and cocaine vials;

(5) Carburetor pipes;

(6) Electric pipes;

(7) Air-driven pipes;

(8) Chillums;

(9) Bongs;

(10) Ice pipes or chillers.

(B) It is unlawful for any person to keep for sale, offer for sale, sell or deliver for any commercial consideration any item of drug paraphernalia.

(C) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance.

(1) The City Attorney may commence an action in the Circuit Court, in the name of the City to abate a public nuisance as described in paragraph (C) of this section.

(D) It shall be unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, to use an item of drug paraphernalia in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or to use an item of drug paraphernalia in preparing cannabis or a controlled substance for the purpose of ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body. In determining intent, the trier of fact may take into consideration the proximity of the cannabis or controlled substance to the drug paraphernalia and/or the presence of cannabis or a controlled substance, or residue of the same, on the drug paraphernalia. "Controlled substance" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substances Act" as that act may be amended from time to time.

(Ord. 2026, passed 8-5-96; Am. Ord. 2213, passed 12-6-99; Am. Ord. 2383, passed 5-20-02; Am. Ord. 2975, passed 4-2-12)

Penalty, see § 132.99

§ 132.07 SALE, PURCHASE, POSSESSION, OR CONSUMPTION OF TOBACCO AND SMOKING PRODUCTS BY MINORS

(A) Sale or Delivery of Tobacco or Electronic Cigarette Products to Minors. It shall be unlawful for any person to sell, offer for sale, give away, or deliver any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product to any person under the age of eighteen (18) years. If any person suspects that a minor is attempting to purchase or obtain any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product, such person shall request and examine identification from the purchaser or acquirer and positively establish the purchaser's or acquirer's age as eighteen (18) years or greater before allowing the purchase or delivery of such products to occur.

(B) Purchase of Tobacco or Electronic Cigarette Products by Minors. It shall be unlawful for any person under the age of eighteen (18) years to purchase any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product, or misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

(C) Possession or Consumption of Tobacco or Electronic Cigarette Products by Minors. It shall be unlawful for any person under the age of eighteen (18) years to possess or consume in any manner or form any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product.

(D) Possession of any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product is not an offense if the person under eighteen (18) years of age was in possession of an unopened container or containers of such products while performing his or her specified duties at a lawful place of employment.

(E) The provisions of paragraph (A) and paragraph (C) of this section do not apply to a person under the age of eighteen (18) years who is under the direct and immediate supervision of his or her parent or legal guardian in the privacy and confines of the parent's or legal guardian's residence.

(F) Definitions. For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

(1) "Tobacco Products" means and includes any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

(2) "Electronic Cigarette" is a battery-powered device which simulates tobacco smoking. It uses a heating device that vaporizes a liquid solution. An 'Electronic Cigarette' includes devices known as personal vaporizer or electronic nicotine delivery system.

(3) "Electronic Cigarette Product" is a product designed or intended for use with an electronic cigarette, such as atomizers, cartomizers, batteries, bottles, or vaporizing liquid (e-juice).

(4) "Alternative Nicotine Product" is a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. This does not include tobacco products as that term is defined in this Section or any product approved by the United States Food and Drug Administration as a nontobacco product for sale as a tobacco cessation product, or as a tobacco dependence product, or for other medicinal purposes.

(G) Seizure. A law enforcement officer shall seize any tobacco product, electronic cigarette, electronic cigarette product, or alternative nicotine product or products involved in any violation of this section committed in his or her presence.

(Ord. 2176, passed 3-1-98; Am. Ord. 3137, passed 7-6-15)

§ 132.08 SALES TO AND POSSESSION OF ALCOHOL BY PERSONS UNDER 21 YEARS OF AGE

(A) No liquor licensee, nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person, or to any person known by him or her to be under a legal disability or in need of mental treatment. No person, after purchasing, or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

(2) For the purposes of preventing a violation of this Section, any liquor licensee, or his or her agent, employee, member, or representative, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and the fact that he or she is over the age of 21 years.

(3) Adequate written evidence of age and identity of the person is a 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. Proof that the liquor licensee, or his employee or agent, demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution or ordinance violation prosecution. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

(4) However, no agent or employee of the licensee shall be disciplined or discharged for selling or furnishing liquor to a person under 21 years of age, if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by 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. This subparagraph (4), however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent.

(5) No person shall sell, give, or furnish to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such persons; nor shall any person sell, give, or furnish to any person under the age of 21 years evidence of age and identification of any other person.

(6) No person under the age of 21 years shall present or offer to any licensee, his agent or employee, any written, printed, or photostatic evidence of the age and identify which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure the service of any alcoholic beverage; nor shall any person under the age of 21 years have in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity.

(7) No person under the age of 21 years shall have any alcoholic beverage in his or her possession on any street or highway or in any public place open to the public. This subparagraph (7) does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(B) Except as otherwise provided in this Section, whoever violates any of the provisions of this Section, shall, in addition to any other penalties provided for in this Chapter or as provided by law, be guilty of an ordinance violation.

(Ord. 2327, passed 8-20-01)

§ 132.99 PENALTY

(A) Any person who shall violate the provisions § 132.07(A) shall be punished by a fine of not less than One Hundred Dollars ($100), nor more than Seven Hundred Fifty Dollars ($750). Violations of §132.07(A) may be enforced by issuance of a "Notice of Violation" in the amount of One Hundred Dollars ($100) for a first offense, Two Hundred Dollars ($200) for a second offense, or by issuance of a Notice to Appear.

(B) Any person who violates the provisions of this Chapter relating to Assault (Code §132.01), Battery (Code §132.02), Theft (Code §132.04), Vandalism (Code §132.05), Purchase of Tobacco or Electronic Cigarette Products by Minors (Code §132.07(B)), Possession or Consumption of Tobacco or Electronic Cigarette Products by Minors (Code §132.07(C)), shall be fined not less than fifty dollars ($50.00) for a first offense, seventy five dollars ($75.00) for a second offense, and one hundred dollars ($100.00) for a third offense, and not more than seven hundred and fifty dollars ($750.00) for all subsequent offenses. Violations of these sections of Chapter 132 may be enforced by issuance of a "Notice of Violation" for the fine amount enumerated herein, or by issuance of a Notice to Appear.

(C) Whoever violates the provisions of this Chapter, for which another penalty is not already provided, shall be fined not less than One Hundred Dollars ($100) and not more than Seven Hundred and Fifty Dollars ($750) for each offense.

(Ord. 2026, passed 8-5-96; Am. Ord. 2176, passed 3-1-98; Am. Ord. 2327, passed 8-20-01; Am. Ord. 2769, passed 2-18-08; Am. Ord. 2876, passed 3-1-10; Am. Ord. 3137, passed 7-6-15)

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CHAPTER 133

OFFENSES AGAINST PUBLIC MORALS

133.01 Houses of ill fame
133.02 Transportation for immoral purposes
133.03 Prostitution; conveyance in vehicles
133.04 Public indecency; indecent exposure
133.05 Obscenity
133.06 Dissemination of harmful material to minors
133.99 Penalty

§ 133.01 HOUSES OF ILL FAME

(A) It shall be unlawful for any person to patronize, frequent, be found in, or be an inmate of any house of ill fame or assignation, or place for the practice of prostitution or lewdness.

(B) It shall be unlawful for any person to keep or maintain a house of ill fame or assignation or place for the practice of prostitution. Each day such house or place shall be kept or maintained for such purpose shall be deemed a separate offense.

(C) No person shall lease, or permit any building or premises owned by him or under his control to be used, in whole or in part, as a house of ill fame or house of assignation. No person shall lease any building or premises for a lawful purpose, that may afterwards, with his knowledge, be converted, in whole or in part, into the immoral uses and purposes above set forth in this section. Such person shall be subject to a fine for every forty eight (48) hours after the first conviction that he shall continue to violate this section.

(D) Every house of ill fame or house of assignation where men and women resort for the purpose of fornication or prostitution is declared to be a nuisance.

Penalty, see § 133.99

§ 133.02 TRANSPORTATION FOR IMMORAL PURPOSES

It shall be unlawful for any person to knowingly direct, take, transport, or offer to direct, take, or transport any person for immoral purposes to any other person, or to assist any person by any means to seek or to find any prostitute or other person engaged in immoral practices, or any brothel, bawdyhouse, or any other place of ill fame.

Penalty, see § 133.99

§ 133.03 PROSTITUTION; CONVEYANCE IN VEHICLES

(A) No person shall knowingly receive any person for purposes of lewdness, assignation, or prostitution into or upon any vehicle or other conveyance or permit any person to remain for any of such purpose in or upon any such vehicle or other conveyance.

(B) All prostitutes and solicitors to prostitution, plying their vocation upon the streets, alleys, or public places in the city, are declared to be common nuisances.

Penalty, see § 133.99

§ 133.04 PUBLIC INDECENCY; INDECENT EXPOSURE

(A) A person who knowingly or intentionally, in a public place:

(1) Engages in sexual intercourse;

(2) Engages in deviate sexual conduct;

(3) Appears in a state of nudity; or

(4) Fondles the genitals of himself, herself, or another person commits public indecency.

(B) For purposes of this section, the term **NUDITY** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(Am. Ord. 1965, passed 11-20-95)

Penalty, see § 133.99

§ 133.05 OBSCENITY

(A) Elements of the offense. A person commits the unlawful act of obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

(1) Sells, delivers, or provides, or offers or agrees to sell, deliver, or provide any obscene writing, picture, record, or other representation or embodiment of the obscene;

(2) Presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene;

(3) Publishes, exhibits, or otherwise makes available anything obscene;

(4) Performs an obscene act or otherwise presents an obscene exhibition of his body for gain;

(5) Creates, buys, procures, or possesses obscene matter or material with intent to disseminate it in violation of this section, or of the penal laws or regulations of any other jurisdiction; or

(6) Advertises or otherwise promotes the sales of material represented or held out by him to be obscene, whether or not it is obscene.

(B) Obscene defined. Obscene means that to the average person applying contemporary community standards:

(1) The predominant appeal of the matter taken as a whole, is to prurient interest; for example, a shameful or morbid interest in sexual conduct, nudity, or excretion;

(2) The matter depicts or describes in a patently offensive manner sexual conduct regulated by Ill. Rev. Stat. Ch. 38, § 11-20; and

(3) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(C) Interpretation of evidence.

(1) Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears for the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

(2) Where circumstances or production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter, when taken as whole, lacks serious literary, artistic, political, or scientific value.

(3) In any prosecution for an offense under this section evidence shall be admissible to show:

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

(b) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

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

(d) The degree, if any, of public acceptance of the material in this state;

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

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

(D) Prima facie evidence. The creation, purchase, or procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than three (3) copies of obscene material shall be prima facie evidence of an intent to disseminate.

(E) Affirmative defenses. It shall be an affirmative defense to obscenity that the dissemination:

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

(2) Was to institutions or individuals having scientific or other special justification for possession of such material.

(Ill. Rev. Stat. Ch. 38, § 11-20)

Penalty, see § 133.99

§ 133.06 DISSEMINATION OF HARMFUL MATERIAL TO MINORS

(A) Elements of the offense. A person who, with knowledge that a person is a child, that is a person under eighteen (18) years of age, or fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to or sends or causes to be sent to, or exhibits to, or offers to distribute or exhibit any harmful material to a child, is guilty of a misdemeanor.

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

(1) **DISTRIBUTE**. To transfer possession of, whether with or without consideration.

(2) **HARMFUL MATERIAL**. Material is harmful if, to the average person, applying contemporary standards, its predominant appeal, taken as a whole is to prurient interest, that is a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters, and is material the redeeming social importance of which is substantially less than its prurient appeal.

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

(4) **MATERIALS**. Any writing, picture, record, or other representation or embodiment.

(C) Interpretation of evidence.

(1) The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent, or exhibited, unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

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

(D) Affirmative defenses.

(1) Nothing in this section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under eighteen (18) years of age, provided such circulation is in aid of

a legitimate scientific or educational purpose; and it shall be an affirmative defense in any prosecution for a violation of this section that the act charged was committed in aid of legitimate scientific or educational purposes.

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

(3) Proof that the defendant demanded, was shown, and acted in reliance upon any of the following documents as proof of the age of a child, shall be a defense to any criminal prosecution under this section: A document issued by the federal government or any state, county, or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces.

(4) In the event an advertisement of harmful material as defined in this section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees, or agents, as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication, and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this section that the advertisement contained the following statement, or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under eighteen (18) years of age and that the purchaser falsely stated that he was not under eighteen (18) years of age.

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

(E) Child falsifying age. It shall be unlawful for any person under eighteen (18) years of age who falsely states, either orally or in writing, that he is not under the age of eighteen (18) years, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material.

(Ill. Rev. Stat. Ch. 38, § 11-21)

Penalty, see § 133.99

§ 133.99 PENALTY

(A) Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars ($500.00) for each offense.

(B) Any person who shall violate any of the provisions of § 133.05 shall be guilty of a misdemeanor. Any person who is convicted shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment.

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CHAPTER 134

OFFENSES AGAINST
PUBLIC HEALTH AND SAFETY

134.01 Spitting
134.02 Abandoned refrigerators
134.03 Control of communicable diseases
134.04 Smoke Free Washington
134.99 Penalty

§ 134.01 SPITTING

It shall be unlawful for any person to spit upon any public sidewalk, upon the floor of any public conveyance, or upon the floor of any theater, hall, assembly room, or public building.

Penalty, see § 134.99

§ 134.02 ABANDONED REFRIGERATORS

It shall be unlawful to permit any unused or abandoned refrigerator, icebox, or deep freeze or other freezers to remain in any place accessible to any child, without first removing the doors or breaking the hinges of the door or doors, of any such icebox, refrigerator, or freezer.

Penalty, see § 134.99

§ 134.03 CONTROL OF COMMUNICABLE DISEASES

It shall be the duty of the City Administrator or other designated official to enforce all state laws and all rules and regulations of the State Department of Public Health pertaining to the control of communicable diseases; and to enforce the provisions of this code, other ordinances of the city, and all rules, regulations, and orders of the Public Board of Health pertaining to the control of communicable diseases.

§134.04 SMOKE FREE WASHINGTON

(A) Definitions. 410 ILCS 82/10, as may be amended from time to time, is hereby adopted as §134.04(A) of the City of Washington Code of Ordinances and is incorporated as if fully set forth herein.

(B) Smoking Prohibited.

(1) Smoking in public places, place 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.

(2) Entrances, Exits, Windows and Ventilation Intakes. 410 ILCS 82/70, as may be amended from time to time is hereby adopted as §134.04(B)(2) of the City of Washington Code of Ordinances and is incorporated as if fully set forth herein.

(C) Posting of Signs. 410 ILCS 82/20, as may be amended from time to time, is hereby adopted as §134.04(C) of the City of Washington Code of Ordinances and is incorporated as if fully set forth herein.

(D) Designation of Other Non-Smoking Areas. 410 ILCS 82/30, as may be amended from time to time, is hereby adopted as §134.04(D) of the City of Washington Code of Ordinances and is incorporated as if fully set forth herein.

(E) Exemption. 410 ILCS 82/35, as may be amended from time to time, is hereby adopted as §134.04(E) of the City of Washington Code of Ordinances and is incorporated as if fully set forth herein.

(F) Violations.

(1) A person, corporation, partnership, association, or other entity who violates §134.04(B) of this Ordinance shall be fined pursuant to this Section (F). Each day that a violation occurs is a separate violation.

(2) A person who smokes in an area where smoking is prohibited under §134.04(B) or §134.04(D) shall be fined an amount not less than $100 and nor more than $250.

(3) A person who owns, operates, or otherwise controls a public place or place of employment that violates §134.04(B)(1), or §134.04(B)(2) shall be fined (i) not less than $250 for the first violation during any twelve month period of time, (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.

(4) All violations of §134.04 may be enforced by issuance of a Notice of Violation for the amount enumerated in this Section for a violation thereof, or may be enforced by issuance of a Notice to Appear. If the Notice of Violation is issued to a person who smokes in an area where smoking is prohibited under §134.04(B), the fine shall be $100 for a first offense within twelve (12) months, $150 for a

second offense within one year after the first violations, and $250 for each additional violation within one year after the first violation.

(G) Injunctions. The City may institute, in a circuit court, an action to enjoin violations of this Ordinance.

(Am. Ord. 2771, passed 3-3-08; Am. Ord. 2839, passed 7-6-09)

§ 134.99 PENALTY

Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars ($500.00) for each offense.

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CHAPTER 135

OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION

135.01 Refusal to aid or assist police officer
135.02 Resisting or obstructing peace officer
135.03 Interference with firefighters; destruction of fire apparatus prohibited
135.04 Impersonating city officers, fire personnel
135.05 Obedience to police and fire officials; interfering with police and fire officials
135.99 Penalty

§ 135.01 REFUSAL TO AID OR ASSIST POLICE OFFICER

Any police officer of this city may, at any time, call upon any able-bodied person, above the age of twenty one (21) years, to aid him in arresting or taking into custody any person guilty of having committed any unlawful action or charged therewith, or aid such officer in preventing the commission of any unlawful act. No such person shall refuse or neglect to give such aid or assistance, when so required.

(Ord. 896, passed 8-7-67)
Penalty, see § 135.99

§ 135.02 RESISTING OR OBSTRUCTING PEACE OFFICER

(A) It shall be unlawful for any person, firm, or corporation to be guilty of resisting or obstructing a police officer within the limits of the city or upon any property owned by the city.

(B) A person, firm, or corporation commits the offense of resisting or obstructing a police officer when he knowingly resists or obstructs the performance by one known to the person to be a peace officer of any authorized act within his official capacity.

(Ord. 896, passed 8-7-67; Am. Ord. 1062, passed 7-17-72)
Penalty, see § 135.99

§ 135.03 INTERFERENCE WITH FIREFIGHTERS; DESTRUCTION OF FIRE APPARATUS PROHIBITED

No person shall willfully hinder or resist any city officer or firefighter in the performance of his duty at, going to, or returning from any fire, or while attending to any of their respective duties connected with the Fire Department; or willfully or negligently, in any manner, cut, deface,

destroy, or injure any fire apparatus or any apparatus of the fire alarm system. Such person shall be liable for all damages done to any such property in addition to other penalties provided.

Penalty, see § 135.99

§ 135.04 IMPERSONATING CITY OFFICERS, FIRE PERSONNEL

(A) No person shall falsely represent himself to be an officer of the city, or shall, without being duly authorized by the city, exercise or attempt to exercise any of the duties, functions, or powers of a city officer.

(B) No person, not a member of the Fire Department, shall impersonate a firefighter or officer of the Fire Department.

Penalty, see § 135.99

§ 135.05 OBEDIENCE TO POLICE AND FIRE OFFICIALS; INTERFERING WITH POLICE AND FIRE OFFICIALS

(A) To knowingly prevent, obstruct, harass or endanger, by any means, any police officer, fire official or other public official or employee, or any military personnel, in the lawful performance of his or her duties.

(B) To knowingly or willfully refuse or neglect to obey, without reasonable justification therefore, any lawful order or direction of any police officer, fire official or other public official or employee, or any military personnel.

(Ord. 2542, passed 7-6-04)

§ 135.99 PENALTY

(A) Whoever violate the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars ($500.00) for each offense.

(B) Whoever violates any provisions of § 135.02 shall be fined not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00) for each offense.

(Ord. 1062, passed 7-17-72)

CHAPTER 136

GAMBLING OFFENSES

General Provisions
136.01 Gambling prohibited
136.02 Places kept for gambling
136.03 Possession of gambling devices
136.04 Gambling houses; patronizing or visiting
136.05 Gambling in streets
136.06 Seizure of gambling devices; obstruction or resistance
136.07 Lottery tickets and chances
136.08 Policy games
136.09 Tape or slot machines
136.10 Exemptions

Betting
136.20 Betting upon horse races
136.21 Keeping, occupying premises for taking or recording, bets
136.22 Inducing persons to bet
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Licensed Video Gaming
136.50 Licensed Video Gaming

136.99 Penalty

GENERAL PROVISIONS

§ 136.01 GAMBLING PROHIBITED

(A) Each and every sale or purchase, wherein any part of the articles or things received, or to be received, either as to quantity or value, shall in any manner depend upon any chance or hazard, whether by means of checks, cards, envelopes, numbers, dice, or by any means whatsoever, is declared to be gaming within the meaning of the provisions of this chapter, and as such shall be unlawful.

(B) No person shall deal, play, or engage in faro, roulette, or gambling for money or any other valuable thing, or any other device or game, or chance, hazard, or skill, either as bookmaker, dealer, keeper, player, or otherwise, for the purpose of gaming or gambling for money or other valuable thing.

Penalty, see § 136.99

§ 136.02 PLACES KEPT FOR GAMBLING

(A) Every house, room, yard, boat, vessel, or other structure or premises kept or used for the purpose of permitting persons to gamble for any valuable thing is declared to be a common nuisance.

(B) No person shall own, keep, maintain, manage, or conduct or shall be interested in owning, keeping, maintaining, managing, or conducting any such place.

Penalty, see § 136.99

§ 136.03 POSSESSION OF GAMBLING DEVICES

No person shall bring into the city or have in his possession, for the purpose of gaming or gambling for money or other valuable thing, any table or other device of any kind or character whatsoever, whereon or with which money or any other valuable thing may in any manner be played or gambled for.

Penalty, see § 136.99

§ 136.04 GAMBLING HOUSES; PATRONIZING OR VISITING

No person shall patronize, visit, frequent, or be connected with the management or operation, nor act as the doorkeeper, solicitor, runner, agent, abettor or pimp of any house, room, yard, boat, vessel or other structure, place, or premises kept within the city for the purpose of permitting persons to game or gamble for any valuable thing.

Penalty, see. § 136.99

§ 136.05 GAMBLING IN STREETS

No person shall expose any table, wheel, or device of any kind whatsoever intended, calculated, or designed to be used for gaming or gambling or for playing any game of chance or hazard in, upon, or along any of the streets or other public places of the city.

Penalty, see § 136.99

§ 136.06 SEIZURE OF GAMBLING DEVICES; OBSTRUCTION OR RESISTANCE

(A) It is made the duty of every member of the Police Department to seize any table, wheel, instrument, device, or thing used for the purpose of gaming or gambling for money or other valuable thing; all such tables, instruments, devices, or things when seized shall be destroyed.

(B) No person shall obstruct or resist any member of the Police Department in the performance of any act authorized in this section.

Penalty, see § 136.99

§ 136.07 LOTTERY TICKETS AND CHANCES

No person shall keep an office, room, or place for the sale or other disposition of lottery tickets; nor shall any person in the city vend, sell, or otherwise dispose of any lottery tickets; nor shall any person in the city sell or dispose of, in any manner whatsoever, any tickets, figures, numbers, or characters for any prize-gift, present, gift-distribution, chance, or for anything of like name or nature, where money or other property is directly or indirectly pledged, paid, or to be pledged or where numbers, figures, characters, gifts, prizes, presents, or donations are to be drawn, disposed of, or received by any person in any manner whatsoever.

Penalty, see § 136.99

§ 136.08 POLICY GAMES

(A) No person shall keep, occupy, or use, or permit to be kept, occupied, or used, a place, building, room, establishment, table, or apparatus for policy playing or for the purchase, sale, exchange, or redemption of what are commonly called policy tickets.

(B) No person shall deliver or receive money or other valuable consideration in playing policy or in aiding in the playing thereof, or for policy tickets, or for any writing, paper, or document in the nature of a bet, wager, or insurance upon the drawing or drawn numbers of any policy game, whether such drawing be real or imaginary.

(C) No person, except a public officer, shall have in his possession, custody, or control, any writing, paper, or document representing or being a record of any chance, share, or interest in numbers sold, drawn, or to be drawn, in what is commonly called policy, or in the nature of a bet, wager, or insurance upon the drawing or drawn numbers of any public or private policy game, whether such drawing be real or imaginary.

(D) No person, other than a public officer, shall have in his possession, custody, or control any paper, print, writing, numbers, device, policy slip, policy sheet, or article of any kind such as is commonly used in carrying on, promoting, or playing the game commonly called policy.

(E) No person shall sell, offer for sale, vend, barter, exchange, give away, deal in, or in any way dispose of or redeem any ticket, order, slip, or device of any kind for or representing any number of shares or any interest in any policy or scheme of chance of any kind or description by whatsoever name, style, or title the same may be denominated or known, and whether located or to be drawn, paid, or carried on within or without the limits of the city, or whether this purported drawing be real or imaginary.

(F) No person shall either publicly or privately, as owner or agent, establish, open, set on foot, carry on, promote, make, draw, or act as backer or vendor for or on account of any policy or scheme or chance of any kind or description, by whatsoever name, style, or title

the same may be denominated or known, whether located or to be drawn, paid, or carried on within or without the limits of the city, and whether such drawings be real or imaginary; and no person shall be in any way concerned in any such policy or scheme of chance as aforesaid.

(G) No person who is the owner, lessor, lessee, agent, superintendent, janitor, or caretaker of any place, building, or room shall permit policy playing or the barter, sale, exchange, or redemption of what are commonly called policy tickets or slips, or the sale of any chances in alleged drawings in policies to be carried on in such place, building, or room, whether such drawings be real or imaginary.

(H) No person shall patronize, frequent, or be found in any place, building, room, or establishment kept, occupied, or used for policy playing for policy or lottery drawings, or for the sale of what are commonly called policy tickets or slips, or in which are kept any papers, prints, writings, numbers, devices, policy slips, policy tickets, policy sheets, or articles of any kind, such as is commonly used in carrying on, promoting or playing the game or scheme commonly called policy.

(I) No person shall write, print, publish, circulate, or distribute in any way on account of any policy or scheme of chance of any kind or description by whatsoever name, style, or title the same may be denominated or known; and no person shall write, print, publish, circulate, or distribute any book, pamphlet, circular, or sheet of paper whatsoever containing or purporting to contain information concerning any policy or scheme of chance, or where the same is to be or has been drawn, or the prices therein on any of them, or the price of a ticket, or where any such ticket may be or has been obtained, or in any way give publicly to any such policy or scheme of chance, whether the drawings therein referred to be real or imaginary.

(J) No person shall aid, assist, or abet in any manner, or be a party to any of the offenses, acts or matters specified in this section.

Penalty, see § 136.99

§ 136.09 TAPE OR SLOT MACHINES

No person shall keep, own, operate, use, or cause to be kept, operated, or used, in any room, inn, tavern, shed, booth, building, enclosure, or upon any premises, or any part thereof, any clock, joker, tape, or slot machine or other device of any kind or nature whatsoever upon, in, or by, or through which money is staked or hazarded or into which money is staked or hazarded or into which money is paid or played upon chance, or upon the result of the action of such clock, joker, tape, or slot machine or other device, money or other valuable thing is staked, bet, hazarded, won, or lost. Each and every day on which any person shall operate, keep, own or have in his

charge, possession, or control any such clock, joker, tape, or slot machine or other device in violation of the provisions of this section shall be deemed a separate and distinct offense.

Penalty, see § 136.99

§ 136.10 EXEMPTIONS

Nothing in this chapter shall be construed to prohibit participation in any lottery sponsored by this state or another state or any political subdivision thereof, or in any bingo game licensed by the state.

BETTING

§ 136.20 BETTING UPON HORSE RACES

All betting, wagering, speculating, pool-selling, or bookmaking upon any horse race, or the result thereof, and all gambling and every game of any chance of any nature whatsoever, within or upon any and all race tracks and race courses, or in any building within any race track or race course within the city is prohibited.

Penalty, see § 136.99

§ 136.21 KEEPING, OCCUPYING PREMISES FOR TAKING OR RECORDING, BETS

(A) Any person who keeps, occupies, or controls any room, shed, tenement, tent, booth, building, or other structure, or any part thereof, or who occupies any place anywhere within the city, with any book, instrument, or device for the purpose of taking, recording, or registering bets or wagers or of selling pools; or any person who takes, records, or registers bets or wagers or sells pools upon the result or alleged result of any actual, supposed, alleged, or fictitious trial or test of skill, speed, or power of endurance of man or beast, or upon the result or alleged result of any actual, supposed, alleged, or fictitious political nomination, appointment, or election; or who, being the owner, lessee, or occupant of any room, shed, tenement, tent, booth, or building or other structure, or part thereof, knowingly permits the same to be used or occupied for any purpose, or therein keeps, exhibits, or employs any device or apparatus for the purpose of taking, recording, or registering such bets or wagers or selling such pools, or becomes the custodian or depository for hire or reward of any money, property or things of value, staked, wagered, or pledged upon any such result or alleged result, shall be fined as provided in § 10.99.

(B) In prosecutions under this section, proof of the taking, recording, or registering of such bet or wager, pool-selling, as is herein prohibited, shall be prima facie evidence of the violation of this section, and proof shall not be required that there was any actual,

supposed, alleged, or fictitious trial or test of skill, speed, or power of endurance of man or beast, or that there was any actual, supposed, alleged, or fictitious political nomination, appointment, or election, to which such bet, wager, or pool-selling may appertain.

Penalty, see § 136.99

§ 136.22 INDUCING PERSONS TO BET

No person shall perform or play any tricks of sleight-of-hand or anything of like nature with cards, dice, balls, thimbles, figures, numbers or characters, or with any dishonest or fraudulent instrument, apparatus, or thing, where persons are induced to bet, loan, deposit, or stake money or other property upon the result of such tricks, or the turning or placing of any such instrument or apparatus, or of any figure, letter, number, or character attached to, or played upon any instrument or apparatus.

Penalty, see § 136.99

§ 136.23 ADVERTISING OF BETS PROHIBITED

(A) No person shall insert or cause to be inserted, or print or publish or cause to be printed or published in any newspaper or other publication printed, published, or circulated in the city, any notice, advertisement, or mention giving or purporting to give information of where or with whom bets or wagers may be made or placed, or where or by whom pools are sold, upon the result of any trial or test of skill, speed, or power of endurance of man or beast, or upon the result of any political nomination, appointment, or election.

(B) No person shall display or exhibit or distribute or cause to be distributed any circular, blank, handbill, pamphlet, or other thing containing any notice, advertisement, or mention giving or purporting to give information where or with whom pools are sold upon the result of any trial or test of skill, speed, or power of endurance of man or beast, or upon the result of any political nomination, appointment, or election.

Penalty, see § 136.99

LICENSED VIDEO GAMING

§ 136.50 LICENSED VIDEO GAMING

(A) Licensed Video Gaming Exemption. The prohibitions of this Chapter 136 and any other chapter or section of the City Code that may reference or govern gambling or gaming shall not apply to any video gaming terminal that has a valid video gaming terminal permit sticker and is being operated by a licensed establishment that has a valid City video gaming establishment license and is in full compliance with § 136.50.

(B) Definitions.

(1) "Licensed establishment": any establishment that is both licensed to sell liquor at retail in the City under a Class A or E license pursuant to Chapter 112 of the City Code and licensed by the Illinois Gaming Board to operate a video gaming terminal on its premises.

(2) "Video gaming terminal": any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(C) Video Gaming Establishment License. In order for a licensed establishment to operate a video gaming terminal, the licensed establishment is required to obtain an annual video gaming establishment license from the City by submitting a written application, on a form provided by the City, to the Mayor or the party designated by him/her. The burden is upon each applying licensed establishment to demonstrate its suitability for licensure. All video gaming establishment licenses issued by the City shall expire April 30, next, after date of issue, with an annual license fee of five hundred dollars ($500.00) payable in full at the time the application is filed with the City. For holders of a Class E liquor license the annual license fee will be reduced by 50%. A license shall be purely a personal privilege, good for a time period not to exceed one (1) year after issuance, unless sooner revoked as provided by law, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered.

(D) Video Gaming Terminal Permit Sticker. In order for a video gaming terminal to be operated at a licensed establishment, the licensed establishment is required to obtain an annual video gaming terminal permit sticker from the City for each video gaming terminal located on its premises by submitting a written application, on a form provided by the City, to the Mayor or the party designated by him/her. Each video gaming terminal permit sticker issued by the City shall expire April 30, next, after date of issue, with an annual fee of twenty-five dollars ($25.00) per video gaming terminal payable in full at the time the application is filed with the City.

(E) Regulations Governing Licensed Establishments Operating Video Gaming Terminals. The following regulations apply to all licensed establishments operating a video gaming terminal on its premises with a valid gaming establishment license and valid video gaming terminal permit stickers for each of its video gaming terminals:

(1) A valid City video gaming establishment license must be clearly displayed at all times.

(2) A valid City video gaming terminal permit sticker shall be clearly displayed at all times on each video gaming terminal.

(3) No more than five (5) video gaming terminals may be located on the licensed establishment's premises.

(4) Other than having up to five (5) video gaming terminals with valid video gaming terminal permit stickers, a licensed establishment is prohibited from having, anywhere on its premises, an electronic video gaming machine that may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots, or any other card or dice game or other game of chance, or that is otherwise akin to a gambling or gaming device under Chapter 136 of the City Code, even if solely for amusement purposes.

(5) All video gaming terminals must be located in an area restricted to persons twenty-one (21) years of age or older. The entrance to such area must, at all times, be within the view of at least one (1) employee who is at least twenty-one (21) years of age.

(6) No licensed establishment may cause or permit any person under the age of twenty-one (21) years to use, play or operate a video gaming terminal.

(7) No video gaming terminal may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment pursuant to Chapter 112 of the City Code.

(8) The licensed establishment must fully comply with the Illinois Video Gaming Act (230 ILCS 40/1, et seq.) and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

(9) The licensed establishment must fully comply with Chapter 112 of the City Code and all other provisions of the City Code as well as federal and Illinois law and regulations.

(F) Inspection of Premises. Every licensed establishment where a video gaming terminal is kept shall be subject to inspection by the Chief of Police or his/her authorized agents, at any time, to ensure compliance with the City Code. This includes licensed establishments applying for a video gaming establishment license and/or video gaming terminal permit

sticker. It shall be unlawful for any person to hinder, resist, oppose or attempt to hinder, resist or oppose the Chief of Police or his/her respective agents in the course of an inspection.

(G) Revocation/Suspension of License and Permit Sticker. The City's Public Safety Committee may revoke or suspend any video gaming establishment license and any video gaming terminal permit sticker issued by the City if it determines that the licensed establishment has violated any of the provisions of this Chapter 136. No license shall be so revoked or suspended, except after a public hearing before the Public Safety Committee, with a three (3) day written notice to the licensed establishment affording the licensed establishment an opportunity to appear and defend. Notwithstanding the foregoing, any licensed establishment that has its liquor license revoked or suspended by the City under § 112.31 of the City Code or by the Illinois State Liquor Commission, or has its video gaming license revoked or suspended by the Illinois Gaming Board, shall automatically, without a hearing before the Public Safety Committee, have its City video gaming establishment license and all City video gaming terminal permit stickers revoked or suspended for the same time frame as its liquor and/or Illinois Gaming Board gaming license is suspended, whichever the case may be.

(H) Seizure of Unlawful Video Gaming Terminals. Every video gaming terminal that does not have a valid video gaming terminal permit sticker or is otherwise unlawful shall be considered a gambling device subject to seizure under § 136.06, and shall be turned over to the Illinois Gaming Board, in accordance with Board regulations and applicable law, unless otherwise ordered by a court of competent jurisdiction.

(I) Monetary Penalty. Whoever violates any provision of § 136.50 shall be punished by a fine of not less than Five Hundred Dollars ($500.00) for a first offense in any twelve (12) month period, and a fine of not less than Seven Hundred Fifty Dollars ($750.00) for a second offense and each subsequent offense in a twelve (12) month period. This penalty may be enforced by issuance of a "Notice of Violation" for the fine amount, or by issuance of a "Notice to Appear." Each day any violation continues shall constitute a separate offense. This monetary penalty shall be in addition to any and all other remedies which may be available to the City under Chapter 136 or any other provision of the City Code, or federal or Illinois law.

(Ord. 2995, passed 7-2-12, Am. Ord. 3020, passed 2-18-13)

§ 136.99 PENALTY

Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars ($500.00) for each offense.

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CHAPTER 137

WEAPONS

137.01 Discharging weapons in city limits
137.02 Carrying concealed weapons; arrests and detention of persons
137.03 Selling weapons to minors prohibited
137.04 Slingshots or metallic knuckles
137.05 Exceptions
137.99 Penalty

§ 137.01 DISCHARGING WEAPONS IN CITY LIMITS

(A) No person shall fire or discharge any gun, pistol, or other firearm within the city, except on premises used by a duly licensed shooting gallery, gun club, or rifle club.

(B) No person shall be permitted to fire or discharge upon any public way within the city any air gun, spring gun, or other similar device which is calculated or intended to propel or project a bullet, arrow, or similar projectile; however, nothing in this chapter shall prevent the use of such weapons in shooting galleries or in any private grounds or residence, where the projectile fired or discharged from any such gun or device will not traverse any space used as a public way.

Penalty, see § 137.99

§ 137.02 CARRYING CONCEALED WEAPONS; ARRESTS AND DETENTION OF PERSONS

(A) No person within the city shall carry or wear under his clothes or concealed about his person, any pistol, revolver, derringer, Bowie knife, dirk, knife, razor, dagger, slingshot, metallic knuckles, or other dangerous or deadly weapons of a like character.

(B) Any police officer of the city may, within the limits of the city, without warrant, arrest any person whom the police officer may find in the act of carrying or wearing under his clothes or concealed about his person, any deadly weapon of the character specified in this chapter, or any other dangerous or deadly weapon. Such a violator may be detained in custody until a summons or warrant can be procured or complaint made, under oath or affirmation for the trial of such person and for the seizure and confiscation of the weapons as the person may be found in the act of carrying or wearing under his clothes or concealed about his person.

Penalty, see § 137.99

§ 137.03 SELLING WEAPONS TO MINORS PROHIBITED

No person shall sell, give, loan, hire, barter, or furnish, to any person under the age of eighteen (18), within the city, any gun, pistol, revolver, fowling-piece, or toy firearm, in which any explosive substance can be used, or any Bowie knife, dirk, dagger, or other deadly weapon of a like character.

Penalty, see § 137.99

§ 137.04 SLINGSHOTS OR METALLIC KNUCKLES

No person shall have in his possession within the city any slingshot, metallic knuckles, or other deadly weapons of like character.

Penalty, see § 137.99

§ 137.05 EXCEPTIONS

The provisions of § 137.01 and 137.02(A) of this chapter shall not apply to sheriffs, coroners, constables, members of the Police Department, members of the Armed Forces under lawful orders, or other peace officers engaged in the discharge of their official duties, or to any person summoned by any such officers to assist in making arrests or preserving the peace, while such person so summoned is engaged in assisting an officer.

§ 137.99 PENALTY

Whoever violates the provisions of this chapter, for which another penalty is not already provided, shall be fined not more than five hundred dollars ($500.00) for each offense.

CHAPTER 138

DRUG CONTROL

138.01 Cannabis control
138.02 Possession/use of synthetic alternative drugs and intoxicating compounds prohibited
138.99 Penalty

§ 138.01 CANNABIS CONTROL

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

(1) **CANNABIS**. 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, or cake, or the sterilized seed of such plant which is incapable of germination.

(2) **PERSON**. Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(B) It is unlawful for any person to knowingly possess a substance containing up to thirty (30) grams of cannabis.

§ 138.02 POSSESSION/USE OF SYNTHETIC ALTERNATIVE DRUGS AND INTOXICATING COMPOUNDS PROHIBITED

(A) **Definitions:** For purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a 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 in Paragraph E.

(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 salts of isomers) containing a cannabinoid receptor agonist, such as, but not limited to, the examples of brand names or identifiers listed in Paragraph E.

(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, but not limited to, the examples of brand names or identifiers listed in Paragraph E.

*(*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, but not limited to, the examples of brand names or identifiers listed in Paragraph E.

(5) *Tobacco accessories* means cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items, designed primarily for the smoking or ingestion of tobacco products, smoking herbs, or of substances made illegal under any law or regulation or of substances whose sale, gift, barter, or exchange is unlawful.

(6) *Smoking herbs* means all substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold for use as smoking materials.

(7) *Intoxicating compound* means any compound, liquid or chemical, excluding

alcoholic liquor, intended for use to induce an intoxicated condition as defined in 720 ILCS 690/1.

(B) **Sale or Delivery.**

(1) It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

(2) No person shall knowingly sell or offer for sale, deliver, or give to any person any compound, liquid, or chemical when the seller, offerer, or deliverer knows or has reason to know that the compound, liquid, or chemical is intended to be an intoxicating compound. This paragraph shall not apply to any person who commits any act described herein pursuant to the direction or prescription of a practitioner authorized to so direct or prescribe. For purposes of this paragraph, “practitioner” shall mean any person authorized by law to practice medicine in all its branches in this State, to practice dentistry in this State, to practice veterinary medicine in this State, or to practice chiropody in this State.

(3) Sale to minors. No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered, or given away tobacco accessories or smoking herbs to any person under 18 years of age.

(4) Sale of tobacco accessories and smoking herbs. No person shall knowingly offer, sell, barter, exchange, deliver or give away tobacco accessories or cause, permit, or procure tobacco accessories or smoking herbs to be sold, offered, bartered, exchanged, delivered, or given away except from premises or an establishment where other tobacco products are regularly sold. For purposes of this Section, "tobacco products" means cigarettes, cigars, or smoking tobacco in any of its forms.

(5) For purposes of this Section, "cigarette paper" shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act or the Cigarette Use Tax Act.

(6) Warning to minors. Any person, firm, partnership, company or corporation operating a place of business where tobacco accessories or smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign upon which there shall be imprinted the following statement, "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be printed on a

white card in red letters at least one-half inch in height.

(C) **Possession.**

It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

(D) **Use.**

It shall be unlawful for any person to inject, ingest, inhale or otherwise introduce into the human body, or be under the influence of, a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, or an intoxicating compound.

(E) **Examples of Brand Names/Identifiers Containing Synthetic Alternative Drugs.**

Below are examples of brand names or identifiers containing synthetic alternative drugs.

2010
Voodoo Remix
8-Bali
Aztec Gold
Aztec Midnight
Wind
Bad 2 the Bone
Barely Legal
Bayou Blaster
Black Diamond
Black Magic Max
Black Magic Salvia
Black Mamba
Blueberry EX-SES
Blueberry Hayze
Bombay Blue Buzz
C3
C4 Herbal Incense
Caneff
Cherry Bomb
Chill Out
Chill X
Chronic
Chronic Salvia
Chronic Spice
Cinnamon Forest
Humus
Citrus
Colorado Chronic
DaBlock
Dark Night II
Demon
Diamond Spirit
Dragon Spice
D-Rail
Dream
Earthquake
Eruption
EX_SES Platinum
Fire Bird Ultimate
Strength
Freedom
Fully Loaded
Funky Monkey
Funky Monkey
XXXX
G Four
Gold Spirit Spice
Green Monkey
Greenies Strawberry
Heaven Improved
Heavenscent
Humboldt Gold
IC2 Mellon
Jamaican Gold
K Royal
K1 Orbit
K2
K2 Amazonian Shelter
K2 Blonde
K2 Blue
K2 Blueberry
K2 Citron
K2 Cloud 9
K2 Kryptonite
K2 Latte
K2 Mint
K2 Orisha
K2 Orisha Max

K2 Orisha Regular
K2 Orisha Super
K2 Peach
K2 Pina Colada
K2 Pineapple
K2 Pineapple Express
K2 Pink
K2 Pink Panties
K2 Sex
K2 Sex on the Mountain
K2 Standard
K2 Summit
K2 Thai Dream
K2 Watermelon
K2 Silver
K2 Solid Sex
K2 Strawberry
K2 Summit
K2 Ultra
K3
K3 Cosmic Blend
K3 Grape
K3 Heaven Legal
K3 Legal
K3 Legal- Earth (silver)
K3 Legal- Sea (silver)
K3 Legal- Sun (Black)
K3 Mango
K3 Original
K3 Original Improved
K3 Strawberry
K3 Sun
K3 Sun Improved
K3 Sun Legal
K3 XXX
K3 Blueberry
K3 Dusk
K3 Heaven Improved
K3 Kryptonite
K3 Legal - Original (Black)
K4 Gold
K4 Purple Haze
K4 Silver
K4 Summit Remix
K4 Bubble Bubble
K4 Summit
Kind Spice
Kl Gravity
Kl Orbit
Platinum Cherry
Platinum Vanilla
Spice
Spice Euphoria
Strawberry EX-SES
Suave
SYN Vanilla
SYN Vanilla #2
Texas Gold
Time Warp
Tribal Warrior
Ultra Cloud 10
Utopia
Utopia-Blue Berry
Voo Doo Remix
Voodoo Child
Voodoo Magic
White Magic Super
Who Dat
Wicked X
Winter Boost
Wood Stock
XTREME Spice
Yucatan Fire
Zombie World

(Ord. 1245, passed 10-16-78; Am. Ord. 1391, passed 11-7-83;
Am. Ord. 1691, passed 9-16-91; Am. Ord. 2975, passed 4-2-12)
Penalty, see § 138.99

§ 138.99 PENALTY

(A) Any person who shall knowingly violate, or shall knowingly cause the violation of any provision of this Chapter shall be fined an amount as follows:

(1) For a first offense, not less than $100 and not more than $500.

(2) For a second offense within a 2-year period, not less than $250 and not more than $500.

(3) For a third or subsequent offense within a 2-year period, not less than $500 and not more than $1,000.

(B) Each violation of this Chapter, or every day a violation continues to exist, shall constitute a new and separate violation.

(C) In addition to the above, any person, firm, partnership, company or corporation operating a place of business where tobacco accessories, a product containing a synthetic alternative drug or smoking herbs are sold or offered for sale shall be liable for violations of this Chapter on a strict liability basis.

(D) Violations of sections of Chapter 138.02 may be enforced by issuance of a "Notice of Violation" for the fine amount enumerated in § 138.99 A., or by issuance of a Notice to Appear.

(Ord. 1245, passed 10-16-78; Am. Ord. 1391, passed 11-7-83; Am. Ord. 2975, passed 4-2-12)

[The next page is 801.]

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TITLE XV

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CHAPTER 150

BUILDINGS

Dangerous Buildings
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DANGEROUS BUILDINGS

§ 150.01 DEFINITIONS

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

DANGEROUS BUILDING. As used in this section is defined to mean and include:

(1) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its construction or condition or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures;

(2) Any building, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair, or other cause, is especially liable to fire, or creates a fire hazard;

(3) Any building, shed, fence, or other man-made structure which, by reason of faulty construction, age, lack of proper repair or other cause, is especially liable to cause injury or damage by collapsing or by a collapse or a fall of any part of such a structure; or

(4) Any building, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

§ 150.02 DEMOLITION OR REPAIR; LIEN

(A) The city may demolish, repair, or cause the demolition or repair of dangerous or unsafe buildings or uncompleted or abandoned buildings within the city limits. No building may be boarded up or otherwise enclosed. The City Council shall direct the City Attorney to apply to the county circuit court for an order authorizing such action to be taken with respect to any building if the owner thereof, including the lien holders of record, after at least fifteen (15) days written notice by mail to do so, have failed to put such building in a safe condition to demolish it. It is not a defense to such cause of action that the building is boarded up or otherwise enclosed nor may the court order such a building boarded up or otherwise enclosed.

(B) Where, upon diligent search, the identity or whereabouts of the owner of any such building including the lien holders of record is not ascertainable, notice mailed to the person in whose name such real estate was last assessed is sufficient notice under this section.

(C) The cost of such demolition or repair incurred by the city is recoverable from the owner of such real estate and is a lien thereon, which lien is superior to all prior existing liens and encumbrances, except taxes; provided that, within sixty (60) days after such repair or demolition, the city shall file notice of lien of such cost and expense incurred in the office of the County Recorder of Deeds. The notice must consist of a sworn statement setting out a description of the real estate sufficient for identification thereof; the amount of money representing the cost and expense incurred; and the date or dates when the cost and expense was incurred. Upon payment of the cost and expense by the owner of or persons interested in the property after notice of lien has been filed, the lien shall be released and the release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics' liens. Suit to foreclose this lien must be commenced within three (3) years after the date of filing notice of lien.

§ 150.03 BUILDINGS DAMAGED BY FIRE OR DECAY WITHIN CITY FIRE LIMITS

(A) Any building or structure within the fire limits of the city as hereinbefore prescribed by ordinance which has or may be damaged by fire, decay, or other cause to the extent of fifty percent (50%) of its value, shall be torn down and removed.

(B) Upon written notice by the Building Inspector, Health Commissioner, Fire Marshal, or any other city employee filed with the City Clerk, the Clerk shall notify the Mayor of the receipt of such notice. The Mayor shall then appoint three (3) persons to determine whether or not such building or structure has been damaged to the extent of fifty percent (50%) of its value. A copy of the notice filed by the city officer, together with a notice of the appointment of this board of three (3) persons to determine the damage, shall be

served upon the owner of the premises by personal service or by registered mail to his last known address.

(C) Such notice may be in substantially the following form:

"To _____

You are hereby notified that _____ has determined that the building owned by you at _____, located within the fire limits of the city has been damaged by fire, decay or otherwise to the extent of fifty percent (50%) of its value; and that a board of three (3) members has been appointed to verify this finding, which board will hold its first meeting in the City Hall on the _____ day of _____, 20__ , at the hour of _____ o'clock __M, at which time it will determine whether this finding is correct. If this finding is verified by the board, you must tear down and remove the said building."

(D) If such board of three (3) members determines that the building in question has been damaged to the extent of fifty percent (50%) of its value, it shall be the duty of the owner to tear down or remove such building within twenty (20) days after the finding of the board; it shall be unlawful to occupy or permit such building to be occupied after such finding.

Penalty, see § 10.99

§ 150.04 COPY OF NOTICE TO BE POSTED ON PREMISES IF OWNER UNKNOWN

If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this subchapter, may be made by posting a copy thereof on the premises and by publishing within the municipality.

§ 150.05 ALTERNATIVE ACTION

In addition to the actions authorized by other sections of this sub-chapter, the Fire Marshal, Chief of the Fire Department, or any other municipal official whose duty it is investigate fires, may make the investigations authorized by the statute found in Ill. Rev. Stat. Ch. 127 ½, § 9. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair, or for any other cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice may be in person or by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law.

§ 150.06 OTHER ABATEMENT REMEDIES

The remedies and procedures enumerated and contained in this sub-chapter shall be in addition to and supplemental to the general nuisance abatement remedies and procedures as provided for in § 96.04.

§ 150.07 VIOLATION OF PROVISIONS PROHIBITED

No person, firm, or corporation shall violate any provision of this subchapter; nor shall any person, firm, or corporation permit any dangerous building, or any building or structure to remain in a dangerous condition, or to remain in the fire limits after it has been damaged to the extent of fifty percent (50%) of its value.

Penalty, see § 10.99

CHAPTER 151

HOUSING

151.01 Reserved
151.02 Sleeping in unhealthy places
151.03 Lodging house or boardinghouse; duty of owner
151.04 Renters to disclose names of owners of premises
151.05 Intent and purpose
151.06 Minimum sanitary and safety standards
151.07 Enforcement
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§ 151.01 RESERVED

The roof of every house shall be kept in good repair and so as not to leak; and all rain water shall be so drained or conveyed therefrom as to prevent its dripping on the ground or causing dampness in the walls, yard, or area.

Penalty, see § 10.99

§ 151.02 SLEEPING IN UNHEALTHY PLACES

No person having the right and power to prevent the same shall knowingly cause or permit any person to sleep or remain in any place dangerous or prejudicial to health by reason of a want of ventilation or drainage, or by reason of the presence of any poisonous, noxious, or offensive substance, or otherwise.

Penalty, see § 10.99

§ 151.03 LODGING HOUSE OR BOARDINGHOUSE; DUTY OF OWNER

Every owner, lessee, tenant, or manager of any tenement house, lodging house, or boardinghouse shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept, in a clean and wholesome condition, and shall speedily cause every apartment thereof in which any person may sleep or dwell to be adequately lighted and ventilated.

Penalty, see § 10.99

§ 151.04 RENTERS TO DISCLOSE NAMES OF OWNERS OF PREMISES

Every agent or other person having charge, control, or management, or who collects or receives the rents on any lands, premises, or other property in the city, shall disclose the names of the owners of such land, premises, or property, or the names of the persons for whom such agent or

other person is acting, upon application being made therefor by an inspector, agent, or officer of the Board of Health.

Penalty, see § 10.99

§ 151.05 INTENT AND PURPOSE

Because there exist in the City buildings and structures which are substandard in one (1) or more important minimum sanitary and safety features; and because such conditions adversely affect public health and safety, lead to the continuation, extension and aggravation of blight and deterioration of neighborhoods; and because it is important to preserve the quality and value of the City's buildings and structures, the following sections are adopted to provide for the establishment and enforcement of minimum sanitary and safety standards, to promote the adequate protection of the public health, safety and welfare, and to protect and promote property values within the City.

(Ord. 2201, passed 9-20-99)

§ 151.06 MINIMUM SANITARY AND SAFETY STANDARDS

The owner of any building or structure, as those terms are defined in the City of Washington Zoning Code, within the City of Washington shall cause each building or structure owned to comply with the following sanitary and safety standards.

(A) Every foundation, roof, exterior wall, skylight, hatchway, window, door, outside stair, porch and every appurtenance thereto shall be weather-tight, water-tight, and rodent proof;

(B) Every foundation, roof, exterior wall, skylight, hatchway, window, door, outside stair, porch and every appurtenance thereto shall be kept free of loose, missing or rotting boards, timbers, bricks, stone and other structural material; and

(C) Every foundation, roof, exterior wall, floor, outside stair, porch and every appurtenance thereto shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(Ord. 2201, passed 9-20-99)

§ 151.07 ENFORCEMENT

(A) In order to safeguard the safety, health, and welfare of the public, the code enforcement officer is authorized to enter onto private property within the City of Washington for purposes of making inspections of the exterior of buildings and structures and performing duties under this Chapter when there is sufficient exterior evidence of deterioration or

neglect to warrant an exterior inspection. Whenever, in the opinion of the code enforcement officer, it is deemed necessary or desirable to have inspections by any other department or official, the code enforcement officer may arrange for the coordination of inspections so as to minimize the number of visits by inspectors, and to avoid issuing conflicting orders or notices.

(B) Whenever the code enforcement officer determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner of the building or structure. The notice shall:

(1) Be in writing;

(2) Include a description of the real estate sufficient for identification; and

(3) Include a statement of the reason or reasons why the notice is being issued; and

(4) Include a correction order allowing a reasonable time of the repair(s) and improvements required to bring the building or structure into compliance with this Chapter.

(Ord. 2201, passed 9-20-99)

§ 151.99 PENALTY

(A) It shall be unlawful for any person to violate any provision of this Chapter or fail to comply with a correction order contained in a notice given under this Chapter. Any person who violates any provision of this Chapter shall be subject to a fine of not less than one hundred dollars ($100) nor more than seven hundred fifty ($750) for every day a violation exists. Each day a violation exists shall be deemed a separate offense subject to fine. Any person who fails to comply with a correction order contained in a notice given under this Chapter shall be subject to a fine of not less than one hundred dollars ($100) nor more than seven hundred fifty ($750) for every day the person fails to comply with the order after notice has been served. Each day of non-compliance shall be deemed a separate offense subject to fine.

(B) In the event any building or structure is maintained in violation of this Chapter and any other ordinance of the City of Washington, the remedies provided in this Chapter shall not be the exclusive remedies available to the City of Washington, but shall be in addition to any other remedies proceeding or actions which may be available to the City to prevent, restrain, correct or abate violations of any City ordinance. At any time during, prior to or after seeking fines or penalties under this Chapter, the City may, in addition to seeking fines, file for injunctive or other equitable relief. The above stated fines shall not

be construed to limit the authority or discretion of any judge in the exercise of his/her powers.

(Ord. 2201, passed 9-20-99)

CHAPTER 152

SUBDIVISION CODE

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GENERAL PROVISIONS

§ 152.001 TITLE

This chapter shall be known and may be cited as the subdivision code of the city and contiguous areas.

(Ord. 1831, passed 4-18-94)

§ 152.002 PURPOSE, APPLICATION AND JURISDICTION

(A) The purpose of this subdivision code, which is part of the Comprehensive Plan of the city, is to ensure that the subdivision and development of land is accomplished in a timely manner, in conformance with all city and state regulations and standards, and in a manner

which minimizes or eliminates adverse impacts and encourages and facilitates the orderly development of Washington and its environs.

(B) The provisions of this subdivision code shall be applicable to all subdivisions and developments within the city and within a mile and one-half of the city's corporate limits. It is the intent of this code to permit subdivision development within all zoning classifications except agriculturally zoned property.

(C) The provisions of this subdivision code shall also apply to any other developments, whether a subdivision is required or not under the law, statutes, ordinances, or regulations of the governing body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of the chapter to apply to all types of development, both within the city and to areas lying within a mile and one-half of the city's corporate limits. This shall apply to all types of land subdivisions or developments which impact adjacent land, including but not limited to, the dedication or construction of public or private streets, storm sewers, sanitary sewers, storm water drainage facilities and similar types of improvements, whether a subdivision of land is required or not under the laws, statutes, ordinances or regulations of the governing bodies or agencies having jurisdiction.

(Ord. 1831, passed 4-18-94)

§ 152.003 DEFINITIONS

For the purpose of this subdivision code the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and when any pertinent term is not expressly defined it shall be construed to have its usual legal definition. The word "shall" is always mandatory and not merely advisory.

ASSOCIATION. The owner's association to be formed for the owners of property in a subdivision to maintain any open space, common grounds or common buildings not dedicated to and accepted by a public agency.

BASE FLOOD. A flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood.

BOND, ETC. A performance bond issued by a surety company, a cash bond or a letter of credit issued by a financial institution, to guarantee a contract and the payment of all obligations for the construction of public improvements.

BYPASS CHANNEL. A channel formed in the topography of the earth's surface to carry storm water runoff through a specified area.

CERTIFICATE OF REGISTRATION. A certificate issued by the City Clerk indicating registration with the city to develop and/or construct public improvements which will be or have been dedicated to the city during a subdivision process. This certificate shall not be denied, suspended or revoked except by City Council action.

COMPREHENSIVE PLAN. The official comprehensive plan and land use map of Washington adopted by the City Council, and amended from time to time.

CONDOMINIUM SUBDIVISION. Any subdivision or part of a subdivision which is intended for multi-family buildings to be constructed and sold by the subdivider as condominium units rather than as apartments.

CONSTRUCTION PLANS AND SPECIFICATIONS. Plans prepared by a registered engineer of the subdivider to show the types, location, lines and grades of the proposed streets, storm sewers, sanitary sewers, water mains, etc. in the subdivision.

CONSULTING ENGINEER. The consulting engineer appointed by the Mayor with the consent of the City Council to assist the city as described in the city's code of ordinances.

CONTROL STRUCTURE. A structure designed to control the flow of storm water runoff over a specific length of time.

COUNTRY ESTATES. A zoning classification which requires single family detached dwellings with lots at least two (2) acres in area and a lot width at the building setback line of two hundred twenty (220) feet or more.

DEVELOPMENT. Any manmade change to real estate, including:

(1) Construction, reconstruction or placement of a building or any addition to a building valued at more than one thousand dollars ($1,000.00);

(2) 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;

(3) Drilling, mining, installing utilities or facilities, construction of roads, bridges or similar projects valued at more than one thousand dollars ($1,000);

(4) Filling, dredging, grading, excavating, constructing parking lots, or other non-agricultural alterations of the ground surfaces;

(5) Storage of materials; or

(6) Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include maintenance of existing buildings and facilities, gardening, plowing and similar agricultural practices.

DRY BOTTOM STORM WATER STORAGE AREA. A facility designed to be normally dry and contain water only when excess storm water runoff occurs.

DWELLING UNIT. One (1) or more rooms constituting all or part of a dwelling used exclusively as living quarters for one family and not more than two (2) roomers or boarders, and which contain cooking facilities, sink, or other kitchen facilities.

EASEMENT. A right or privilege to enter and use private land for specified purposes.

EXCESS STORM WATER. That portion of storm water runoff which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

FINAL ACCEPTANCE. Acceptance of the subdivision improvements by the City Council.

FINAL PLAT. The final map or drawing on which the subdivider's plan of subdivision is presented to the City Council for approval, and which, if approved, shall be recorded in the Tazewell County Recorder's office for the purpose of conveying land.

FLAG LOT. A lot, the main or principal use, or the building area, of which does not abut or adjoin a public street, but is connected to such public street by a narrow strip of land which is part of the lot.

FLOOD HAZARD AREA. Areas susceptible to the base flood and delineated as "A" zones on a Flood Insurance Rate Map prepared by the Federal Emergency Management Agency (FEMA). Flood hazard areas of unincorporated Tazewell County that are within the extraterritorial jurisdiction of the city are identified on a Flood Insurance Rate Map prepared for Tazewell County by FEMA.

LOT. A portion of a subdivision or parcel of land considered a unit intended for transfer of ownership or for building development.

NATURAL DRAINAGE. Channels formed in the existing surface topography prior to changes made by unnatural causes.

OUTLOT. A remnant of land which remains from a subdivision which, by reason of lot width, depth, area, frontage, topography or lack of access, cannot be built upon or zoned for use.

PRELIMINARY PLAT. A preliminary map or drawing indicating the proposed layout of the subdivision as submitted to the Planning and Zoning Commission for recommendation to the City Council for action.

PLAT OFFICER. An officer appointed by the Mayor with the consent of the City Council whose vested duty is to administer and enforce the regulations and standards of this subdivision code.

PLANNING AND ZONING COMMISSION. The Washington Planning and Zoning Commission.

PUBLIC WATER SUPPLY. A potable water system serving at least fifteen (15) service connections or which regularly serve at least twenty five (25) persons at least sixty (60) days per year, as more specifically defined by the Illinois Environmental Protection Act (415 ILCS 5/3.28).

PUBLIC WORKS DIRECTOR. The Civil Engineer of the city.

RESERVE STRIP. A strip of land, usually the boundary of a subdivision, that is withheld from sale or dedication to control the development of adjacent land.

REVERSE FRONTAGE. A lot that is bounded in front and in back by a street or thoroughfare.

SANITARY SEWER. A constructed conduit to collect and carry liquid and solid sewage wastes, other than storm waters, to a sewage treatment plant.

SELECTED GRANULAR BACKFI1LL. Selected backfill as defined by the state water and sewer main specifications and as approved by the Public Works Director.

SIDEWALKS. The paved portion of the right-of-way designed and intended for the movement and use of pedestrian traffic.

STATE ROAD SPECIFICATIONS. The most recent edition of the Standard Specifications for Road and Bridge Construction, as adopted by the Illinois Department of Transportation.

STATE WATER AND SEWER MAIN SPECIFICATIONS. The most recent edition of the Standard Specifications for Water and Sewer Main Construction in Illinois.

STREETS AND ALLEYS. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or however designated, in the following hierarchy:

(1) **ARTERIAL STREETS** and highways are used to provide the through movement of a high volume of traffic.

(2) **COLLECTOR STREETS** are those which carry traffic from minor streets to major arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

(3) **MINOR STREETS** are those local streets which are used primarily for access to abutting properties.

(4) **ALLEYS** are a public way used primarily for service access to the rear or side of properties otherwise abutting on a street.

SUBDIVIDER. Any individual, association, corporation or other legal entity who is an owner or agent responsible for subdividing or developing land and who is responsible for requirements outlined in these regulations for the subdividing of land.

SUBDIVISION CODE. This subdivision code of the city and contiguous areas.

SUBDIVISION. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, shall be deemed a subdivision. The term includes resubdivision, provided that the division of not more than five (5) lots or tracts of record into not more than three (3) lots, and not involving a new street, shall be eligible for record without approval of the City Council, but with the written approval of the Plat Officer, who shall first determine that the new lots comply with the area regulations and other requirements, including sanitation of the zoning regulations of the city. When appropriate to the context, the term subdivision shall relate

to the process of subdividing or to the land subdivided. The term also applies to the following, which, while not requiring submission of a subdivision plat nor approval of the City Council, requires city approval through the Plat Officer and compliance with the other requirements of this subdivision code:

(1) Division or subdivision of land into lots of five (5) acres or more which do not involve any new streets or easements of access;

(2) Division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;

(3) The sale or exchange of parcels of land between owners of adjoining and contiguous land;

(4) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads, utilities or pipe lines which do not involve any new streets or easements of access;

(5) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements for access;

(6) The conveyance or dedication of land for highway or other public purposes or the vacation of land dedicated for a public use;

(7) Conveyance made to correct descriptions in prior conveyances;

(8) The sale or exchange of parcels following the division into no more than two (2) parts of a particular parcel of land existing on July 17, 1959, and not involving any new streets or easements of access; or

(9) It is the intent of the section to eliminate the exception stated at Section 1(b) (9) of the Plat Act and thereby require compliance with the Plat Act in transactions involving the sale of a single lot of less than five (5) acres from a larger tract in all instances except that specified in subdivision (1) above.

SUBSTANTIAL CONFORMANCE. No changes in a subdivision's street configuration, the number, sizes and configuration of lots, and the configuration of storm water drainage plans or the configuration of any other utility services.

STORM DRAINAGE CAPACITY. The flow of storm water runoff that can be transported by a channel or conduit without causing a rise of the water surface over the top of the conduit or adjacent to the channel.

STORM WATER RUNOFF. The flow of water resulting from precipitation which was not absorbed by the soil or plant material.

STORM WATER RUNOFF RELEASE RATE. The rate at which storm water runoff is released to adjacent land.

STORM WATER STORAGE AREA. Areas designated to store excess storm water.

STORM SEWER. A constructed conduit to collect and carry surface waters to a drainage course.

TRIBUTARY WATERSHED. All the area that contributes storm water runoff to a given point.

WET BOTTOM STORM WATER STORAGE AREA. A facility designed to be maintained as a pond with a free water surface and which has capacity to contain excess storm water runoff.

X YEAR STORM. The average recurrence interval within which a rainfall of given intensity and duration will be equaled or exceeded only once. A one hundred (100) year storm would have an intensity of rainfall which would, on average, be equaled or exceeded only once in one hundred (100) years. This does not imply that it will occur only once in one hundred (100) years, or having occurred, will not happen again for one hundred (100) years.

(Ord. 1831, passed 4-18-94; Am. Ord. 1984, passed 4-1-96; Am. Ord. 2738, passed 6-4-07)

§ 152.004 SUBDIVISION OUTSIDE THE CORPORATE LIMITS WITHIN A MILE AND ONE-HALF

(A) Subdivisions located outside the city's corporate limits, but within a mile and one-half of the corporate limits, shall meet all requirements of the city's subdivision code and standards, in addition to the requirements of the township and county.

(B) Storm sewers, sanitary sewers and water mains shall not be extended to users located outside the city's corporate limits except when the City Council votes to allow such an extension after affected property owners file a petition for water or sewer service and sign an agreement to annex to the city when requested.

(C) Streets and other public improvements constructed outside the corporate limits of the city but within one and one-half (1½) miles extraterritorial jurisdiction must meet city requirements and shall also conform to the rules, specifications, and regulations regarding location, width, grades, surface and drainage structures applicable to the township road system. The review and approval of streets and public improvements in the township is performed by both the city and the Township Highway Commissioner, with bonds, etc. for public improvements, including streets, assigned jointly to the city and county and held by the county. Final acceptance shall be filed with the County Clerk and County Superintendent of Highways. Final plat acceptance does not convey acceptance of roads.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.005 ENTITLEMENT OF RECORD UPON APPROVAL

(A) Each subdivider who seeks the Council's approval of a subdivision shall follow these procedures and conform to the city's approved Comprehensive Plan, as amended from time to time. All requests for preliminary plat of a subdivision shall be referred to the Planning and Zoning Commission for review and recommendation before action by the City Council.

(B) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell such a parcel until a final plat of the subdivision has been approved by the City Council and filed with the Tazewell County Recorder of Deeds.

(C) Amendments to the Subdivision Code become effective with approval by the City Council. Any final plat requests, based on preliminary plats which were approved by the City Council within one (1) year of the date of the request for final plat approval, shall not be required to comply with the amendments to the subdivision code made within that one (1) year period. All other final plats must comply with the then existing subdivision code requirements in effect on the date of the request for final plat approval. All requests for final plat approval must be made in compliance with the provisions of this subdivision code.

(D) If a plat has been approved and afterward it is desirable to change or vary the lot lines as shown, this constitutes a resubdivision and replatting of the lots is required following these subdivision procedures.

(E) Upon the approval of a final plat by the city, the subdivider thereby grants the city, its officers, employees, and agents, access to the subdivision for the purpose of inspecting improvements.

(F) The City shall not issue a Certificate of Occupancy for any building in a subdivision in which all public infrastructure improvements required in accordance with this Chapter have not been installed and approved by the City. Any damage done to improvements during construction shall be corrected prior to issuance of a Certificate of Occupancy for any building. The City will withhold all public services of any nature, including the maintenance of streets, snow plowing, or garbage pickup until final acceptance of all improvements. For more information, cross-reference zoning code §154.237.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07; Am. Ord. 3219, passed 2-6-17)

§ 152.006 WATER AND SEWER MAIN EXTENSION POLICY

(A) It has been, and continues to be, the policy of the city that land developers within the city or within a mile and one-half of the corporate limits are required to extend water, storm sewer, and sanitary sewer mains to their developments at their own expense.

(B) In certain situations in which the corporate authorities deem it to be necessary or desirable to protect the public health, safety, and welfare by insuring that adequate public facilities exist to serve new developments and to promote orderly development, the city may elect, in its sole discretion, to extend water, storm sewer or sanitary sewer mains at the city's expense to desirable areas and to recoup its expense by charging a connection fee to the owners/developers of the property benefited by said main extensions.

(C) In the event the city elects to extend mains at its own expense, it shall be done so by ordinance and each such ordinance shall contain, at a minimum, the following:

(1) An estimate of the cost to the city to extend the main or mains;

(2) A designation of the area which the city reasonably believes will be benefited by the main extension; and,

(3) A formula or fee schedule setting forth the way in which the connection fee will be determined.

(D) Nothing herein shall be construed to prohibit or limit the city from collecting the fees provided for in § 52.53 of its code of ordinances in addition to the connection fee proposed herein.

(E) The following areas have been designated by separate ordinances as areas in which the city will, or has, paid for the construction of public water, public sanitary sewer or public storm sewer main extensions and for which reimbursement will be collected from developers or property owners, by the city, upon connection to the main.

(Ord. 1831, passed 4-18-94)

§ 152.007 CONDOMINIUM SUBDIVISIONS

(A) In addition to all other requirements relating to new subdivisions, the requirements of this section shall apply to any subdivision or part of a subdivision intended to be developed by the construction of two-family or multi-family building(s) and the sale of the building by selling individual condominium units. Conversions of existing two-family, multi-family, office, commercial, or industrial buildings into individual condominium units shall not be permitted.

(B) Except as specifically limited in subparagraph (A) above, and expanded by subparagraph (C) below, the provisions of the Illinois Condominium Property Act (765 ILCS 605/1, et seq.) ("C.P.A.") shall apply to all condominium subdivisions.

(C) In addition to the requirements of the C.P.A.:

(1) Each developer of a proposed condominium subdivision shall submit to the City for public inspection purposes only, the following information:

(a) Plans and specifications indicating where each condominium is to be and what public areas are to be owned by the association of condominium owners.

(b) Proposed articles of incorporation and by-laws for the association of condominium owners which will manage the common areas.

(c) A detailed description of proposed financing to be available to purchasers of the condominium units.

(d) Information indicating financial responsibility and financial ability of the builders or developers to complete the project as proposed, including a projected operating budget for the condominium.

(e) A copy of all proposed covenants relating to the real estate.

(f) An agreement by the developer specifying the improvements to be completed by the developer, including recreational facilities, bicycle trails, and other common areas. The agreement shall also indicated the percentage of ownership interest in each of the common areas allocated to each unit or shall specifically state that it is an "add on condominium" that

allows a reallocation of the percentage ownership interest in the existing and additional common elements pursuant to Section 605/25 of the C.P.A.

(g) If the construction is to be financed in whole or in part by escrow funds put up by purchasers, or if escrow funds of any kind are required from purchasers, then the following information will be provided:

(i) A description of the escrow arrangements.

(ii) A copy of all escrow documents.

(iii) Provision for the return of funds to purchasers if the matter is not completed by the date specified.

(iv) The name and address of the institution to hold the escrow.

(h) Title information insuring all liens, easements, and interest of record including all ownership concerning the real estate. All mortgages and mechanics' liens and other financial liens of any kind shall be listed.

(i) In connection with the common areas and recreational areas, a proposed management agreement and proposed rules will be furnished.

(j) The forms to be used for agreements, promissory notes, deeds, and other documents of title and documents related to the sale of the condominium units.

(2) No person may be denied the right to purchase or lease a unit based on race, religion, sex, sexual preference, marital status, or national origin.

(3) Unit owners may not be required to be members of or participate in recreational or similar facilities that are not owned in fee by the unit owners or by an association in which the unit owners are members.

(4) Unit owners must be allowed to inspect financial books and records of the condominium association within seven (7) business days after written request for examination is received by the association.

(Ord. 1831, passed 4-18-94; Am. Ord. 2914, passed 12-20-10)

§ 152.008 REPEALED UNDER ORDINANCE 2914 ADOPTED 12-20-2010

PROCEDURES TO BE FOLLOWED FOR SUBMITTING A SUBDIVISION PLAN

§ 152.009 PREAPPLICATION

(A) Prior to filing a preliminary plat, the subdivider may confer with the Plat Officer so general information about the subdivision and its location may be conveyed to the Planning and Zoning Commission. The preapplication is optional and does not require formal application, nor any fee, nor the filing of a plat with the city.

(B) Fifteen (15) copies of any preapplication materials requested shall be submitted to the Plat Officer no later than the fifteenth (15th) day of the month prior to the meeting at which the Planning and Zoning Commission shall review the preapplication materials.

(C) The Plat Officer may request all or a portion of the following at the time of preapplication:

(1) Land characteristics and existing condition of the site.
(2) A sketch plan of the proposed subdivision layout showing the following:

(a) Street and lot layout and other features in relation to existing conditions.

(b) Number of lots with typical widths and depths.

(c) Available utilities.

(3) Any additional information and data necessary for proper consideration of the proposed subdivision.

(Ord. 1831, passed 4-18-94)

§ 152.010 PRELIMINARY PLAT

(A) The subdivider shall prepare and submit fifteen (15) copies of the preliminary plat of the proposed subdivision. An application for subdivision shall be filed with the preliminary plat.

(B) Preliminary plat materials shall be submitted to the Plat Officer no later than the fifteenth (15th) day of the month prior to the meeting at which the Planning and Zoning Commission shall review and recommend action on the preliminary plat. Fifteen (15) additional copies of the preliminary plat, as recommended by the Planning and Zoning

Commission, shall be submitted to the Plat Officer within five (5) days following recommendation.

(C) The Planning and Zoning Commission shall approve or disapprove the application for preliminary plat within forty five (45) days from the date of the 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.

(D) If such preliminary plat is disapproved, within fifteen (15) days the Planning and Zoning Commission shall furnish the applicant or subdivider, in writing, a statement setting forth the reason for disapproval and specifying with particularity the aspects in which the proposed plat fails to conform to the ordinances including the official map. The Planning and Zoning Commission will recommend denial to the City Council unless the subdivider requests reconsideration by the Planning and Zoning Commission in writing prior to the first meeting of the City Council following written denial by the Planning and Zoning Commission. If the subdivider requests reconsideration by the Planning and Zoning Commission, the Planning and Zoning Commission shall have an additional forty five (45) days to consider the subdividers request.

(E) If the preliminary plat is recommended for approval, the Planning and Zoning Commission shall submit it to the City Council, which in turn shall accept or reject the preliminary plat within thirty (30) days after its first regular scheduled meeting following action by the Planning and Zoning Commission.

(F) The preliminary plat shall contain the following information:

EXISTING CONDITIONS

(1) A detailed drawing of the proposed subdivision at a scale not smaller than one hundred (100) feet per inch.

(2) Existing topographical data. For all land that slopes less than two percent (2%), show contours with an interval of one (1) foot. For land that slopes more than two percent (2%), show contours with an interval of two (2) feet. All elevations shall be based on State Plane Coordinates.

(3) Other site conditions and significant features including flood hazard areas, water courses, marshes and wooded areas.

(4) Conditions on land adjacent to the site including approximate direction of ground slope including embankments and retaining walls, buildings, railroads, towers and all other nearby nonresidential land uses.

(5) Zoning on and adjacent to the tract, including land separated by a transportation feature. Designation of any lots for duplex development.

(6) Names of owners of adjacent unplatted land and names of adjacent platted subdivisions.

(7) Existing easements on or adjacent to the tract showing locations and purpose.

(8) Existing streets and roads on or adjacent to the tract showing the location, name, right-of-way width and street surface width. All existing walks, curbs, gutters, culverts, etc.

(9) Existing utilities on or adjacent to the tract including:

(a) The location and size of all water mains. If water mains are not adjacent to the tract, indicate the direction and distance to the nearest main, and its size.

(b) The location and size of all sanitary and storm sewer mains, manholes and inlets. If sanitary sewer mains are not adjacent to the tract, indicate the direction, distance and invert elevation of the nearest sanitary sewer and its size.

(c) The location of all gas mains.

(d) The location of all electric and telephone poles and street lights.

PROPOSED CONDITIONS

(10) Proposed improvements or other major projects planned by public authorities to be constructed on or near the tract.

(11) Sites and acreage, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.

(12) Sites and acreage, if any, to be dedicated for parks, playgrounds, bikeways, schools and other public uses.

(13) Proposed streets including right-of-way and pavement widths.

(14) Location and dimensions of all other proposed rights-of-way and easements and their purpose.

(15) Lot lines, block and lot numbers and lot sizes shall be shown.

(16) Minimum building setback lines.

(17) Location and sizes of all proposed utilities.

(18) Storm water control facilities including storm water retention basins.

(19) Title, scale, north arrow, and date.

(20) Additional information, if required by the Plat Officer, including:

(a) Profiles showing existing ground surface and proposed street extensions showing grades and cross sections for a reasonable distance beyond the limits of the proposed subdivision.

(b) Preliminary plans of proposed sanitary and storm sewers with grades and sizes indicated for a reasonable distance beyond the limits of the proposed subdivision.

(21) Draft of restrictive covenants (if any) whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.011 FINAL PLAT

(A) Within one (1) year of approval of the preliminary plat by the City Council, the subdivider may prepare and submit a final plat of the proposed subdivision, or a portion thereof, along with other supplementary information required. The final plat shall be in substantial conformance with the approved preliminary plat and shall comply with the construction standards and subdivision code requirements in effect at the time the preliminary plat was approved. The subdivider shall have an additional four (4) year period in which to prepare and submit a final plat of the proposed subdivision or portion thereof, along with other supplementary information required, but any such final plat must comply to those construction standards and subdivision code requirements in effect

at the time of final plat submission. Following this five (5) year period, the subdivider may request an extension of the period the preliminary plat remains in effect by submission of an application for extension presented for City Council action.

(B) Fifteen (15) copies of the final plat application along with the construction plans and specifications and an estimate of expenditure, shall be submitted to the Plat Officer no later than twenty (20) days before the regular meeting of the City Council at which the approval of the subdivision final plat is sought.

(C) The final plat shall be a reproducible ink drawing at a scale of two hundred (200) feet equals one (1) inch or larger. The drawing may be on more than one (1) sheet with an index sheet, if required.

(D) For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Plat Officer.

(E) The final plat shall contain as a minimum, the following information:

(1) Primary control points and ties to such control points to which all dimensions and bearings and similar data shall be referred. At least one (1) of the control points shall be an established section corner.

(2) Subdivision boundary lines, street right-of-way lines, easements and lot lines shall be shown with accurate dimensions and bearings. Radii, arcs and central angles of all curves shall also be shown. The location and description of all monuments used to identify points shall be included.

(3) The name and right-of-way width of each street or other right-of-way.

(4) The location, dimensions and purpose of all easements, including easements provided for sump pump drains, gas lines, electric lines, etc.

(5) The minimum building setback lines.

(6) A number to identify each lot or site.

(7) The purpose for which sites other than residential lots are dedicated.

(8) The names of recorded owners of adjoining unplatted land.

(9) Reference to recorded subdivision plats adjoining the site with recorded name, date and number.

(10) All reserve strips.

(11) Identification of all flood hazard areas.

(12) Plat title, scale, north arrow and date.

(F) Final plats of sites located entirely within the city limits shall contain the following certificates:

(1) A certificate from a registered land surveyor, acknowledged by the owner of the land or duly authorized attorney, as required by the Plat Act.

(2) A certificate to be signed by the Plat Officer stating that the plat conforms with the subdivision code.

(3) A certificate to be signed by the City Clerk stating that the plat was approved by the City Council.

(4) A certificate to be signed by the Tazewell County Clerk stating that the subdivision is not subject to delinquent real estate taxes or special assessments.

(5) A certificate containing a dedication by the owner of the property dedicating to the public in perpetuity the right-of-way for public streets, alleys, watermains, and sanitary and storm sewers, and that easements are granted for the uses specified, and that other lots are dedicated for public purposes, as specified and applicable.

(6) A certificate for a notary public attesting to the property owner's free and voluntary act of endorsing the owners certificates.

(G) Final plats of sites located outside the city but within a mile and one-half of the city's corporate limits shall contain the following certificates and statements in addition to all of those required for sites within the city limits:

(1) All certificates required by Tazewell County.

(2) A certificate to be signed by the Washington Township Road Commissioner.

(3) A certificate to be signed by the Tazewell County Highway Superintendent.

(H) Final plats for subdivisions that are bounded by state right-of-way shall contain a certificate for use by the District Engineer of the Illinois Department of Transportation.

(I) Within ninety (90) days after approval of the final plat by the City Council, the subdivider shall record the final plat with the Tazewell County Recorder. If the plat is not so recorded, it shall have no validity and shall not be recorded without subsequent approval of the City Council. The City Council may extend the filing date an additional ninety (90) days if the subdivider can demonstrate unique circumstances or conditions whereby the recording of the final plat cannot be accomplished.

(J) Subdivider shall execute, upon request by the city, a bill of sale conveying to the city personal property located in the rights-of-ways and easements which are dedicated to the city.

(K) Restrictive covenants (if any) in a form acceptable for recording, and other data, such as other certificates, affidavits, etc. as may be required by the Plat Officer to enforce the subdivision code, design standards, or other regulations shall be submitted at this time.

(L) No final plat of any subdivision shall be approved for recording if the subdivider or any one working under or through the subdivider is in violation of any of the provisions of the subdivision code. Furthermore, the Planning and Zoning Commission and City Council have the right to refuse to consider any additional plat or plats covering any subdivision or subdivisions of said subdivider through preapplication procedure, or otherwise, until such time as such violation, or violations, cease and the subdivider is in full compliance with all of the provisions of this code.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.012 CONSTRUCTION PLANS, SPECIFICATIONS AND OTHER REQUIREMENTS

(A) At the time of final plat submittal, five (5) copies of construction plans and specifications for all public improvements, including but not limited to streets, sanitary sewers, water mains, drainage plans, sump pump drain lines, storm sewers, storm water controls and erosion controls shall be submitted. The construction plans and specifications shall be prepared, signed and sealed by a registered Illinois Professional Engineer. These plans and specifications shall conform to the subdivision code and design standards of the city and be reviewed and approved by the Public Works Director.

(B) An estimate of expenditure covering the cost of public improvements shall be prepared and submitted to the Plat Officer with the construction plans and specifications. The estimate of expenditure shall be prepared and signed by a registered Illinois Professional Engineer. This estimate shall be verified by the Public Works Director for accuracy and adequacy.

(C) Drainage plans, including the calculations for storm water control, shall be submitted as part of the construction plans and specifications. The drainage plan shall be recorded with the final plat. The drainage plan shall contain the following statement regarding drainage of surface waters signed by a registered professional engineer and the owner of the land or attorney duly authorized by the owner:

"To the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or that if such surface water drainage will be changed, reasonable provision has been made for the collection and diversion of such surface waters into public areas or drains which the subdivider has the right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision."

(D) In the case of commercial and industrial subdivisions and developments, a landscaping plan conforming to the provisions of Section 154.401 et seq. shall be submitted to and approved by the City Planner. The landscaping plan shall contain such information and conform to the requirements of Section 154.401 et seq.".

(Ord. 1831, passed 4-18-94; Am. Ord. 2193, passed 8-16-99; Am. Ord. 2565, passed 10-18-04; Am. Ord. 2738, passed 6-4-07)

§ 152.013 BONDS, FEES, AND CERTIFICATIONS

(A) All subdividers shall obtain a certificate of registration from the city prior to the submittal of preliminary plats.

(B) All public improvement contractors shall obtain a certificate of registration from the city prior to the start of construction of any public improvements.

(C) The applicant for a condominium subdivision shall furnish a bond with a corporate surety licensed to do business in this state, guaranteeing that all common areas and facilities and all common recreational facilities will be completed.

(D) The subdivider, prior to approval of the final plat by the City Council, shall furnish surety that public improvements shall be completed satisfactorily. Surety shall be provided to the city when development occurs within the boundaries of the city and jointly to the city and Tazewell County when development occurs within the one and one-half (1½) mile jurisdiction of the city. The surety shall take any of three (3) separate forms:

(1) The subdivider may elect to furnish a corporate surety bond approved by the City Council, in the amount of one hundred percent (100%) of the verified estimate of expenditure.

(2) In lieu of a surety bond, the subdivider may provide a cash bond in the form of a cashier's check or certified check payable to the city in an amount equal to one hundred percent (100%) of the verified estimate of expenditure. The cash bond will be invested by the city and the subdivider shall receive the interest earned on the cash bond when final repayment is made to the subdivider.

(3) In lieu of a surety or cash bond, the subdivider may provide an irrevocable letter of credit from a bank or other financial institution in an amount equal to one hundred percent (100%) of the verified estimate of expenditure and in the form acceptable to the city.

(E) If the subdivider obtains guaranteed contracts from the contractors for all improvements in the subdivisions that total less than ninety percent (90%) of the verified estimate of expenditure, the subdivider may petition the City Council to reduce the amount of the bond, etc. to the amount of the contract.

(F) Bond, etc. reductions to the subdivider may be made upon the subdivider's written request following fifty percent (50%) completion of the improvements, provided, however, that storm water control features, approved by the Public Works Director, shall be serviceable, if not entirely completed. Reduced bond, etc. amounts will be based upon completed quantities and applicable unit costs as contained in the verified estimate of expenditure and will require a written recommendation by the Public Works Director to the City Council. Based upon the Citi Engineer's written recommendation, the City Council may authorize a reduction of the bond, etc. A maximum of three (3) requests for reduction will be considered. Sufficient surety shall be maintained by the city to cover all remaining construction costs with a minimum amount retained of twenty percent (20%)

until final approval and acceptance of the subdivision. Reductions of bonds, etc. shall not be considered as acceptance of all or part of a subdivision.

(G) Public improvements shall be substantially completed in a satisfactory manner within a two (2) year period following the recording of the final plat with the Tazewell County Recorder and shall also be conditioned upon the subdivider fully complying with the provisions of the subdivision code. The subdivider, the subdivider's engineer and all public improvement contractors shall submit to the city a certificate of compliance stating that all public improvements being dedicated to the city comply with all applicable city requirements. The certificate shall further state that any deviation from the construction plans and specifications have received approval of the Public Works Director.

(H) Upon completion and conditional approval of all subdivision improvements, the subdivider shall provide a one (1) year written maintenance agreement/guaranty of the improvements against structural failure. During this period, the subdivider shall provide financial surety as follows:

(1) If a surety bond is used, it shall provide the surety has agreed to maintain such improvements constructed under the bond for a period of one (1) year for one hundred percent (100%) of the estimated costs of the improvements.

(2) If the subdivider provides a cash bond or an irrevocable letter of credit, the bond or letter of credit shall be twenty percent (20%) of the amount of the estimated costs of the improvements.

(I) Final amounts retained shall be released to the subdivider, with accrued interest, if any, following written recommendation by the Public Works Director for final approval and acceptance by the City Council. Following the one year maintenance period, and finding by the Public Works Director that all of the public improvements are in good and satisfactory condition, the City Council shall take formal action at a meeting to approve and accept public improvements. At such time, the final amounts of surety shall be released to the developer, with accrued interest, if any.

(J) Each applicant for approval of a condominium subdivision shall pay a review fee of twenty dollars ($20.00) per unit to help defray the cost to the city of reviewing the plans and making a determination as to whether or not the proposed condominium subdivision complies with all applicable ordinances. This review fee will not be refundable, whether or not the condominium subdivision is approved.

(K) Fees shall be paid by the subdivider to the city for the review of final plats and construction plans and specifications in the amount of twenty five dollars ($25.00) per lot

for the first ten (10) lots in a final plat, twenty dollars ($20.00) per lot for the next ten (10) lots in a final plat, seventeen dollars and fifty cents ($17.50) per lot for the next twenty (20) lots in the final plat, and twelve dollars and fifty cents ($12.50) per lot for each additional lot over forty (40) on the final plat. This fee shall be paid to the City Clerk at the time of submittal of the final plat to the Plat Officer.

(L) The subdivider shall pay a subdivision development fee for water and sewer system upgrades and extensions necessary to support new development. Such fee shall be calculated by the Plat Officer and paid by the subdivider according to the provisions of Section 50.53 et. seq. The development fee shall be paid when the final plat is approved by the City Council.

(M) The subdivider shall pay the cost of materials for street and traffic signs. The signs shall be installed by the city.

(Ord. 1831, passed 4-18-94; Am. Ord. 2490, passed 11-3-03; Am. Ord. 2738, passed 6-4-07)

DESIGN STANDARDS

All subdivision or development of land subject to the subdivision code shall conform to these design standards and the comprehensive plan.

§ 152.014 ALLEYS

(A) The minimum width of alley right-of-way shall be sixteen (16) feet.

(B) Alley intersections and sharp changes in alignment shall be avoided. Where they are required, corners shall be cut off sufficiently to permit safe vehicular movement.

(C) Dead-end alleys shall be avoided where possible. If unavoidable, they shall be provided with adequate turn around facilities acceptable to the Public Works Director and Planning and Zoning Commission.

(D) Alley surfaces shall be constructed to the requirements of the city construction standards and the state road specifications.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.015 BLOCKS

(A) The length, width and shape of blocks shall be determined with due regard to the following:

(1) Zoning requirements as to lot size.

(2) Limitations of topography.

(3) Needs for convenient access, traffic movement, control and safety of street traffic.

(4) Provisions of adequate building sites suitable to the special needs of the type of subdivision contemplated.

(B) Pedestrian crosswalk or walkways shall be required to provide circulation, access to schools and playgrounds, shopping centers, transportation and other community facilities. Walkways shall not be less than ten (10) feet wide.

(Ord. 1831, passed 4-18-94)

§ 152.016 DRAINAGE PLAN

(A) A drainage plan shall be submitted along with the construction plans for all subdivisions as defined herein. For developments which do not require a final plat, a drainage plan shall be submitted and approved prior to the issuance of a building permit. The plan must be reviewed and approved by the Public Works Director.

(B) The drainage plan shall be comprehensive in nature and shall show all components of the storm water drainage system. Each plan shall have as a minimum, the following items:

(1) Natural land contours at minimum two (2) foot intervals.

(2) Final grading contours at minimum two (2) foot intervals.

(3) A construction pad for each lot with spot elevations. The construction pad shall be the proposed finished ground elevation at the building perimeter. The top of building foundation or basement wall elevation shall be a minimum of six (6) inches above the ground elevation adjacent to the foundation or wall.

(4) A finished grade on each lot allowing for a minimum slope of five percent (5%) for a minimum of then (10) feet from any building foundation and a minimum of two percent (2%) away from any building beyond the ten (10) foot limit. Where a swale is used to convey drainage from two (2) or more lots, the swale may have a minimum slope of one and one-half percent (1.5%) provided the swale is

constructed as part of the larger development and is final graded and seeded prior to issuance of any building permits.

Exception: Where lot lines, walls, slopes, or other physical barriers prohibit six (6) inches of fall within ten (10) feet, the final grade shall slope away from the foundation at a minimum slope of five (5) percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of two percent (2%) when located within ten (10) feet of the building foundation. Impervious surfaces within ten (10) feet of the building foundation shall be sloped a minimum of two percent (2%) away from the building.

(5) Any and all swales, ditches or other features that may be used to convey storm water. Spot elevations, grades and typical cross sections shall be shown for all swales, ditches and defined overland drainage ways.

(6) The lot lines, numbers and building setback lines for all lots.

(7) All storm water runoff controls and storm water retention basins.

(8) The location and direction of all storm water flow into the subdivision and the location and direction of all storm water flow out of the subdivision.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07; Am. Ord. 2920, passed 12-20-2010)

§ 152.017 EASEMENTS

(A) Easements shall be provided for utilities centered on rear and/or side lot lines and along street right-of-ways where necessary. Easements for sump pump drain lines and street lights shall be located as approved by the Public Works Director. Easements shall be a minimum of ten (10) feet in width. Water main easements shall be a minimum of fifteen (15) feet in width. Storm sewer and sanitary sewer easements shall be a minimum of twenty (20) feet in width.

(B) Where a subdivision is traversed by a water course, drainage way, channel, stream, stormwater or detention facility where the runoff from a base flood storm exceeds one (1) cubic foot per second, a water course easement or drainage way easement shall be provided conforming substantially with the lines of the water course and/or detention facilities. The width of the easement shall be sufficient for the water course and future maintenance access to the drainage way.

(C) A planting screen easement of at least ten (10) feet in width shall be provided along the lines of lots abutting a traffic artery of reverse frontage lots.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.018 GAS MAINS AND APPURTENANCES

(A) Gas main design and installation shall be approved by Central Illinois Light Company.

(B) Gas mains shall be located between the proposed sidewalk and the proposed curb on the opposite side of the roadway from the water mains.

(C) All gas main trenches located below street surfaces, curb and gutters and sidewalks shall be backfilled with selected granular backfill.

(Ord. 1831, passed 4-18-94)

§ 152.019 LOTS

(A) The area, width and depth of all lots shall not be less than required by the city zoning code. No outlot, remainder or remnant of land which is part of the tract being subdivided shall be created which, by reason of the lot width, depth, area, frontage, topography, or lack of access, or otherwise, cannot be used as a zoning lot, or be subject to further subdivision in accordance with the terms of this subdivision code. Any remaining parcel or outlot which cannot be made to comply with this code shall be eliminated by combining the area with one or more adjoining lots which do comply or by conveying it to a public body for an appropriate public use, subject to acceptance, or by conveyance to an association of homeowners as set forth in this subdivision code.

(B) All properties reserved or laid out for commercial and/or industrial purposes shall be adequate to provide off street service and parking. The area required for these uses shall be determined by the type of use and development contemplated and as required by the zoning code.

(C) If public sanitary sewers are not available and individual on-lot sewage systems are to be used for sewage disposal, the minimum lot size shall be twenty thousand (20,000) square feet.

(D) If neither a public sanitary sewer nor a public water system is available, the minimum lot size shall be one (1) acre with a lot width at the setback line of one hundred ten (110) feet or more.

(E) Reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(F) Corner lots in residential subdivisions shall have extra width to permit building orientation to either street.

(G) Lots in residential subdivisions with pedestrian crosswalk easements shall have the minimum side yard dimensions increased in width equal to the projection into the easement on the lot.

(H) All residential lots shall conform to the following general standards, in addition to all other requirements of this chapter:

(1) All such residential lots shall have access and frontage on a public street. The Planning and Zoning Commission may recommend this requirement be waived where, due to unique circumstances or topographical limitations, access to a public street must be provided by either a private drive or an ingress/egress easement.

(2) If zero lot line multi-family lots or structures have any shared elements, the developer shall submit to the City all maintenance and management agreements for any such shared elements including, but not limited to, driveways and roofs. Additionally, all applicable regulations within §152.007 (Condominium Subdivisions) shall be in effect for any shared elements.

(3) Flag lots will not be permitted, except where it is found that another lot configuration is not practical due to adjacent waterways, topography, or existing development and that a street cannot reasonably serve the portion of the property intended for flag lots. Such flag lots must satisfy all of the following requirements:

(a) Each lot provides for a minimum width at the right-of-way line of sixty (60) feet, with the exception of zero lot line multi-family lots. The minimum width shall be maintained from the right-of-way line to the main or principal use area, or building area, of such lot; and

(b) The length of such access portion of the lot connecting to the street does not exceed three hundred (300) feet.

(I) Side lot lines shall be substantially at right angles or radial to street right-of-way.

(J) Building set back lines shall be established on all lots. The set back lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Minimum set back lines shall be established by the zoning code.

(K) All lot corners shall be marked with a monument that conforms to the requirements of the Plat Act, as amended.

(Ord. 1831, passed 4-18-94; Am. Ord. 1984, passed 4-1-96; Am. Ord. 2389, passed 7-1-02; Am. Ord. 2738, passed 6-4-07; Am. Ord. 2903, passed 9-20-10)

§ 152.020 POWER LINES

All power lines shall be installed underground. All main power lines shall be installed in a utility easement at the front, rear, or side lot lines.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.021 SANITARY SEWERS AND APPURTENANCES

(A) The size of sanitary sewers and appurtenances shall be determined by the Public Works Director. The minimum size of sewer mains shall be eight (8) inches and the minimum size of sewer laterals shall be six (6) inches. The type of material used for sewers greater than eighteen (18) inches in diameter or laid at depths exceeding twenty-eight (28) feet or at stream crossings and in unstable ground shall be approved by the Public Works Director.

(B) Sanitary sewers and appurtenances shall be in accordance with city construction standards and state water and sewer main specifications. Connection of new sanitary sewers to the existing system shall not be made until approved by the Public Works Director. The connection of the new sanitary sewer shall be sealed with a water tight plug at all times until final testing is complete.

(C) Sanitary sewers and service lines shall be ductile iron, polyvinyl chloride (PVC) or vitrified clay. PVC pipe shall be a standard dimension ratio (SDR) of at least 26.

(D) Ductile iron or PVC sewer joints shall be bell and spigot joints. Vitrified clay pipe joints shall be with PVC bell material.

(E) Sanitary sewer manholes shall be precast concrete components or monolith concrete as shown on the city construction standards. Bases shall be cast in place concrete or precast concrete. Wherever possible manholes shall be provided with a corbel section to reduce the inside diameter of the manhole to twenty four (24) inches.

(F) All sanitary sewers and service lines shall be laid with a minimum cover of four (4) feet.

(G) All sanitary sewers shall be installed on granular cradle bedding.

(H) All sanitary sewer main and service line trenches located below or within two (2) feet of street surfaces, sidewalks, and curbs and gutters shall be backfilled with select granular backfill and mechanically compacted to ninety-five (95) percent Standard Proctor Density (SPD) in minimum twelve (12) inch loose layers.

(I) All other sanitary sewer trenches shall be compacted by mechanical compaction, jetting and water soaking or another means, as approved by the Public Works Director.

(J) All new sanitary sewers and appurtenances shall be tested for leakage by air exfiltration under pressure or other methods approved by the Public Works Director, tested for deflection, lamped for straightness, and visually inspected. All tests shall be performed by the subdivider's engineer or an independent testing company or under the observation of the Public Works Director and test results documented and submitted to the Public Works Director for review.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.022 SIDEWALKS

(A) Sidewalks in new residential subdivisions shall be four (4) feet wide with four (4) inches depth of concrete located on both sides of residential, secondary, and collector streets and dedicated within the public right-of-way at least six (6) inches from the street right-of-way lines.

(B) Sidewalks in new commercial and industrial subdivisions and new commercial developments shall be four (4) feet wide and four (4) inches depth of concrete located on both sides of residential, secondary, and collector streets and dedicated within the public right-of-way at least six (6) inches from the street right-of-way lines.

(C) All sidewalks shall be handicapped accessible at intersections and constructed in accordance with city construction standards and state road specifications.

(D) In all new commercial developments, a minimum eight (8) foot wide walking space shall be constructed where the primary entrance is located. A minimum four (4) foot wide walking space shall be constructed on the sides of the building that provide parking. In addition, two and a half (2½) feet of parking overhang shall be provided or in addition to the minimum walking space when angle of ninety (90) degree parking abuts the sidewalk

and parking blocks are not provided. The walking space shall be separated from vehicular traffic through the use of grade differences, paving material, and/or additional landscaping. The walking space shall be constructed in addition to any required exterior sidewalks. Staff may waive or reduce the walking space requirements where it is impractical or unnecessary.

(E) In new commercial developments of sixty thousand (60,000) square feet or larger, it is recommended that an on-site sidewalk system be constructed to provide safe pedestrian circulation within the development.

(F) In new commercial and industrial developments, with the exception of where sidewalks cross driveways, sidewalks shall be separated from vehicle parking and vehicle maneuvering areas by grade differences, paving material, and/or landscaping. Sidewalk/driveway crossings shall be minimized as much as possible in the design of an on-site sidewalk system. Sidewalks shall connect to any existing or planned recreational trails.

(G) Where it is impractical to immediately construct sidewalks in conjunction with a new development, provisions shall be made for future sidewalk improvements. The builder shall pay the current cost for the construction of the length of the sidewalk to the City to only be earmarked for future sidewalk construction on the same property or subdivision.

(H) Where sidewalks are not deemed necessary for the public safety or where topographical concerns or other conditions make their installation and use impractical, the developer or owner may apply to the City Council, to waive the sidewalk requirements for residential, commercial, or industrial developments.

(I) Sidewalks shall be constructed in conjunction with the construction of the house, and same shall be completed when the house construction is completed. For those lots that have not had construction, when seventy-five percent (75%) or more of the lots in a subdivision have had construction on the lots or three (3) years after conditional acceptance of the public infrastructure improvements by the City, whichever is earlier, then the owner of a lot in that subdivision shall complete the installation of a sidewalk within ninety (90) days of the date of being notified of same by the City. In the event an owner does not comply with the construction of said sidewalk within the time period stated above, then the City may, at its option, complete said installation and bill the owner for the cost of same. In such case the owner shall, within five (5) days of the submission of a bill, pay the City of same. In the event payment is not made, then the City may institute legal proceedings for the collection of said amount and may also file a lien on the lot upon which the sidewalk was constructed. No building permit for any

improvement to any such lot shall be issued until the cost of installing the sidewalk incurred by the City has been paid in full.

For all previously platted subdivisions, where there has been a conditional acceptance of the improvements by the City more than three (3) years prior to the date of approval of Ordinance No. _____, then the owners of the lots in said subdivision shall have ninety (90) days from the date of Ordinance No. _____ to install sidewalks. If the sidewalks are not installed, the other provisions of this Section shall apply.

(J) City-Mandated Sidewalk and Curb Replacement: The City encourages voluntary private property owner participation in the City of Washington Sidewalk and Curb Replacement Program. The City will periodically inventory and evaluate the condition of existing sidewalks and curbs located in the public right-of-way, using insurance industry guidelines as a basis of evaluation. Sidewalk and curb in Poor or Very Poor condition will be identified and listed.

1. Poor condition sidewalks are those which have cracks greater than three-eighths inch (3/8") wide and greater than three-eighths inch (3/8") vertical separation between squares or cracks within the same square, significant surface scaling or pitting, broken sections of sidewalk are loose and shift easily under the weight of walking, and/or some sections may be entirely missing. Poor condition curb would have multiple spalls per panel.

2. Very Poor condition sidewalks are those which have cracks greater than one and one-eighths inch (1 1/8") wide or one and one-eighths inch (1 1/8") vertical separation between squares or cracks within the same square, excessive cracking, scaling or pitting, and/or sections of broken sidewalk can be lifted out or are entirely missing. Very Poor condition curb would have excessive spalling and exposed reinforcement per panel.

Subject to budgetary considerations, the City Council will select the locations for City-mandated sidewalk and curb replacement. The City Administrator will develop and implement appropriate procedures to notify property owners abutting the selected replacement sidewalk and curb locations of their required financial participation in the construction of the new sidewalk and curb. Sidewalk replacement is typically reviewed and replaced per full square panel, typically four feet by five feet (4'x5'). Curb replacement is typically reviewed and replaced per full jointed segment, typically ten to fifteen feet (10-15').

(K) Payment by Private Property Owner(s): The City shall participate in the cost of construction and/or replacement of sidewalk and curb in accordance with the following criteria:

1. For City-mandated new sidewalk and/or curb construction or replacement sidewalk and/or curb installed by the City or by a City-awarded contractor (not applicable to properties where sidewalk construction is otherwise regulated by the Subdivision Code, Zoning Code, or Building Code):

   Option 1: The abutting property owner may elect to pay the City fifty percent (50%) of the cost at the time of construction or replacement. The City shall pay the remaining fifty percent (50%).

   Option 2: The abutting property owner may elect to pay the City fifty percent (50%) of the cost of the cost, plus six percent (6%) interest, compounded annually, which may be spread over a period of not-to-exceed five (5) years, beginning in the year of construction. The City shall pay the remaining fifty percent (50%).

2. For sidewalk and/or curb replacement installed by the City or by a City-awarded contractor at the request of the owner of an abutting property, the abutting property owner shall pay the City fifty percent (50%) of the cost at the time of replacement. The City shall pay the remaining fifty percent (50%).

3. In the case where a private property owner enters into an agreement with a private contractor to replace sidewalk and/or curb located within City-owned right-of-way, subject to prior approval of the City, the City will reimburse the property owner an amount equal to the actual cost of materials only based on the City's final inspection measurements.

4. Property owners may request for sidewalk and/or curb abutting their property to be replaced. Requests must meet the conditions specified in § 152.022 (J) in order to either be placed on the City's replacement program or reimbursed for the cost of concrete material when the property owner contracts with a private contractor to have the work done. The amount of material reimbursement is based on the City's annual concrete bid price per lineal foot and the City's final inspection measurements.

The City reserves the right to accept, defer, or reject voluntary requests for replacement, subject to budgetary constraints.

(Ord. 1831, passed 4-18-94; Am. Ord. 2764, passed 1-22-08; Am. Ord. 3205, passed 10-3-16)

§ 152.023 STORM SEWERS AND APPURTENANCES

(A) The size of storm sewers and appurtenances shall be as approved by the Public Works Director. Minimum capacity of storm sewers shall be adequate to carry a twenty-five (25) year storm, as defined in publications of the State Water Survey, Division of the Department of Natural Resources.

(B) Storm sewers and appurtenances shall be installed in accordance with city construction standards and state water and sewer main specifications. Connection of new storm sewers to the existing system shall not be made until approved by the Public Works Director.

(C) Storm sewers located under streets shall be reinforced concrete with bell and spigot or tongue and groove joints. Storm sewers not located under streets may be PVC or other materials approved by the Public Works Director.

(D) Storm sewer manholes and inlets shall be precast concrete components or monolith concrete. Bases shall be cast in place concrete or precast concrete.

(E) All storm sewers shall be installed on granular cradle bedding.

(F) All storm sewers and appurtenances located below or within two (2) feet of street surfaces, sidewalks, curbs, and gutters shall be backfilled with select granular backfill and mechanically compacted to a minimum of ninety-five percent (95%) SPD in minimum twelve (12) inch loose lifts.

(G) All other storm sewer trenches shall be compacted by mechanical compaction, jetting and water soaking or another means, as approved by the Public Works Director.

(H) All storm sewers shall be lamped for straightness and visually inspected. All tests shall be performed by the subdivider's engineer or an independent testing company or under the observation of the Public Works Director and test results documented and submitted to the Public Works Director for review.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.024 STORM WATER CONTROL AND DETENTION BASINS

See Chapter 53 (Am. Ord. 2565, passed 10-18-04)

§ 152.025 STREETS

(A) The arrangement of streets in new subdivisions or developments shall make provisions for the continuance of existing streets in adjoining areas. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions or development shall make provision for proper projection of dedicated streets to the boundaries of the subdivision or development.

(B) The arrangement, width, grade and location of all streets shall be considered in their relation to existing topographical conditions and safety.

(C) Principal streets shall conform to the Comprehensive Plan and local streets shall be designed to discourage through traffic.

(D) When a subdivision abuts or contains an existing or proposed major thoroughfare, the Planning and Zoning Commission may require marginal access streets, reverse frontage lots with screen plantings, rear service alleys or such other treatment as may be necessary to provide separation of through and local traffic.

(E) Reserve strips controlling access to streets shall be prohibited except where their control is placed with the city under conditions approved by the Planning and Zoning Commission.

(F) Street jogs with centerline offsets of less than one hundred twenty five (125) feet shall be avoided.

(G) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major and secondary thoroughfares.

(H) Streets shall be laid to intersect as nearly as possible at right angles. No street shall intersect any other street at less than a seventy five (75) degree angle.

(I) When connecting streets lines deflect from each other by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet along intersecting streets. Greater radii may be required for special cases by the Planning and Zoning Commission.

(J) Property lines at street intersections shall be rounded with a fifteen (15) foot radius. The radius may be increased when deemed necessary by the Planning and Zoning Commission.

(K) Surface grading at street intersections shall be such as to insure a sight distance of not less than one hundred (100) feet along intersecting streets.

(L) Minimum street right-of-way width shall be as follows:

(1) Major thoroughfares: as required by the appropriate authority;

(2) Secondary thoroughfares: eighty (80) feet;

(3) Country estates streets: eighty (80) feet;

(4) Collector streets: seventy (70) feet;

(5) Industrial streets: sixty (60) feet;

(6) Local streets: sixty (60) feet;

(7) Private access streets: as required by the appropriate authority.

(M) Dead end streets shall be provided with a turn around cul-de-sac having an outside pavement diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet. The length of a dead end street shall not exceed six hundred (600) feet measured from the center point of the turn-around to the centerline of an intersecting street, except where unusual topography or other unique circumstances may allow greater length.

(N) Street grades shall not be less than five tenths percent (0.5%). All changes in grade for major and secondary streets shall be connected by a vertical curve of a minimum length equal to twenty (20) times the algebraic difference in the rates of grade. The length of curve for all other streets shall be not less than ten (10) times the algebraic difference in the rates of grade.

(O) Street grades shall not exceed the following:

(1) Major thoroughfares: six percent (6%);

(2) Secondary thoroughfares: seven percent (7%);

(3) Collector streets: seven percent (7%);

(4) Local streets: ten percent (10%).

(P) Access to state and county highways at intervals of less than one thousand three hundred twenty (1,320) feet shall not be allowed except where impractical or impossible due to existing property divisions or topography. Streets within new subdivisions shall be arranged to permit access to adjacent future subdivisions to meet this requirement.

(Q) Streets in residential subdivisions shall be a minimum of thirty four (34) feet wide from the face of curb to face of curb. The width of secondary thoroughfares and streets in industrial and commercial subdivisions shall be as determined by the Public Works Director. All major thoroughfares street widths shall conform to the state road specifications.

(R) All construction materials shall be governed by the state road specifications unless otherwise directed by the Public Works Director.

(S) All streets shall be constructed in conformance with the city subdivision standards and the state road specifications.

(T) The location of trees planted in parkways or street rights-of-way is subject to approval of the Public Works Director. Trees should be a minimum of two (2) inch caliper. The recommended types of trees are: Norway Maple, Red Maple, Green Ash, Amur Cork-Tree, Little Leaf Linden, Siberian Elm, Common Hackberry, Honey Locust or American Linden.

(U) Driveway entrances shall be constructed per the city's subdivision standards.

(V) All underground utilities that lie or cross under the proposed pavement shall be constructed prior to any street construction. Trenches shall be backfilled with approved select granular backfill and compacted mechanically to ninety-five percent (95%) SPD in minimum twelve (12) inch loose lifts to a point two (2) feet behind the curb. Street pavement in residential subdivisions shall not be installed until the trenches for underground utilities have settled through a winter and spring season.

(W) Streets constructed outside the corporate limits of the city but within the mile and one-half extraterritorial jurisdiction shall also conform to the rules, specifications, and regulations regarding location, width, grades, surface and drainage structures applicable to the township road system. The review, approval and acceptance of roads or streets in the township is performed by the township Highway Commissioner, in coordination with the city, and acceptance shall be filed with the County Clerk and County Superintendent of Highways.

(X) The base coarse of streets shall be tested by compaction to not less than ninety five percent (95%) of standard laboratory density and with not more than one hundred twenty percent (120%) of optimum moisture content a minimum of every one hundred (100) linear feet of roadway or increment thereof. Subgrade compaction shall be performed every one hundred (100) linear feet of roadway or increment thereof. The use of fill dirt or other unusual soil conditions may cause a need to increase the number of tests performed.

(Y) Pavement shall have each lane of both the binder course and surface course tested. Each pavement course shall be tested every four hundred (400) linear feet for density by nuclear test methods indicating average density not less than ninety three percent (93%) of maximum theoretical density. One (1) test result shall be indicated by the average of five (5) readings from a cross section of a lane.

(Z) Concrete curb and gutter shall have slump and air tests performed at least once a day. Compressive strength tests shall be performed by sampling, preparing, and testing at least one (1) set of cylinders a minimum of every four hundred (400) feet of curb and gutter.

(Ord. 1831, passed 4-18-94; Am. Ord. 1887, passed 11-7-94; Am. Ord. 2022, passed 8-5-96; Am. Ord. 2738, passed 6-4-07)

§ 152.026 STREET LIGHTING

Lighting in each residential subdivision shall consist of a combination of individual yard lights placed on each lot in addition to street pole lights placed as directed by the Public Works Director or his designee at the time of construction plan review and approval. Yard lights shall be placed within 10 feet from the back of the sidewalk or edge of the right-of-way. Street pole lights shall be placed at intersecting streets where one or more of the intersecting streets have or will have a posted speed of 30 mph or greater. In addition, street pole lights shall be placed where in the opinion of the Public Works Director, the horizontal and/or vertical street alignment warrants placement of a light.

(Ord. 1831, passed 4-18-94; Am. Ord. 3023, passed 3-4-13)

§ 152.027 STREET NAMES, SIGNS AND NUMBERING

(A) The subdivider shall provide all street names. No street name shall be used which will duplicate or be confused with the name of any existing street. All street names shall be approved by the Plat Officer.

(B) The city shall install all street signs. The subdivider shall pay the cost of all materials.

(C) Street numbers shall be assigned by the Plat Officer.

(Ord. 1831, passed 4-18-94)

§ 152.028 SUMP PUMP DRAIN LINE SYSTEM

(A) The subdivider shall provide sump pump drain lines to drain the sump pump discharge lines from each lot or parcel in the subdivision where a sump pump drain line cannot be discharged directly into a drainage ditch. No sump pump drain lines are required for lots one (1) acre or greater.

(B) Manholes or cleanouts shall be provided on the sump drain lines at a maximum spacing of five hundred (500) feet and shall be located in street right-of-way or easements adjacent to street right-of-way accessible for maintenance.

(C) Sump drain lines shall discharge into drainage ditches, storm sewer inlets or storm sewer manholes.

(D) A tee and lateral shall be provided in sump drain lines in each lot.

(E) All sump drain line construction shall be in accordance with the city's construction standards and shall become a part of the city's storm sewer system. Outside the city's corporate limits sump pump drain lines shall be maintained by the property owner.

(F) All sump drain lines located below street surfaces, curb and gutters shall be backfilled with selected granular backfill.

(G) All sump drain line trenches in or adjacent to street right-of-way shall be compacted by mechanical compaction to ninety-five percent (95%) SPD in minimum twelve (12) inch loose lifts, or another means, as approved by the Public Works Director.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.029 TELEPHONE AND CABLE TELEVISION LINES

All main telephone and cable television lines in subdivisions shall be installed along either the front or rear lot lines. All lines shall be installed underground. All main lines shall be installed in a utility easement.

(Ord. 1831, passed 4-18-94)

§ 152.030 WATER MAINS AND APPURTENANCES

(A) The size of water mains shall be as determined by the Public Works Director. The minimum size for water mains shall be six (6) inches.

(B) Water mains shall be located between the proposed sidewalk and the proposed curb. A locating tape shall be installed with all water mains.

(C) Water mains and appurtenances shall be installed in accordance with the city construction standards and with the most recent edition of Standard Specifications for Water and Sewer Main Construction in Illinois. Connection of new water mains to the existing system shall not be made until approved by the Public Works Director.

(D) Water mains shall be ductile iron or polyvinyl chloride (PVC) pipe as approved by the Public Works Director. All fittings shall be ductile iron. Specialty valves and fittings shall be approved by the Public Works Director.

(E) Water main pipe shall have pressure slip bell and spigot joints. All fittings shall have mechanical joints.

(F) Fire hydrants and appurtenances shall be furnished and installed by the subdivider. Hydrants shall be Mueller Model A423 5-1/4" diameter three (3) way hydrants. All hydrants shall be valved.

(G) All service lines shall be either copper water tube type K or polyethylene plastic tubing pipe. Stops and fittings shall be brass.

(H) All water mains and service lines shall be laid with a minimum cover of four (4) feet.

(I) All water main and service line trenches located below street surfaces, curbs and gutters shall be backfield with selected granular backfill.

(J) All water main and service line trenches located below or within two (2) feet of street surfaces, sidewalks, curbs and gutters shall be backfilled with select granular backfill and mechanically compacted to a minimum of ninety-five percent (95%) SPD in minimum of ninety-five percent (95%) SPD in minimum twelve (12) inch loose lifts.

(K) All other water main trenches shall be compacted by mechanical compaction, jetting and water soaking or another means, as approved by the Public Works Director.

(L) All new water mains and appurtenances shall be visually inspected, pressure tested and leak tested. The testing shall be done by the subdivider's engineer or an independent testing company under the observation of the Public Works Director.

(M) All new water mains and appurtenances shall be disinfected and flushed and meet all state requirements prior to placing the new system in operation.

(Ord. 1831, passed 4-18-94; Am. Ord. 1863, passed 9-6-94; Am. Ord. 2738, passed 6-4-07; Am. Ord. 3190, passed 7-5-16)

CONSTRUCTION

§ 152.031 CONSTRUCTION OF STORM WATER CONTROL FACILITIES

(A) Where development of a subdivision presents, in the opinion of the Public Works Director, the threat of flooding or damage by runoff to downstream properties, the storm water runoff control facilities shall be constructed as part of the first phase of construction.

(B) During the construction of the subdivision, measures shall be provided to prevent the erosion of soil in all storm water runoff facilities.

(C) All flood control components such as earthen embankments, conduits, outlet structures, flood control structures, spillways and bypass channels shall be built as permanent facilities.

(D) Provisions shall be made for proper maintenance of detention facilities, bypass channels, outlet structures and related flood control facilities.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

§ 152.032 EROSION CONTROL

During construction and until such time as permanent vegetation is established, the subdivider shall employ soil erosion control measures in accordance with generally accepted engineering practices. Soil erosion control measures shall protect storm sewer facilities and streets from sedimentation and prevent the flow of sediments outside the subdivision.

(Ord. 1831, passed 4-18-94)

§ 152.033 CONSTRUCTION INSPECTIONS AND DEVIATIONS FROM THE PLANS AND SPECIFICATIONS

(A) The city or the designated representative of the city shall have access to the subdivision site at all times to observe the improvements during and after construction. A pre-construction conference to be held with the Public Works Director, subdivider, subdivider's engineer and subdivider's general contractor is encouraged to discuss the

requirements for public improvements, including but not limited to, construction specifications, bonding, scheduling, and testing.

(B) The subdivider shall notify the city at least twenty four (24) hours in advance of any underground construction of improvements.

(C) The subdivider shall be responsible for the inspection of all improvements to insure that all construction is done in accordance with city and state codes and requirements. The subdivider shall provide sufficient engineering inspection so that the subdivider's engineer can certify that all construction was completed in accordance with the approved plans and specifications.

(D) No significant deviation from the approved construction plans and specifications shall be permitted without the written approval of the Public Works Director. In the event of a discrepancy between sets of plans and specifications for the subdivision, the official copy on file with the city shall take precedence.

(E) The subdivider shall certify that all improvements have been constructed in accordance with city and state codes and requirements and with the approved plans and specifications. This certification shall be required for each improvement made prior to the release by the city of the subdivision bond, cash deposit or any portion thereof. The engineer for the subdivider shall also certify that all improvements have been constructed in accordance with city and state codes and requirements and with the approved plans and specifications. This certification shall be required for each improvement made prior to the release by the city of the subdivision bond, etc. cash deposit or any portion thereof.

(F) The contractor or subcontractor responsible for installing each improvement shall also certify that all improvements have been constructed in accordance with city and state codes and requirements and with the approved plans and specifications. This certification shall be required for each improvement prior to the release by the city of the subdivision bond, etc. cash deposit or any portion thereof.

(G) One copy of "as built" construction plans must be submitted to the city prior to the release of the subdivision bond, etc.

(Ord. 1831, passed 4-18-94; Am. Ord. 2738, passed 6-4-07)

CITY OF WASHINGTON CONSTRUCTION STANDARDS
SUBDIVISION CERTIFICATES
PRELIMINARY PLAT CERTIFICATES

1. **Surveyor's Certificate**

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I, _____ , a professional land surveyor, do hereby certify that I have prepared the above Preliminary Subdivision Plat and the above plat is a true and correct representation of said subdivision as drawn to a scale of 1 inch = 100 feet. I further certify that the above tract of land is located within an incorporated city, town or village or within 1½ miles of the corporate limits of an incorporated city, town or village which has adopted a city plan and is exercising the special powers authorized by Division 12 of Article 11 of the Illinois Municipal Code as now or hereafter amended, and not included in any municipality.

Dated at Washington, Illinois this _____ day of _____, 2____ .

_____
Illinois Land Surveyor # _____

2. **Plat Officer's and Planning and Zoning Commission's Certificate**

This Preliminary Plat of _____Subdivision, on the _____ day of _____, 2_____, received the recommendation of the City of Washington Plat Officer and Planning and Zoning Commission. This recommendation is subject to acceptance or rejection by City Council within thirty (30) days after its first regular scheduled meeting.

_____ _____
Plat Officer Chairman, Planning and Zoning Commission

3. **City Clerk's Certificate**

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I, Carol K. Moss, Clerk of the City of Washington, Illinois, do hereby certify that by Resolution No. ____, adopted by the City Council of the City of Washington, Tazewell County, Illinois, at a regular meeting held on the ____ day of _____, 20___, the Preliminary Plat of _____ was approved and the streets shown thereon were accepted.

_____
City Clerk

FINAL PLAT CERTIFICATES

1. **Surveyor's Certificate**

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I, _____, a professional land surveyor, do hereby certify that I have prepared the above Final Subdivision Plat and the above plat is a true and correct representation of said subdivision as drawn to a scale of 1 inch = 100 feet. I further certify that the above tract of land is located within an incorporated city, town or village or within 1½ miles of the corporate limits of an incorporated city, town or village which has adopted a city plan and is exercising the special powers authorized by Division 12 of Article 11 of the Illinois Municipal Code as now or hereafter amended, and not included in any municipality.

Dated at Washington, Illinois this _____ day of _____, 2____ .

_____
Illinois Land Surveyor # _____

2. **Owner's Certificate**

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I, _____, owner and proprietor of the land shown on the above plat, do hereby certify that I/we have caused this survey and subdivision to be made as shown on this plat, to be known as _____ Subdivision. I/we acknowledge this survey to be correct to the best of my knowledge and belief, and I/we hereby dedicate the streets shown herein to the public use forever.

A permanent non-exclusive easement is hereby reserved for and granted to the CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, and to those public utility companies, if any, operating under franchise from the City of Washington, including, but not limited to General Telephone, Central Illinois Light Company, cable television companies, and to their successors and assigns in, upon, across, over, under, and through the areas shown and designed on the attached plat of subdivision for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining electrical, gas, telephone or other utility lines or appurtenances, sanitary sewers, storm sewers, water mains, and any and all manholes, hydrants, pipes, connections, catch basins, buffalo boxes, and without limitation, such other installations as may be required to furnish public utility service to the attached area, and such appurtenances and additions thereto as said City and utilities may deem necessary, together with the right of access across the lot and real estate included in the attached document for the necessary men/women and equipment to do any or all of the above work. The right is also hereby granted to said City and utilities to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to said sewers or, without limitation, utility installations in, or upon, or across, under or through said easements. No permanent buildings or trees shall be placed on said easements, but same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. Where an easement issued for storm or sanitary sewers, other utility installations shall be subject to the prior approval of the said City of Washington so as not to interfere with the gravity flow in said sewer or sewers.

Optional: Each lot or part hereof in this Subdivision shall be subject of restrictions as recorded in a Declaration of Restrictions placed on record in the Tazewell County Recorder's Office. Each contract for sale, conveyance or lease of any lot or part thereof, shall be made expressly subject to these restrictions, and each purchaser, grantee or lessee in the acceptance of such contract, conveyance or lease, shall thereby subject himself, his heirs, executors, administrators, and assigns to these restrictions.

IN WITNESS WHEREOF, _____, has caused this certificate to be subscribed this ____ day of _____, 2____ .

3. **Notary Public's Certificate Attesting to Owner of Plat**

STATE OF ILLINOIS)

COUNTY OF TAZEWELL)

I, the undersigned, a Notary Public in and for the said County in the State aforesaid, do hereby certify that _____ is/are personally known to me to be the same person(s) whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the Plat Certificate as their free and voluntary act for the uses and purposes set forth, and on their oath stated that they are duly authorized to execute said instrument.

Given under my hand and Notarial Seal this ____ day of _____, 2___.

_____ _____
Notary Public Commission Expires

4. **Plat Officer's Certificate**

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I, _____, Plat Officer of the City of Washington, do hereby approve this Final Plat and acknowledge that it meets the requirements of the City's Subdivision Code and Comprehensive Plan, this _____ day of _____, 20___.

_____
City of Washington Plat Officer

5. **City Clerk's Certificate**

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I, _____, Clerk of the City of Washington, Illinois, do hereby certify that by Resolution No.___, adopted by the City Council of the City of Washington, Tazewell County, Illinois, at a regular meeting held on the _____ day of _____, 2___, the Final Plat of _____ was approved and the streets shown thereon were accepted.

_____
City Clerk

6. **Tazewell County Clerk's Certificate**

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against any of the real estate embraced in the accompanying Plat of _____.

Given under my hand and Seal this _____ day of _____, 2___.

_____
County Clerk

FINAL PLAT CERTIFICATE REQUIRED
FOR SUBDIVISIONS BOUNDED BY STATE HIGHWAYS

7. I, _____, Illinois Department of Transportation District Engineer, hereby certify that the above plat meets with my approval. Dated this _____ day of _____, 2___.

_____
Illinois Department of Transportation
District Engineer

FINAL PLAT CERTIFICATES REQUIRED
FOR SUBDIVISIONS OUTSIDE CORPORATE LIMITS

8. **Township Road Commissioner's Certificate**

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I, _____, Township Road Supervisor for Washington Township hereby certify that the above plat meets with my approval. Dated this ___ day of _____, 2___.

_____
Township Road Supervisor

9. **Certificate by Tazewell County Highway Supervisor**

STATE OF ILLINOIS)
COUNTY OF TAZEWELL)

I, _____, Superintendent of Highways for Tazewell County hereby certify that the above plat meets with my approval. Dated this _____ day of _____, 2___.

_____
County Superintendent of Highway.

ADDITIONAL EXHIBITS

10. Letter of Credit (attached)

11. Bill of Sale for Public Improvements (attached)

LETTER OF CREDIT

City of Washington
115 West Jefferson Street
Washington, IL 61571

Date:_____
Number:_____
Account:_____
Expiration Date:_____
(Two Year Maximum)

IRREVOCABLE LETTER OF CREDIT

We hereby establish our Irrevocable Letter of Credit in your favor for the account of _____ (Developer), _____, Illinois, in the aggregate amount of $_____ available by your draft drawn on sight and marked "Drawn Under _____ (financial institution) #_____ dated _____ and accompanied by the following document:

A signed statement by the City Administrator, or any other duly authorized official of the City of Washington, certifying that any portion of the improvements on the _____ _____ Subdivision _____ Extension, as specified in the plans and specifications for the subdivision known as _____, approved by the City Administrator, have not been complied with in accordance with said plans and specifications or that fails to conform to the rules, specifications and regulations regarding location, width, grades, surface and drainage structures applicable to the City of Washington road system.

The development is legally described as follows:

The improvements in the above described Subdivision shall be completed on or before _____. If said improvements have not been completed and approved by the City Administrator of the City of Washington (hereinafter referred to as "City") on or before that date, the City is hereby granted authority to draw on this Irrevocable Letter of Credit for the purpose of completing said improvements, in accordance with the following provisions.

The _____ (name of issuer of Letter of Credit/Bank) will make payments for materials and labor to contractors or subcontractors retained by the municipality if:

(1) The City sends us a resolution indicating that _____ (Owner/Developer) has failed to satisfactorily complete the required improvements; and

(2) Such resolution indicates _____ (Owner/Developer) has been notified that the City considers them to be in breach and such breach has not been cured within thirty (30) days.

Such payments will be made to the contractors and subcontractors who completed the improvement, on the City's request in substantial accordance with the original plans and specifications. Such payments shall be made upon certification from the City Administrator that the work has been completed and submission of proper lien waivers.

This Irrevocable Letter of Credit shall not operate as a limitation on the obligations of _____ (Developer) to install all improvements required by the City.

The City may submit its sight drafts as herein and above provided without the consent of _____ (Developer) or any other party. If, within ten (10) days of the date such draft is presented in conformance with the terms of this Irrevocable Letter of Credit, we fail to honor same, we agree to pay all attorneys' fees, court costs, and other expenses incurred by the City enforcing the terms hereof.

The principal amount of this Irrevocable Letter of Credit shall not be reduced for any improvements installed unless such reduction is approved by the City Administrator. This Irrevocable Letter of Credit may only be reduced upon the following terms and conditions:

(1) A reduction may occur only when the subdivision improvements are a least 50% complete, provided, however, that the storm water control features are serviceable, if not entirely completed and such storm water control has been approved by the City Administrator; and

(2) The amount of the reduction of this Irrevocable Letter of Credit must be authorized by the City Council of the City of Washington; and

(3) The amount of this Irrevocable Letter of Credit shall not be reduced more than three times; and at no point may the amount of this Irrevocable Letter of Credit be reduced below $_____ (20% of the cost of Improvements) until the final approval and acceptance of the subdivision or as otherwise provided in this Irrevocable letter of Credit; and

(4) The amount of each reduction in this Letter of Credit shall be in writing, signed by the City. Said reduction shall recite the modified amount of this Irrevocable Letter of Credit and it must incorporate all rights, liabilities, terms, and conditions of this Irrevocable Letter of Credit; and

(5) Reductions in the amount of this Irrevocable Letter of Credit shall not be considered as acceptance of all or part of said subdivision.

We hereby agree this Irrevocable Letter of Credit shall expire on _____, as stated herein above, or at such time as said subdivision improvements are 100% completed and approved by the City, whichever occurs first; provided, however, that we shall notify the City Administrator by certified mail, return receipt requested, at least ninety (90) days prior to said expiration date or completion of subdivision improvements that said Letter of Credit is about to expire. In no event shall this Irrevocable Letter of Credit or the obligations contained herein expire except upon prior written notice, it being expressly agreed that the above expiration date shall be extended as shall be required to comply with this notice provision.

We hereby agree that upon the expiration of this letter of credit, we shall immediately issue a new letter of credit or cash bond in your favor in the amount of $_____ (20 % of the cost of the improvements) for a period of one year. The terms of this new letter of credit shall be in substantially the same form as the attached exhibit. See Exhibit "A", attached hereto and expressly made a part hereof.

The undersigned further agrees that this credit shall remain in full force and effect and pertain to amendments and modifications which may be made from time to time to the plans and specifications.

_____
(Name of Bank)

By_____
Its_____

Subscribed and sworn to before me
this _____ day of _____,
_____.

_____
Notary Public

This Irrevocable Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credit, the International Chamber of Commerce Publication #400 (Latest Revision)," except as herein and above modified.

Exhibit "A"

City of Washington
115 West Jefferson Street
Washington, IL 61571

Date:_____
Number:_____
Account:_____
Expiration Date:_____
(One year from date of completion of improvements)

IRREVOCABLE LETTER OF CREDIT

We hereby establish our Irrevocable Letter of Credit in your favor for the account of _____ (Developer), _____, Illinois, in the aggregate amount of $_____ available by your draft drawn on sight and marked "Drawn Under _____ (financial institution) #_____ dated _____ and accompanied by the following document:

A signed statement by the City Administrator, or any other duly authorized official of the City of Washington, certifying that any portion of the improvements on the _____ _____ Subdivision _____ Extension, as specified in the plans and specifications for the subdivision known as _____, approved by the City Administrator, have not been complied with in accordance with said plans and specifications or that fails to conform to the rules, specifications, and regulations regarding location, width, grades, surface and drainage structures applicable to the City of Washington road system.

The development is legally described as follows:

The improvements in the above described Subdivision were completed on _____. If said improvements have not been completed correctly and/or incur structural failure, the City Administrator of the City of Washington (hereinafter referred to as "City"), the City is hereby granted authority to draw on this Irrevocable Letter of Credit for the purpose of completing or repairing said improvements, in accordance with the following provisions.

The _____(name of issuer of Letter of Credit/Bank) will make payments for materials and labor to contractors or subcontractors retained by the municipality if:

(1) The City sends us a resolution indicating that _____ (Owner/Developer) has failed to satisfactorily complete the required improvements; and

(2) Such resolution indicates _____ (Owner/Developer) has been notified that the City considers them to be in breach and such breach has not been cured within thirty (30) days.

Such payments will be made to the contractors and subcontractors who completed the improvement, on the City's request, in substantial accordance with the original plans and specifications. Such payments shall be made upon certification from the City Administrator that the work has been completed and submission of proper lien waivers.

This Irrevocable Letter of Credit shall not operate as a limitation on the obligations of _____ (Developer) to install or repair all improvements required by the City.

The principal amount of this Irrevocable Letter of Credit shall not be reduced for any improvements installed unless such reduction is approved by the City Administrator. The City may submit its sight drafts as herein and above provided without the consent of _____ (Developer) or any other party. If, within ten (10) days of the date such draft is presented in conformance with the terms of this Irrevocable Letter of Credit, we fail to honor same, we agree to pay all attorneys' fees , court costs, and other expenses incurred by the City enforcing the terms hereof.

We hereby agree this Irrevocable Letter of Credit shall expire on _____, as stated herein above; provided, however, that we shall notify the City Administrator by certified mail, return receipt requested, at least ninety (90) days prior to said expiration date that said Letter of Credit is about to expire. In no event shall this Irrevocable Letter of Credit or the obligations contained herein expire except upon prior written notice, it being expressly agreed that the above expiration date shall be extended as shall be required to comply with this notice provision.

The undersigned further agrees that this credit shall remain in full force and effect and pertain to amendments and modifications which may be made from time to time to the plans and specifications.

_____
(Name of Bank)

By_____

Its_____

Subscribed and sworn to before me
this _____ day of _____,
_____.

_____
Notary Public

This Irrevocable Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credit, the International Chamber of Commerce Publication #400 (Latest Revision)," except as herein and above modified.

BILL OF SALE FOR WATER, STORM SEWER AND SANITARY SEWER SYSTEMS

KNOW ALL MEN BY THESE PRESENTS, that _____ (the "Developer") in consideration of One Dollar and other valuable consideration does hereby grant, sell, transfer and deliver unto the CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS (the "City"), the following goods, chattels and other items of personal property located in_____ (Subdivision and extension thereof) namely:

(1) Each and every part and item of a system of storm sewers, lined culverts and paved drainage ways, and other items of personalty for the retention or detention of storm and surface waters installed at the direction of the City by the Developer for the purpose of the collection, transport, and flow of surface and storm waters.

(2) Each and every part and item of a system for the collection, transportation and treatment of sewage installed at the direction of the City by the Developer with the exception of those pipes which transport the sewage of a single building into a common sewer commonly known as a house service.

(3) Each and every part and item of a system for the distribution of water installed at the direction of the City by the Developer except the pipe which transports water from the buffalo box to a single building commonly known as a house service.

(4) The object of this Bill of Sale is to grant, sell, transfer and deliver to the City, with the exceptions noted, the ownership in all items of personalty which comprise the storm sewer, sanitary sewer and water distribution systems installed by the Developer in the above referenced subdivision within the City. The storm and surface water retention and

detention areas are specifically not included in this Bill of Sale and shall remain the sole property of Developer.

The Developer does hereby covenant it is the lawful owner of the aforesaid goods, chattels and personalty; that such items are free from all encumbrances; that the Developer has the right to sell the same as aforesaid; and that the Developer warrants and will defend the same against the lawful claims and demands of all persons; and that the execution of this Bill of Sale is an authorized act of said corporation, individual or partnership.

DATED at Washington, Illinois, this ____ day of _____, 2___.

_____
Developer

CITY OF WASHINGTON. ILLINOIS
PRELIMINARY PLAT REVIEW CHECKLIST

Name of Subdivision: _____

Owner of Subdivision: _____

Address of Owner: _____

City: _____ State: _____ Zip: _____

Name of Person Completing This Checklist: _____

Address of Person Completing This Checklist: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

Date of Submittal of This Preliminary Plat to the City of Washington: _____

WHAT IS THE ZONING CLASSIFICATION OF THIS SUBDIVISION? _____

DO THE PROPOSED USES AND LOT-SIZES COMPLY WITH THE CITY'S ZONING CODE OR THE COUNTY'S ZONING CODE, AS APPLICABLE? _____

IF NOT, WHAT ACTIONS ARE BEING MADE TOWARDS COMPLIANCE? _____
_____

Complete the following checklist. Generally, items on the checklist will be checked under the "YES" or "N/A" (not applicable) column. Those items checked "YES" will be shown on the plat or on supporting documentation. For those items that are checked under the "NO" column, explain why this plat should be approved without those items, in the Letter of Request for Preliminary Plat Review.

NO.	**REQUIREMENT**	**YES**	**NO**	**N/A**
1.	Application for Subdivision with Owner and Developer Identified.			
2.	15 Copies of Preliminary Plat.			

NO.	REQUIREMENT	YES	NO	N/A
3.	Submitted No Later than the 15th Day of the Month Prior to Planning and Zoning Commission Meeting.			
4.	Legal Description and Area of Subdivision.			
5.	Zoning On and Adjacent the Site, Including Identification of Non-residential Land Uses.			
6.	Names of Owners and Property Identification Numbers of Adjacent Unplatted Land.			
7.	Names of Adjacent Platted Subdivisions.			
8.	Topography On and Adjacent the Site with 2' Contours Based Upon State Plane Coordinates.			
9.	100 Year Flood Plain, Flood Hazard Areas, Water Courses, and Wooded Areas.			
10.	Lot Lines and Sizes, Block and Lot Numbers and Minimum Building Setback Lines.			
11.	Easements On and Adjacent the Site, with Purpose, Location and Dimensions.			
12.	Streets and Roads On and Adjacent to the Site, Including Location, Name, Right-of-Way Width.			
13.	Utilities On and Adjacent to the Site, Including Location and Size of Water, Storm and Sanitary Sewers, and Location of Gas, Electric, Telephone, and Street Lights.			
14.	Existing and Proposed Locations of Storm Water Controls.			
15.	Registered Land Surveyor's Certificate.			
16.	Plat Officer's Certificate.			
17.	City Clerk's Certificate.			
18.	Scale not Smaller than 100' Per Inch.			
19.	Title, North Arrow, and Date.			
20.	Restrictive Covenants, if any.			

NO.	REQUIREMENTS	YES	NO	N/A
21.	Certificate of Registration on File with City Clerk.			

FOR CITY OF WASHINGTON USE ONLY:

Reviewer: _____

Date of Plat Submittal: _____ Date of Review: _____

Date to Go Before Planning and Zoning Commission: _____

Comments to Planning and Zoning Commission: _____
_____
_____

Recommendation of Planning and Zoning Commission: _____
_____
_____

CITY OF WASHINGTON, ILLINOIS
FINAL PLAT REVIEW CHECKLIST

Name of Subdivision: _____

Owner of Subdivision: _____

Address of Owner: _____

City: _____ State: _____ Zip: _____

Name of Person Completing This Checklist: _____

Address of Person Completing This Checklist: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

Date of Submittal of This Preliminary Plat to the City of Washington: _____

Date of City Council approval of Preliminary Plat: _____

WHAT IS THE ZONING CLASSIFICATION OF THIS SUBDIVISION? _____

DO THE USES AND LOT SIZES PROPOSED IN THIS SUBDIVISION COMPLY WITH THE CITY'S ZONING CODE OR THE COUNTY'S ZONING CODE, AS APPLICABLE? ___
_____

IF NOT, WHAT ACTIONS ARE BEING MADE TOWARDS COMPLIANCE? _____
_____

Complete the following checklist. Generally, items on the checklist will be checked under the "YES" or "N/A" (not applicable) column. Those items checked 'YES" will be shown on the plat or on supporting documentation (construction plans, restrictive covenants, etc.), included with this submittal. For those items that are checked under the "NO" column, explain why this plat should be approved without those items, in the Letter Requesting Plat Review.

NO.	**REQUIREMENTS**	**YES**	**NO**	**N/A**
1.	15 Copies of Final Plat.			

NO.	REQUIREMENTS	YES	NO	N/A
2.	Plat Substantially Conforms to the Approved Preliminary Plat.			
3.	Submitted No Later Than 20 Days Before Regular Meeting of City Council.			
4.	Legal Description and Area of Subdivision.			
5.	Subdivision Boundary Lines with Bearings and Dimensions to Primary Control Points, with Location and Description of all Monuments to Identify Points.			
6.	Easements On and Adjacent the Site, with Purpose, Location and Dimensions.			
7.	Streets and Roads On and Adjacent to the Site, Including Location, Name, Right-of-Way Width, and Pavement Width.			
8.	Lot Lines and Sizes, Lot Areas in Acres, Block and Lot Numbers, Minimum Building Setback Lines.			
9.	Names of Owners of Adjacent Unplatted Land.			
10.	Names of Adjacent Platted Subdivisions.			
11.	Flood Hazard Areas and the Purpose for any Non-residential Sites.			
12.	Owner's Certificate Included on Plat, Signed and Notarized, Evidencing Free and Clear Ownership without Delinquent Taxes, Assessments or Other Encumbrances.			
13.	City Clerk's Certificate.			
14.	Plat Officer's Certificate.			
15.	County Clerk's Certificate.			
16.	County Plat Officer's Certificate.			
17.	IDOT District Engineer's Certificate, if required.			
18.	Township Road Commissioner's Certificate, if required.			
19.	County Highway Superintendent’s Certificate, if required.			
20.	Registered Land Surveyor's Certificate.			

NO.	REQUIREMENTS	YES	NO	N/A
21.	Drainage Acknowledgement Certificate Included on Plat or on Construction Plans.			
22.	IDNR Endangered Species Consultation Process Completed with Satisfactory Clearance.			
23.	Construction Plans and Specifications, Estimate of Expenditure and Drainage Plans Approved by Civil Engineer.			
24.	Scale Not Smaller than 200 Feet Per Inch.			
25.	Title, North Arrow, and Date.			
26.	Surety Provided that Public Improvements will be Completed Satisfactorily.			
27.	Bill of Sale Conveying Public Utilities.			
28.	Subdivision Fees and Development Fees Paid.			

FINAL PLAT FEES CALCULATION WORKSHEET

Subdivision Review Fee. For city review of final plats and construction plans and specifications the fee schedule is as follows:

Lots 1 - 10: _____ X $25.00 = _____
Lots 11 - 20: _____ X $20.00 = _____
Lots 21 - 40: _____ X $17.50 = _____
Lots 41 & Up: _____ X $12.50 = _____

TOTAL SUBDIVISION FEE = _____

Subdivision Development Fee. For extensions, improvements, or upgrades to the municipal water and sanitary sewer systems needed to support future growth and development the fee schedule is as follows:

Residential Development:

Total number of individual
dwelling units in Subdivision: _____ X $1312.00 = _____

Non-Residential Development:

Total lot area in subdivision (in acres): _____ X $3920.00 = _____

Other Fee(s). Roadway improvement fees or other assessments as agreed upon by Annexation Agreement, Development Agreement, etc.

NOTE: All applicable fees must be paid prior to final plat signing and recording.

FOR CITY OF WASHINGTON USE ONLY:

Reviewer: _____

Date of Plat Submittal: _____ Date of Review: _____

Date to Go Before City Council: _____

Comments to City Council: _____

Action of City Council: _____

[The next page is 901.]

CHAPTER 153

MOBILE HOME PARKS

153.01 Definitions
153.02 Mobile home placement
153.03 Sales office
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153.05 Construction field office
153.06 License required
153.07 Term of license
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153.13 Site plan required
153.14 Reviewing fee
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153.16 Approval of site plan
153.17 Minimum standards
153.18 Acreage
153.19 Distance from perimeter line
153.20 Recreational area
153.21 Size of lots
153.22 Minimum yards
153.23 Parking spaces
153.24 Central sewer and water systems
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153.26 Water and sewer service construction
153.27 Electricity
153.28 Drainage
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153.30 Internal streets
153.31 Sidewalks
153.32 Mobile home construction
153.33 Fire hydrants
153.34 Mobile home stands
153.35 Tie-down anchors
153.36 Register of owners and occupants
153.37 Rules and regulations
153.38 Severability

153.98 Remedies
153.99 Penalty

§ 153.01 DEFINITIONS

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

ACCESSORY STRUCTURE. Any building, property, or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises, the use of which is an accessory use to the main or principal use of the property, and which further is detached from the main or principal structure or building on the property.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

BUILDING. A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining cars, camp cars, trailers, and other roofed structures on wheels or other supports used for residential,

business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purpose of this definition, **ROOF** shall include an awning or other similar covering whether or not permanent in nature.

BUILDING, FRONT LINE OF. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which the building is situated.

CONSTRUCTION FIELD OFFICE. A mobile home used as an on-site, temporary office for the supervisors of a construction project.

HABITATION, PERMANENT. Residence for a period of sixty (60) consecutive days or more.

HABITATION, TEMPORARY. Residence for a period of less than sixty (60) consecutive days.

MOBILE HOME. A structure, transportable in one or more sections, which is eight (8) feet or more in width and thirty two (32) feet or more in length, and which is built on a permanent chassis and is designed to be used as a dwelling unit, and including the plumbing, heating, air conditioning and electrical systems contained therein.

MOBILE HOME LOT. A parcel of land within a mobile home park designed for the exclusive use of the occupants of the mobile home placed on the lot.

MOBILE HOME PARK. A parcel or tract of land which has been approved and developed for the placement of one (1) or more mobile homes, either free of charge or for revenue purposes, including all accessory buildings, structures, utilities, facilities, or uses.

MOBILE HOME SALES LOT. A tract of land used for the storage, display and sale of mobile homes.

MOBILE HOME SALES OFFICE. A mobile home used as a sales office by a mobile home dealer.

MOBILE HOME STAND. The portion of a mobile home lot which is designed and reserved for the placement of a mobile home.

PARKING SPACE. An all-weather surfaced area within the lot lines, enclosed in the principal building, in an accessory building, or unenclosed, sufficient in size to store one standard automobile, and if the space is enclosed comprising an area of not less than one hundred forty (140) square feet; if unenclosed, at least twenty (20) feet by ten (10) feet, with an all-weather surface permitting satisfactory ingress and egress of an automobile.

STRUCTURE. A combination of materials, other than a building, to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs.

YARD, FRONT. An occupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the **FRONT YARD** shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the principal building and shall not project into a required **FRONT YARD**.

YARD, REAR. An open unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot, or the center line of the alley, if there be an alley, and the rear line of the building.

YARD, SIDE. An unoccupied space between the farthest extension of the principal building and the side line of the lot, and extending from the front lot line to the rear lot line.

(Ord. 1536, passed 11-2-87; Am. Ord. 1717, passed 4-20-92;
Am. Ord. 1921, passed 6-5-95)

§ 153.02 MOBILE HOME PLACEMENT

No mobile home shall be located, placed, maintained, inhabited or occupied within the city other than in a mobile home park licensed under the provisions hereof or except as otherwise provided herein.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.03 SALES OFFICE

A mobile home sales office may be placed on a mobile home sales lot so long as it is not used, temporarily or otherwise, as a residence or habitation.

(Ord. 1921, passed 6-5-95)

§ 153.04 SALES LOTS

Uninhabited, unoccupied mobile homes may be parked or stored in mobile home sales lots.

(Ord. 1921, passed 6-5-95)

§ 153.05 CONSTRUCTION FIELD OFFICE

A construction field office may be temporarily placed at a construction site while such construction project is in progress and may include facilities for night watchmen, but the same shall not be used, temporarily or otherwise, as a residence or habitation and shall be removed upon completion of construction.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.06 LICENSE REQUIRED

No person, firm, or corporation shall establish, maintain, conduct, or operate a mobile home park within the corporate limits of the city without first obtaining a license therefor issued by the City Administrator.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.07 TERM OF LICENSE

Mobile home park licenses issued under the provisions hereof shall expire on the thirty-first (31st) day of December of the year for which the same are issued.

(Ord. 1921, passed 6-5-95)

§ 153.08 APPLICATION FOR LICENSE

Application for an original license shall be made to the City Clerk and shall consist of the following:

(A) The name and address of the applicant or applicants; the names and addresses of all partners, if the applicant is a partnership; and the names and addresses of all officers and directors, if the applicant is a corporation.

(B) The legal description and common address, if any, of the tract of land upon which it is proposed to operate and maintain a mobile home park.

(C) As-built plans of the proposed mobile home park in conformance with the requirements of § 153.17 as certified by a registered professional engineer and the Planning & Development Director together with copies of the site plan and the surety submitted in conformance with the provisions of § 153.13 for those portions of said park, if any, remaining unimproved or uncompleted at the time of application.

(D) The annual license fee required by the provisions hereof.

(E) An affidavit of the applicant or applicants, as the case may be, as to the truth of the matters contained in the application.

(Ord. 1921, passed 6-5-95)

§ 153.09 RENEWAL OR TRANSFER

Application for a renewal or a transfer of a license shall be made to the City Clerk and shall consist of that which is required under § 153.08(A), (B), (D), and (E), together with a certification by the Planning & Development Director that said mobile home park is in conformance with the provisions of § 153.17, provided that an application for a transfer of license shall be accompanied by the license transfer fee required by the provisions hereof and not the annual license fee.

(Ord. 1921, passed 6-5-95)

§ 153.10 LICENSE FEE

The annual fee for a mobile home park license shall be one hundred dollars ($100.00) plus one dollars ($1.00) for every mobile home lot in such mobile home park. The license transfer fee for a mobile home park license shall be fifty dollars ($50.00).

(Ord. 1921, passed 6-5-95)

§ 153.11 REVOCATION OR SUSPENSION OF LICENSE

The City Administrator may suspend or revoke a mobile home park license for failure to comply with the rules and regulations established herein or published or promulgated pursuant to the authority granted herein or any other applicable codes or ordinances of the City. Such suspension or revocation may take place only after the licensee has been given written notice warning of possible suspension or revocation and a hearing, if requested by the licensee, before the City Administrator. Such request for a hearing must be made within five (5) days of receipt of such written notice.

(Ord. 1921, passed 6-5-95)

§ 153.12 COMPLIANCE WITH CHAPTER

It is unlawful for a licensee to own, operate or maintain a mobile home park in violation of the rules, regulations and requirements established by this chapter.

(Ord. 1921, passed 6-5-95)

Penalty, see § 153.99

§ 153.13 SITE PLAN REQUIRED

No person, firm or corporation shall lay out, establish, develop, improve, construct, substantially alter, extend or enlarge a mobile home park in the City, or within one and one-half (1½) miles of the corporate limits thereof, unless and until a site plan of said mobile home park has been approved by the Public Works Director and Planning & Development Director and a surety in conformance with the provisions of the Subdivision Code has been furnished to the City.

(Ord. 1921, passed 6-5-95)

Penalty, see § 153.99

§ 153.14 REVIEWING FEE

Three (3) copies of all mobile home park site plans required by the provisions hereof shall be submitted to the Planning & Development Director together with a reviewing fee of one hundred fifty dollars ($150.00).

(Ord. 1921, passed 6-5-95)

§ 153.15 SITE PLAN REQUIREMENTS

Mobile home park site plans shall be in such scale, detail and format as may reasonably be required by the Public Works Director and Planning & Development Director to enable such departments to administer the provisions hereof, and at a minimum shall show the layout, location, relationship, grades, contours and dimensions of all property lines, lots, buildings, streets, sidewalks, utilities, drains, surface water drainage, parking facilities, drives, easements, fire hydrants, area lighting, and other improvements and structures all in conformance as near as may be with those provisions of the City of Washington Subdivision Code.

(Ord. 1921, passed 6-5-95)

§ 153.16 APPROVAL OF SITE PLAN

The approval of the mobile home park site plan and the acceptance by the City of the surety as required herein shall constitute authority to layout, establish, develop, improve, construct, substantially alter, extend or enlarge such mobile home park in accordance with the site plan thereof approved; however, no mobile home may be placed on any lot within said park, or if

developed in phases on any lot within any phases thereof, until as-built plans certified by a registered professional engineer have been filed with the Planning and Development Director.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.17 MINIMUM STANDARDS

All mobile home parks located within the City, and all site plans of mobile home parks required by the provisions hereof, shall meet the minimum standards of design and construction imposed by the provisions of the following:

(A) The City of Washington Building Code;

(B) The City of Washington Zoning Code;

(C) The City of Washington Subdivision Code; and

(D) Sections 153.18 through 153.36 of this chapter.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.18 ACREAGE

A mobile home park site shall contain ten (10) or more acres.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.19 DISTANCE FROM PERIMETER LINE

No mobile home shall be placed within twenty five (25) feet of any perimeter line of a mobile home park site.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.20 RECREATIONAL AREA

Not less than five percent (5%) of the total site area of a mobile home park shall be developed for outdoor recreational purposes either as a single unit or by division into separate units of not less than two thousand five hundred (2,500) square feet.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.21 SIZE OF LOTS

The area, width and depth of all lots shall not be less than required by the City of Washington Zoning Code. No outlot, remainder or remnant of land which is part of the mobile home park shall be created which, by reason of the lot width, depth, area, frontage, topography, or lack of access, or otherwise, cannot be used as a zoning lot, or be subject to further subdivision in accordance with the terms of the City of Washington Subdivision Code. Any remaining parcel or outlot which cannot be made to comply with the City of Washington Subdivision Code and City of Washington Zoning Code shall be eliminated by combining the area with one or more adjoining lots which do comply or by conveying it to a public body for an appropriate public use, subject to acceptance.

(Ord. 1921, passed 6-5-95)

§ 153.22 MINIMUM YARDS

The front, rear and side yards of all mobile home lots shall not be less than as required by the City of Washington Zoning Code.

(Ord. 1921, passed 6-5-95)

§ 153.23 PARKING SPACES

Off-street parking and off-street parking spaces shall not be less in number, size, dimensions, or otherwise, than as required by the City of Washington Zoning Code.

(Ord. 1921, passed 6-5-95)

§ 153.24 CENTRAL SEWER AND WATER SYSYEMS

Central sewer and water systems shall be constructed and maintained in accordance with the provisions of the City of Washington Subdivision Code and City Construction Standards.

(Ord. 1921, passed 6-5-95)

§ 153.25 INDIVIDUAL SEWER AND WATER SERVICE

Each mobile home located in a mobile home park shall be connected to the central sewer and water system of said mobile home park through individual services for each mobile home lot as required by Chapter 50 of the Code of Ordinances of the City of Washington.

(Ord. 1921, passed 6-5-95)

§ 153.26 WATER AND SEWER SERVICE CONSTRUCTION

Water and sewer service in mobile home parks shall be so constructed as to conform in all respects with current City Construction Standards, the City of Washington Subdivision Code, and the City of Washington Zoning Code.

(Ord. 1921, passed 6-5-95)

§ 153.27 ELECTRICITY

Each mobile home lot in a mobile home park shall be provided with electricity in conformance with the City of Washington Subdivision Code, the City of Washington Building Code, and the City of Washington Zoning Code.

(Ord. 1921, passed 6-5-95)

§ 153.28 DRAINAGE

(A) A Drainage Plan shall be provided for all mobile home parks established after the effective date of this chapter, which Drainage Plan shall conform in all respects to the provisions of the City of Washington Subdivision Code.

(B) All mobile home parks shall comply with the provisions of the City of Washington Subdivision Code pertaining and relating to storm water control and detention basins.

(Ord. 1921, passed 6-5-95)

§ 153.29 ACCESS

Each mobile home lot shall abut and have direct access to an internal mobile home park street and no such lot shall abut or have direct access to a public or other street or way external or peripheral to said mobile home park, which access shall comply in all respects to the City of Washington Subdivision Code and the City of Washington Zoning Code.

(Ord. 1921, passed 6-5-95)

Penalty, See § 153.99

§ 153.30 INTERNAL STREETS

All streets within a mobile home park shall conform in all respects to the requirements and provisions of the City of Washington Subdivision Code, and City Construction Standards.

(Ord. 1921, passed 6-5-95)

§ 153.31 SIDEWALKS

A mobile home park shall be required to comply with the provisions of the City of Washington Subdivision Code pertaining and relating to the construction and maintenance of sidewalks.

(Ord. 1921, passed 6-5-95)

§ 153.32 MOBILE HOME CONSTRUCTION

(A) All mobile homes in a mobile home park shall be designed, constructed, and maintained in accordance with the provisions and requirements of the City of Washington Building Code, in all respects.

(B) All mobile homes in a mobile home park shall have a pitched roof with a slope having a rise of three-twelveth (3/12) of span or greater.

(Ord. 1921, passed 6-5-95)

§ 153.33 FIRE HYDRANTS

Mobile home parks shall provide fire hydrants in compliance with City Construction Standards and maintained in good working order at locations directed by the Public Works Director.

(Ord. 1921, passed 6-5-95)

Penalty, see § 153.99

§ 153.34 MOBILE HOME STANDS

(A) Mobile home stands shall be located, constructed and maintained in such a manner that placement and removal of a mobile home is conveniently practical and shall be so graded and drained that surface water does not collect or stand under any mobile home thereon.

(B) Mobile home stands shall be constructed of portland cement concrete not less than five (5) inches thick and so that when properly located and blocked each longitudinal frame member for the entire length thereto is supported by a slab or runway not less than two (2) feet wide.

(C) All mobile home stands shall be constructed so as to have a permanent foundation, with footings therefor which extend to a depth not less than the frostline.

(Ord. 1921, passed 6-5-95)

Penalty, see § 153.99

§ 153.35 TIE-DOWN ANCHORS

(A) Every mobile home stand shall be provided with devices for anchoring the mobile home to prevent overturning or uplift. Anchors or tie-downs shall be provided by eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. Said tie-down anchors shall, at a minimum, comply with the rules and regulations

promulgated by the Illinois Department of Public Health under the Illinois Mobile Home Tiedown Act.

(B) The owner of the mobile home lot shall anchor or cause to be anchored all mobile homes located on the mobile home stands.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.36 REGISTER OF OWNERS AND OCCUPANTS

Mobile home park licensees under the provision hereof shall maintain a register listing both current owners and occupants of all mobile homes within such park and all owners and occupants for any mobile home lot within such park for the three (3) years last past. Such register shall be made available to officers or agents of the City upon request.

(Ord. 1921, passed 6-5-95)
Penalty, see § 153.99

§ 153.37 RULES AND REGULATIONS

The City Administrator is hereby authorized to cause to be established, promulgated, published and enforced such reasonable rules, regulations, and procedures, not in conflict with the provisions hereof, as may appear to the City Administrator to be necessary or convenient to administer the provisions of this chapter and to carry out the purpose and intent hereof.

(Ord. 1921, passed 6-5-95)

§ 153.38 SEVERABILITY

The provisions hereof are and shall be construed to be severable and the invalidity of any section or provision of this chapter shall not invalidate other sections or provisions hereof.

(Ord. 1921, passed 6-5-95)

§ 153.98 REMEDIES

The imposition of the penalties prescribed in § 153.99 shall not preclude the institution of appropriate actions to prevent or abate any unlawful establishment, operation or enlargement of any mobile home park.

(Ord. 1921, passed 6-5-95)

§ 153.99 PENALTY

Any person, firm, or corporation that violates any of the provisions of this chapter shall, upon conviction thereof, be fined not to exceed five hundred dollars ($500.00) for each such offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, the provisions of § 153.98 shall be applicable as needed.

(Ord. 1921, passed 6-5-95)

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GENERAL PROVISIONS

§ 154.001 TITLE

This chapter shall be known and may be cited as the City Zoning Code.
(Ord. 1536, passed 11-2-87)

§ 154.002 SCOPE

(A) In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements, adopted for promotion of the public health, morals, safety, and the general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

(B) It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land. Where this chapter imposes a greater restriction upon land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.
(Ord. 1536, passed 11-2-87)

§ 154.003 APPLICATION OF REGULATIONS

(A) Except as hereinafter provided; no building or land shall after February 23, 1961 be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

(B) No building shall after February 23, 1961 be erected or altered:

(1) To accommodate or house a greater number of families;

(2) To occupy a greater percentage of lot area; or

(3) To have narrower or smaller rear yards, front yards, side yards, or inner or outer courts than is specified herein for the district in which such building is located.

(C) Control over bulk. All new buildings and structures shall conform to the bulk requirements established herein for the district in which each building or structure shall be located. Further, no existing building or structure shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict with, or if already in conflict with, in such a manner as to further conflict with, the bulk regulations of this chapter for the zoning district in which such building or structure shall be located.

(D) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

(E) All territory which may hereafter be annexed to the municipality shall be the subject of a public hearing by the Planning and Zoning Commission after due notification in the manner appropriate to zoning amendments and within ninety (90) days of the date of such annexation. After such hearing and recommendation of the Planning and Zoning Commission, the status of the new zoning district shall be determined by the City Council as an amendment to the zoning code. In the interim between annexation and such Council determination, if any, the territory annexed to the city shall be zoned R-lA Residential District.

(F) Whenever any street, alley, or other public way is vacated by official action of the municipality, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation; and all such are included in the vacation shall then henceforth be subject to all appropriate regulations of the extended districts.

(Ord. 1536, passed 11-2-87; Am. Ord. 1874, passed 10-17-94)

§ 154.004 DEFINITIONS

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

ACCESSORY STRUCTURE. Any building, property, or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises, the use of which is an accessory use to the main or principal use of the property, and which further is detached from the main or principal structure or building on the property.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

AGRICULTURAL USES. The growing of crops in the open and the raising and feeding of stock and poultry, including farming, truck gardening, flower gardening, apiaries, aviaries, mushroom growing, nurseries, orchards, forestry, fur farm, including the necessary structures and farm dwellings for those owning or operating the premises or the immediate families thereof, or those directly employed thereon; and further including a roadside stand for the sale of products produced on the premises, and signs thereon.

ALTERATIONS. A building or structure, a change or rearrangement in the structural parts or in the exit facilities; or an enlargement whether by extending on a side or by increasing height; or the moving from one (1) location or position to another.

ASSISTED LIVING FACILITY. A residential building or premises that provide supervised accommodations for the elderly, those with disabilities, or other persons requiring shelter, transportation, recreation, meals, or medication assistance for definite periods of time for three (3) or more unrelated persons and meets any licensing regulations by the Illinois Department of Public Health. Such facilities may include social services or limited medical service for residents.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuel or oils. When the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

BANK COMPLEX. Bank, an institution for keeping, lending, exchanging, and issuing money; complex, made up of a number of parts.

BASEMENT OR CELLAR. That portion of a building between floor and ceiling which is so located that one-half or more of the clear height from floor to ceiling is below grade as measured where the ground meets the front of the structure.

BOARDING HOUSE. A building used for the lodging, with or without meals, of not more than five (5) individuals, and where compensation is paid in money, goods, or labor. A **BOARDING HOUSE** shall comply with all the requirements for a single-family dwelling. A **BOARDING HOUSE** shall be considered one (1) dwelling.

BUILDING. A structure designed, built, or occupied as a shelter or roofed enclosure for person, animals, or property, including tents, lunch wagons, dining cars, camp cars, trailers, and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purpose of this definition, **ROOF** shall include an awning or other similar covering whether or not permanent in nature.

BUILDING, FRONT LINE OF. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed, but does not include steps.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which the building is situated.

BULK. The size of buildings in terms of floor area and floor area ratio, the location of building wall in relation to lot lines and to the exterior walls of other buildings, and the yards, front, side, and rear, required under the terms of this chapter.

COMMUNITY CENTER. Community, a group of people living together and having similar interests and works; center, a main point or place where there is much activity.

COVERAGE. That percentage of the plot or lot area covered by the building area.

DAY CARE FACILITIES. Any person, group of persons, agency, association, entity, or organization, whether established for gain or otherwise, who or which receive or arrange for the care or placement of one (1) or more children or adults unrelated to the operator of the facilities, apart from the parents, established and maintained for the care of children or adults, which regularly provides day care for less than twenty four (24) hours per day for either:

(1) More than eight (8) children or adults in a family home; or

(2) More than three (3) children or adults in a structure other than a family home.

DWELLING UNIT. A dwelling or portion thereof providing complete living facilities for one family.

DWELLING, SINGLE-FAMILY. A permanent building used as a residence exclusively by one family, not to include trailer coaches or mobile homes.

DWELLING, MULTIPLE. A building used as a residence for more than two (2) families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, group houses, and row houses; not to include trailer coaches or mobile homes.

DORMITORY. A building with many sleeping rooms.

DUPLEX. A two family dwelling having touching contiguous walls (attached duplex or attached zero lot line duplex) running at least twenty-four (24) feet in length and at least twelve (12) feet in height between the dwelling units which can be one (1) or more stories in height, with each dwelling unit being accessible by its own separate exterior entrance at grade level. An attached duplex or attached zero lot line duplex shall conform to the following conditions.

(1) Each dwelling unit in an R 1 district must have a floor area of not less than one thousand (1,000) square feet. Each dwelling unit in an R 2 district must have a floor area of not less than seven hundred (700) square feet. The areas of garages, porches, cellars and basements shall not be included.

(2) Each dwelling unit must have no less than a four-foot (4') wide entryway on either side of the garage.

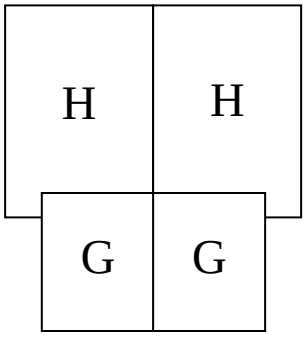
(3) Each dwelling unit must have separate services and utilities with separate meters.

(4) Each dwelling unit must otherwise meet the requirements of this Zoning Code, including, but not by way of limitation, lot areas, yard requirements, building heights, and accessory buildings.

(5) Fire walls shall be required between each dwelling unit for all duplexes.

(6) A resubdivision plat dividing the lot has been approved by the City Plat Officer prior to recording a zero lot line duplex. A formal subdivision procedure shall not be required.

Acceptable duplexes include the following: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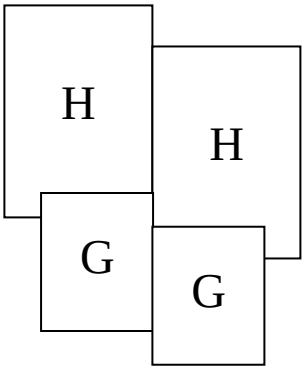
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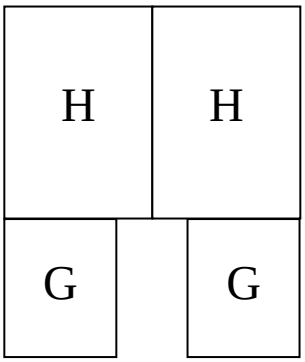
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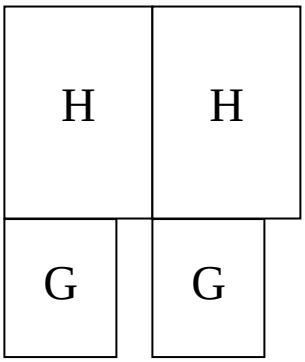
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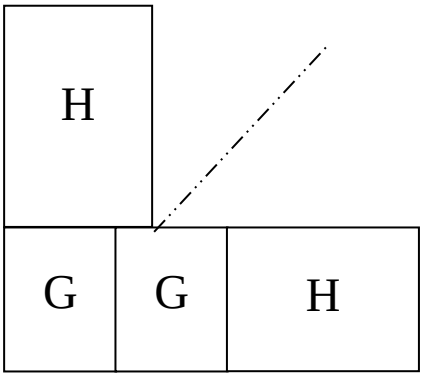
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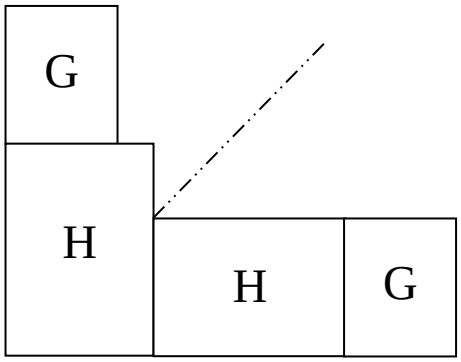
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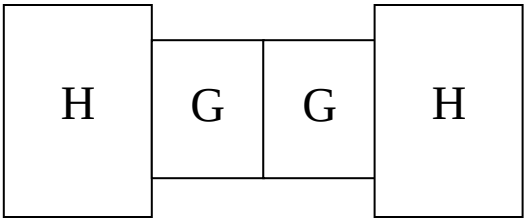
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The building plans for any duplex which is not designed like one of those indicated above is subject to the approval of the Public Works Committee and could be further considered by the Planning and Zoning Commission if the Public Works Committee determines additional analysis is necessary.

FAMILY. A group of one or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding or lodging house or hotel, as herein defined.

FENCE. A man-made structure which is constructed for the purpose of or has the effect of enclosing or screening the area it is constructed upon.

FENCE ORNAMENTAL. A fence, the surface area of which is more than fifty percent (50%) open. Ornamental fences may not have pointed or dangerous projections.

FLOOR AREA, GROSS.

(1) For the purpose of determining floor area ratio, the gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings, measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings. In particular, **GROSS FLOOR AREA** shall include:

(a) Basement space if at least one-half (½) of the basement story height is above the average level of the finished grade;

(b) Elevator shafts and stairwells at each floor;

(c) Attic floor space provided there is structural headroom of more than seven and one-half (7½) feet;

(d) Interior balconies and mezzanines;

(e) Porches, breezeways and decks, whether or not enclosed; and

(f) Accessory structures.

(2) **GROSS FLOOR AREA** for purposes of determining floor area ratio however, shall not include:

(a) Basement space where more than one-half (½) the basement story height is below the average level of the finished grade;

(b) Elevator and stair bulkheads, water tanks, and cooling towers;

(c) Attic floor space where structural headroom is seven and one-half (7½) feet or less; and

(d) Floor space used for mechanical equipment where structural headroom is seven and one-half (7½) feet or less.

FLOOR AREA RATIO (FAR). The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located.

GARAGE.

(1) **PRIVATE**. An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service, or industry connected directly or indirectly with automotive vehicles is carried on; provided that not more than one-half (½) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such commercial vehicle shall not exceed five (5) tons.

(2) **PUBLIC**. Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, or stored for compensation.

GROUND FLOOR. The lowest floor or lowest floor level of any building or structure, excluding a basement or cellar.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one (1) main building together with its accessory building, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street. The word **LOT** shall also include the words **PLOT** or **PARCEL**.

LOT, CORNER. A parcel of land situated at two (2) intersecting streets. A corner lot shall have two (2) front yards adjacent to a street. The location of the rear yard shall be declared by the builder or owner prior to construction of the principal structure. The

portion of the lot that is not the rear yard or the two (2) front yards shall be considered a side yard.

MOTEL. A building or a group of detached, semi-detached, or attached buildings containing guest rooms or dwelling units each of which, or each pair of which, has a separate entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of motor vehicle transients. **MOTEL** does not include hotels, boarding houses, or trailer courts.

NONCONFORMING STRUCTURE. A structure lawfully existing and which does not conform to the regulations of the district in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land on February 23, 1961, and which does not conform with the regulations of the district in which it is located. For the purpose of this chapter, any use lawfully established on February 23, 1961 which is nonconforming solely by virtue of lacking off-street parking or loading facilities, as required hereafter for new uses, shall not be deemed a **NONCONFORMING USE**.

OPEN PLAY SYSTEMS. Any private playground equipment or swing set intended to be primarily used as recreation for children.

PARKING SPACE. An all-weather surfaced area within the lot lines, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile, and if the space is enclosed comprising an area of not less than one hundred forty (140) square feet; if unenclosed, at least twenty (20) feet by ten (10) feet, with an all-weather surface permitting satisfactory ingress and egress of an automobile.

PERSON. Includes a corporation as well as an individual.

RESIDENCE DISTRICT OR ZONE. R- 1A, R-1, and R-2 districts.

SENIOR INDEPENDENT HOUSING. Residential buildings or premises that provide unsupervised accommodations for the elderly or those with disabilities that may provide shelter, transportation, recreation or meals for definite periods of time for three (3) or more unrelated persons and meets any licensing regulations y the Illinois Department of Public Health. Such housing proposals may be completed through the planned unit development regulations.

SERVICE. A helpful act, aid, or conduct that is useful to others.

SKILLED NURSING FACILITY. A building or premises that provide supervised accommodations for the elderly, those with disabilities, or other persons requiring shelter, transportation, recreation, meals, or medication assistance for definite periods of time for three (3) or more unrelated persons and meets any licensing regulations by the Illinois Department of Public Health. Such facilities include 24-hours medical care and rehabilitation services.

STREET. A public or private thoroughfare which affords the principal means of access to abutting property.

STRUCTURE. A combination of materials, other than a building, to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences, and display signs.

TRAILER COACH, MOBILE HOME. Any enclosure or vehicle used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which has been or reasonably may be equipped with wheels or other devices for transporting it from place to place.

TRAILER COURT. The premise upon which one (1) or more occupied trailer coaches are located.

USED or **OCCUPY** As applied to any land or buildings shall be construed to include the words **INTENDED, ARRANGED, or DESIGNED TO BE USED or OCCUPIED**.

YARD, FRONT. An open space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the FRONT YARD shall be measured between the front line of the building and the front property line. If the front property line is located at the street centerline or section line, then the front yard shall be measured from the front line of the building to the edge of the nearest street use. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required FRONT YARD. For purposes of this Chapter, corner lots at two intersecting streets shall have a front yard adjacent to each street. Reverse frontage lots shall only have one front yard adjacent the street to which the building is numbered or addressed.

YARD, REAR. An open space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the

building projected to the side lines of the lot. The depth of the **REAR YARD** shall be measured between the rear line of the building and the rear property line.

YARD, SIDE. An open space between the farthest extension of the main building and the side line of the lot, and extending from the front line of the building to the rear line of the building.

ZERO LOT LINE DUPLEX. A duplex of which both dwelling units may be sold separately if:

(1) At the time the dwelling units are severed from common ownership, the owner or owners of the two (2) dwelling units have signed an agreement to run with the land, in a form adequate to insure access for maintenance and providing for maintenance of the walls and driveways or a set of covenants and restrictions are in place to provide for said maintenance. Nothing in this section shall be interpreted as permitting the construction of any adjacent buildings using only one (1) wall for both buildings; each building shall have its own wall.

(2) A resubdivision plat dividing the lot has been approved by the City Plat Officer prior to recording. A formal subdivision procedure shall not be required.

(3) The duplex otherwise complies with the requirements of the Zoning Code, as amended from time to time.

ZERO LOT LINE MULTI-FAMILY. An attached multi-family dwelling structure, separated by vertical fire walls, and consisting of at least three (3) but not more than six (6) separate units with each unit having separate water and sanitary sewer hookups. Any side of a ZLLMF structure that faces a public street or faces a future public street is recommended to utilize landscaping, windows, doors, or other building articulation in order to break up a blank façade.

(Ord. 1536, passed 11-2-87; Am. Ord. 1717, passed 4-20-92; Am. Ord. 1867, passed 9-12-94; Am. Ord. 1925, passed 6-19-95; Am. Ord. 1941, passed 8-21-95; Am. Ord. 1977, passed 2-5-96; Am. Ord. 2377, passed 5-6-02; Am. Ord. 2489, passed 11-3-03; Am. Ord. 2713, passed 1-2-07; Am. Ord. 2842, passed 8-3-09; Am. Ord. 2904, passed 9-20-10; Am. Ord. 2940, passed 6-20-11; Am. Ord. 2983, passed 4-17-12; Am. Ord. 3088, passed 8-18-14; Am. Ord. 3189, passed 7-5-16; Am. Ord. 3212, passed 12-5-16)

DISTRICTS; ZONING MAP

§ 154.020 ESTABLISHMENT OF DISTRICTS

The municipality is divided into the following types of districts:

AG-1 Districts:	Agricultural (FAR 0.5)
R-1 Districts:	One- and Two-Family Residential (FAR 0.5, 0.5)
R-lA Districts:	Single-Family residential only (FAR 0.5)
R-2 Districts:	Multiple Family Residential (FAR 1.4)
CE-1 Districts:	Country Estates
C-1 Districts:	Local Retail District (FAR 0.8)
C-2 Districts:	General Retail District (FAR 1.0)
C-3 Districts:	Service District (FAR 1.2)
I-1 Districts:	Light Industrial District (FAR 2.0)
I-2 Districts:	Heavy Industrial District (FAR 5.0)

NOTE: **FAR** designates floor area ratio as defined in § 154.004.
(Ord. 1536, passed 11-2-87; Am. Ord. 1717, passed 4-20-92; Am. Ord. 1867, passed 9-12-94)

§ 154.021 MAP OF ZONING DISTRICTS

These districts are bounded and defined as shown on the maps entitled **Zoning Districts, Washington, Illinois** which accompany, and which with all explanatory matter thereon, are made a part of this chapter as if fully set out herein.

(Ord. 1536, passed 11-2-87)

§ 154.022 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

(A) All property within the municipality is under the jurisdiction of this chapter.

(B) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

(4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

(5) In areas not subdivided into lots and blocks, the district boundary lines shall be determined by scale to the nearest ten (10) feet.

(Ord. 1536, passed 11-2-87)

§ 154.023 TRANSITION ZONES

(A) Where a lot in a business or industrial district abuts a lot in a residential district there shall be provided along such abutting side or rear lot lines a yard equal in width or depth to that required in the residential district.

(B) Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the building setback in the business district or the industrial district shall be equal to the required front depth of the residential district.

(C) Where a zoning district boundary line parallel or approximately parallel to a street divides a lot having street frontage in the less or more restricted zoning district, the provisions of this chapter covering the less restricted portion of such lot may extend to the entire lot, but in no case for a distance of more than twenty five (25) feet of such zoning district boundary line.

(D) Where a zoning district boundary line divides a lot and such line is perpendicular or approximately perpendicular to the street upon which the lot fronts, the provisions covering the less or the more restricted portion of such lot may be extended to the entire lot, but in no case for a distance of more than twenty five (25) feet from such zoning district boundary lines.

(Ord. 1536, passed 11-2-87)

AGRICULTURAL DISTRICTS

§ 154.035 PURPOSE

The purpose of the agricultural district regulations are to provide for certain lands in the outlying areas of the city prior to development of those areas into subdivisions.

(Ord. 1536, passed 11-2-87)

§ 154.036 PERMITTED USES; AG-1 DISTRICTS

The following uses are permitted in the Agricultural District subject to the following conditions:

(A) Agriculture.

(B) Community buildings (churches, grange halls, and the like)

(C) Dwellings, single-family.

(D) Forest preserves.

(E) Grain storage, commercial, if not nearer than three hundred (300) feet to any residence other than that of the owner or lessor of the site.

(F) Home occupations, provided that not more than one (1) sign with a maximum of six (6) square feet may be displayed setting forth such occupation and that a gravel, crushed rock, or improved access road shall be provided off the public right-of-way.

(G) Lakes (artificial).

(H) Riding academy or commercial stables for retail or boarding of horses.

(Ord. 1536, passed 11-2-87)

§ 154.037 SPECIAL USES

The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission.

(A) Cemeteries, mausoleums, crematories, or columbariums in cemeteries of not less than fifty (50) acres.

(B) Sewage treatment plants.

(C) Veterinary office, animal hospitals, animal boarding and kennels. (Also see C-3 and I-1 Districts.)

(D) Nurseries, including the raising of plants, shrubs, and trees and the retail sale thereof; further that buildings may be erected and used for the purpose of selling said plants, shrubs, and trees, and other products related to home gardening.

(E) Public utility substations, but not including power generation or gas manufacturing plants.

(Ord. 1536, passed 11-2-87; Am. Ord. 1763, passed 12-21-92; Am. Ord. 2274, passed 2-5-01)
Penalty, see § 154.999

§ 154.038 FLOOR AREA RATIO

The floor area ratio on a lot shall not exceed five-tenths (0.5).

(Ord. 1536, passed 11-2-87)
Penalty, see § 154.999

§ 154.039 HEIGHT REQUIREMENTS

Each dwelling structure shall have a minimum height of eight (8) feet over a majority of the area of the ground floor. No building shall be over three (3) stories or a maximum of thirty five (35) feet.

(Ord. 1536, passed 11-2-87)
Penalty, see § 154.999

§ 154.040 REQUIRED LOT AREA

Each dwelling shall be located on a lot having an area of not less than two (2) acres and lot width of not less than two hundred (200) feet. The following exceptions are deemed to conform with the regulations of this District:

(A) Any dwelling existing at February 23, 1961; and

(B) Any dwellings existing or constructed as farm dwellings which have been or may be transferred as dwellings (nonfarm).

(Ord. 1536, passed 11-2-87)
Penalty, see § 154.999

§ 154.041 YARDS REQUIRED

Yards of the following minimum depths shall be provided:

(A) Front yard: not less than eighty (80) feet from the center of the road or fifty (50) feet from the right-of-way line, whichever is greater. Where a lot is located at the intersection of two (2) or more streets there shall be a front yard on each street side of the lot. No accessory building shall project beyond the front yard line on either street.

(B) Side yards: each not less than fifteen (15) feet wide.

(C) Rear yard: each not less than thirty (30) feet.

(D) Accessory structures: not less than five (5) feet from the side or rear yard line. Additionally, the accessory structure shall not be located any closer than ten (10) feet from any other structure or building (whether an accessory structure or the main or principal structure or building) on the property or immediately adjacent and adjoining property. If an accessory structure is either two thousand (2,000) square feet in size or greater or twenty (20) feet in height or greater, it shall also not be located closer than fifteen (15) feet from the side yard line or thirty (30) feet from the rear yard line.

(Ord. 1536, passed 11-2-87; Am. Ord. 3167, passed 2-1-16)
Penalty, see § 154.999

§ 154.042 AUTOMOBILE STORAGE OR PARKING SPACE

Adequate off-street parking in accordance with the provisions of §§ 154.172 and 154.173 is required.

(Ord. 1536, passed 11-2-87)

RESIDENTIAL DISTRICTS

§ 154.055 PURPOSE

The purpose of the residential district regulations are to provide for a range of sound residential environments and housing opportunities compatible with the Comprehensive Plan of the community, and appropriately related to the present street, highway, school, park, utility, police, fire, and other similar supporting facilities.

(Ord. 1536, passed 11-2-87)

§ 154.056 PERMITTED USES

The following uses are permitted in all residential zones subject to the following conditions:

(A) Churches or similar places of worship, parish house, convents, where the principal building is located at least fifty (50) feet from any other lot in any residence district.

(B) Public, parochial, and private schools, where the principal building is located at least fifty (50) feet from any other lot in any residence district.

(C) Public libraries, public museums, and public art galleries, where the principal building is located at least fifty (50) feet from any other lot in any residence district.

(D) Public parks, playgrounds, swimming pools, and community centers, provided that any building shall be located at least fifty (50) feet from any other lot in any residence district.

(E) Existing railroad rights-of-way, providing that there is no switching, storage, freight yards, or sidings.

(F) Nurseries, truck gardening, and the raising of farm crops, but not the raising of poultry or livestock; and provided further that no building shall be erected or maintained on the property which is used for the purpose of selling the products grown or raised.

(G) Home occupations as defined and permitted in the Home Occupation Code (§ 154.301 et seq.).

(H) The taking of boarders, renting or leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two (2) in any one-family or two-family dwelling, or one (1) per dwelling unit in any multiple dwelling.

(I) Garage sales or yard sales as an accessory use, providing that:

(1) Each sale lasts no more than three (3) consecutive days and no more than three (3) sales are conducted on the same lot during any calendar year,

(2) The area of the sale must be restricted to private property and not encroach upon sidewalks, streets, alley or any public rights-of-way,

(3) Only used personal property may be offered for sale, and

(4) The sale of merchandise purchased for resale or the sale of new items, whether manufactured or crafted on the property or not, is strictly prohibited.

(J) Guest houses or living quarters within a detached accessory structure located on the same lot with a principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

(K) Other customary accessory uses and accessory structures provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Furthermore, any accessory structure shall comply with the following additional requirements:

(1) In any R-lA or R-1 District, no accessory structure shall be constructed, placed, or made upon the property unless it shall comply with the following additional requirements:

(a) The aggregate ground floor area of all accessory structures on any single lot up to one-half (½) acre in size shall not exceed the lessor of:

1. One thousand two hundred (1,200) square feet; or

2. The ground floor area of the principal structure on the property.

(b) The aggregate ground floor area of all accessory structures on any single lot greater than one-half (½) acre in size shall not exceed the following limitations:

1. Lot size up to one (1) acre = 1,600 square feet

2. Lot size larger than one (1) acre up to two (2) acres = 2,000 square feet

3. Lot size larger than two (2) acres = no limit

(c) An accessory structure shall not be constructed before the principal building. The accessory structure shall not be located any closer than ten (10) feet from any other structure or building (whether an accessory structure or the main or principal structure or building) on the property or on immediately adjacent and adjoining property.

(d) The accessory structure shall not be located in, or project upon, the minimum required front yard, nor shall the accessory structure be located any closer than five (5) feet from the rear lot line and five (5) feet from the side lot lines of the property.

(e) The accessory structure shall not exceed in height the lesser of:

1. Twenty two (22) feet in height; or

2. The height of the main or principal structure or building on the property.

(f) Coverage shall not exceed forty percent (40%). For purposes of this division (f), the term **COVERAGE** shall mean that percentage of the plot or lot area covered by building area, inclusive of the main or principal building or structure and all accessory structures, calculated from an aerial or plan view of the lot or plot. For purposes of calculating **COVERAGE**, decks, porches, and breezeways shall also be included.

(g) The **FLOOR AREA RATIO** (**FAR**) shall not exceed fifty percent (50%) of the lot area. For purposes of this division (g) in determining the floor area ratio, the gross floor area shall include the gross floor area of the main or principal structure or building and the gross floor area of all accessory structures on the property.

(2) In R-2 Districts, no accessory structure shall be constructed, placed, or made upon the property unless it shall comply with the following additional requirements:

(a) Where the principal use of the property is for single-family residence or two-family residences, the requirements and restrictions hereinabove contained in division (1) above shall apply.

(b) Where the principal use of the property is multi-family dwellings in excess of two-family residences, the following restrictions and requirements shall apply:

1. The sum of the square feet of all private garages shall not exceed three hundred (300) square feet multiplied by the number of dwelling units located upon the property; provided, however, there shall be permitted one (1) additional accessory structure, not to exceed five hundred seventy six (576) square feet. Notwithstanding any other provision of this Zoning Code, no business, service or industry may be carried on or conducted in any private garage or other accessory structure.

2. An accessory structure shall not be constructed before the principal building. No accessory structure shall be located any closer than ten (10) feet from any other structure or building (whether an accessory structure or the main or principal structure or building) on the property or on any immediately adjoining and adjacent property.

3. No accessory structure shall be located in or project upon the minimum required front yard, nor shall any accessory structure be located and closer than five (5) feet from the rear lot line or five (5) feet from the side lot lines.

4. Coverage shall not exceed sixty percent (60%). For purposes of this division 4., the term **COVERAGE** shall mean that percentage of the plot or lot area covered by building area, inclusive of the main or principal building or structure and all accessory structures, calculated from an aerial or plan view of the lot or plot. For purposes of calculating **COVERAGE**, decks, porches, and breezeways shall also be included.

5. No accessory structure shall exceed in height the lesser of: twenty two (22) feet in height; or the height of the shortest main or principal structure or building located upon the property.

6. The floor area ratio (FAR) shall not exceed one hundred forty percent (140%) of the total lot area. For purposes of this division 6., in determining the floor area ratio, the gross floor area shall include the gross floor area of all main or principal structures or

buildings and the gross floor area of all accessory structures located upon the property.

(L) Cemeteries, provided the location thereof is approved by resolution of the City Council after a public hearing is held and recommendation is made by the Planning and Zoning Commission.

(M) Community centers.

(N) Open play systems providing that:

(1) The structure shall not be located in, or projected upon, the front yard, nor shall the structure be located any closer than ten (10) feet from any side or rear lot line.

(2) The structure shall not be located in either front yard of a corner lot.

(3) The structure shall not be located any closer than five (5) feet from any structure or building.

(4) The structure shall not exceed fifteen (15) feet in height.

(O) Special uses. The following uses are permitted as special uses after a public hearing and recommendation by the Planning and Zoning Commission when approved by the City Council.

(1) Real estate offices, so long as the structure to be used for a real estate office is an existing building and that adequate parking is available.

(2) Horse stables, including the commercial boarding of horses, maybe established in the R-1 Residential District subject to the following general requirements, and such other restrictions as the Planning and Zoning Commission or City Council believe proper under the particular circumstances:

(a) The parcel of real estate seeking the special use classification must contain a minimum of five (5) acres.

(b) There must be a sufficient structure or barn to adequately house the maximum number of horses allowed on the particular property.

(c) No more than one (1) horse per acre shall be allowed and a lesser number may be specified, if warranted by the particular circumstances.

(d) There must be sufficient open space between the structure used to house the horses and the neighboring dwelling houses to reasonably protect the comfort and property values of the neighboring properties.

(e) Fences shall be constructed and maintained by the property owner of the property receiving the special use.

(f) There must be sufficient open space between the area to be used by the horses for any purpose, including pasturing, and the neighboring dwelling houses to insure that the keeping of the horses does not unreasonably interfere with the comfort and enjoyment by the occupants of the existing neighboring properties.

(g) Any such special use permit granted by the City Council may be modified or terminated by the City Council upon the petition of any interested resident or residents, to the Planning and Zoning Commission after a public hearing and recommendation by the Planning and Zoning Commission. In order to justify a modification or termination of a special use, it shall be necessary for the interested resident to show, by a preponderance of the evidence, that the special use property is maintained in such a way as to unreasonably interfere with the health and comfort of said interested resident or residents.

(3) Accessory commercial uses may be established in the R-1 Residential District subject to the following general requirements, restrictions and limitations, and such other restrictions, requirements and limitations as the Planning and Zoning Commission and City Council shall deem proper under the particular circumstances:

(a) The use to which the property may be put shall be limited exclusively to one (1) or more of the following uses accessory to a use permitted in a C-1 or C-2 Commercial District: assembly, storage, or the provision of service to goods or products.

(b) The property shall be located within two hundred (200) feet of the primary C-1 or C-2 zoned property for which the property's use shall be accessory.

(c) The property shall not have been occupied as a residence or otherwise used for residential purposes for a period of one hundred twenty (120) days immediately preceding the filing of the special use application.

(d) In order to preserve the residential character of the neighborhood and the property, the following restrictions on the accessory commercial use shall apply to the property:

1. Interior window dressings, residential in character, shall be maintained on all windows, such that the accessory commercial use of the property shall not be visible from the exterior of the premises.

2. No signs of any kind or character shall be posted, erected, or constructed upon the property.

3. No exterior display of the accessory commercial use shall be made or permitted.

4. No more than four (4) vehicles shall be parked on the property at any one (1) time, and said vehicles shall be parked in the driveway thereof.

5. No deliveries by vendors, contractors, agents, or any supplier shall be made to or upon the property, directly or through a freight carrier, unless sufficient off-street delivery facilities are available such that any delivery vehicle shall be entirely outside of all driving lanes on city streets or highways.

6. The accessory commercial use shall not be operated on any day after the hour of 8:00 p.m. nor before the hour of 8:00 a.m., Central Time.

7. No bulk storage of flammable materials, or inflammable, explosive, or hazardous material shall be allowed or permitted upon the property except in such quantities as are necessary for such accessory commercial use and as shall be consumed and completely used during the standard business day. Any such unused or unconsumed materials at the end of each day shall be completely removed from the property.

8. No noxious, offensive, or nauseous fumes, odors, or noises shall be permitted or allowed to permeate from the property, and be audible from adjacent property.

9. No sales of any goods, products, or services shall be made from or upon the property.

(4) Certified public accounting, and other general accounting, offices so long as the structure is an existing building and that adequate off street parking is available.

(5) Tutoring facilities and classrooms so long as the structure is an existing building and that adequate off street parking is available.

(6) Child day care facilities may be established in the R-2 Residential District, subject to such restrictions, requirements, and limitations as may be deemed proper under the circumstances.

(Ord. 1536, passed 11-2-87; Am. Ord. 1711, passed 4-6-92; Am. Ord. 1717, passed 4-20-92; Am. Ord. 1815, passed 11-1-93; Am. Ord. 1867, passed 9-12-94; Am. Ord. 1926, passed 6-19-95; Am. Ord. 1977, passed 2-5-96; Am. Ord. 2149, passed 10-19-98; Am. Ord. 2186, passed 5-3-99; Am. Ord. 2377, passed 5-6-02; Am. Ord. 2471, passed 9-15-03; Am. Ord. 2696, passed 10-2-06; Am. Ord. 2765, passed 1-22-08)
Penalty, see § 154.999

§ 154.057 R-1 DISTRICTS

(A) Uses permitted. Uses permitted in R-1 districts shall be as permitted in single-family and attached two-family dwellings as defined in this chapter.

(B) Floor area ratio.

(1) Any building used as a residence shall have a minimum height of nine (9) feet above front grade level for the entire width of the structure and shall contain on the ground floor at least seven hundred (700) square feet of livable floor space. For split-level houses, ground floor shall include those floors at entry level and higher.

(2) The floor area ratio on a lot shall not exceed five-tenths (0.5) for a single-family dwelling, and five-tenths (0.5) for a two-family dwelling.

(C) Required lot area.

(1) Single-family dwellings shall be constructed on a lot no less than six thousand five hundred (6,500) square feet and have a lot width at the setback line no less than sixty-five (65) feet.

(2) Two-family dwellings shall be constructed on a lot no less than ten thousand (10,000) square feet with a lot width at the setback line no less than one hundred (100) feet. Ownership of zero lot line duplexes may be severed so long as each resulting lot shall contain no fewer than five thousand (5,000) square feet with a lot width of not less than forty-nine (49) feet six (6) inches.

(D) Yards required. Yards of the following minimum depths shall be provided:

(1) Front yard: not less than twenty five (25) feet unless the dwelling unit is constructed in an established area on one side of the street between two (2) intersecting streets which is improved with buildings that have observed a front yard depth of less than twenty five (25) feet. In such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building structure. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the lot, except that the buildable width of such lot shall not be reduced to less than thirty two (32) feet. No accessory building shall project beyond the front yard line on either street.

(2) Side yards: each not less than five feet (5) from the facia (overhang) of the building to the lot line, and the sum of the two (2) side yards shall not be less than twelve (12) feet. For zero lot line duplexes in R-1 Districts, only one (1) side yard of nine (9) feet need be provided for each dwelling unit, and on a corner lot, there shall be two (2) front yards of not less than twenty five (25) feet facing each of the streets. For zero lot line duplexes in R-2 Districts, each side yard shall have not less than five (5) feet from the facia (overhang) of the building to the lot line, and the sum of the two (2) side yards shall not be less than twelve (12) feet.

(3) Rear yard: each not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is greater, but in no event shall exceed fifty (50) feet.

(E) Maximum building height. Except as otherwise provided with respect to accessory structures, no building shall be over three (3) stories above ground level or a maximum of thirty five (35) feet above ground level, whichever is less.

(F) Automobile storage or parking space. Adequate off-street parking is required in accordance with the provisions of § 154.172.

(G) Coverage of any lot shall not exceed forty percent (40%).

(H) Fences.

(1) Front yard fences:

(a) Front yard fences on interior lots must be ornamental fences, not more than forty eight (48) inches in height above grade. Any fence other than an ornamental fence is not permitted in front yards on interior lots.

(b) Front yard fences on corner lots must be ornamental fences, not more than forty eight (48) inches in height above grade; provided, however, any other fence including an ornamental fence, not more than six (6) feet in height above grade is permitted in that front yard which the principal building or structure does not face, and provided that such fence is set back from the street line no less than ten (10) feet or one-half (½) the distance of that front yard, whichever is greater.

(2) Side and rear yard fences. Side yard and rear yard fences may be either ornamental fences or any other fence, but may not exceed six (6) feet in height above grade.

(3) All fences must comply with the visibility requirements contained in § 154.170(C) of this Code.

(Ord. 1536, passed 11-2-87; Am. Ord. 1717, passed 4-20-92; Am. Ord. 1867, passed 9-12-94; Am. Ord. 1941, passed 8-21-95; Am. Ord. 2471, passed 9-15-03; Am. Ord. 2737, passed 6-4-07; Am. Ord. 2842, passed 8-3-09)

Penalty, see § 154.999

§ 154.058 R-2 DISTRICTS

(A) Uses permitted:

(1) Any use permitted in an R-1 District.

(2) Multiple-family dwelling. Floor area requirement for one (1) bedroom units shall be four hundred fifty (450) square feet per unit, subject to the approval of the Planning and Zoning Commission and the City Council.

(3) Zero lot line multi-family dwelling.

(4) Rooming and boarding houses where lodging is provided for compensation to three (3) or more but not more than twenty (20) persons.

(5) Tourist homes.

(6) Dormitories.

(7) Clubs and lodges, excepting such clubs or lodges the chief activity of which is a service customarily carried on as a business or primarily for gain. In conjunction with such club or lodge a dining room may be operated provided it is incidental to the activities of said club or lodge, and is conducted for the benefit of the members thereof only, and further provided no sign is displayed advertising such activity.

(B) Special Uses. The following uses are permitted as a special use when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission:

(1) Assisted living facility, senior independent housing, or skilled nursing facility.

(C) Floor area ratio. The floor area ratio on a lot shall not exceed one and four-tenths (1.4) except for assisted living facilities, senior independent housing, or skilled nursing facilities. The floor area ratio for those uses shall not exceed one (1.0).

(D) Required area and width.

(1) Single-family dwellings: Each single-family dwelling shall be erected on a lot having an area of not less than six thousand five hundred (6,500) square feet and having a lot width of not less than sixty five (65) feet. Senior independent housing facilities shall have an area of at least one (1) acre and an average of at least five thousand five hundred (5,500) square feet of lot area per dwelling unit.

(2) Two-family dwellings: Each two-family dwelling having common ownership shall be erected on a lot area of not less than six thousand (6,000) square feet and a width of not less than seventy five (75) feet. Zero lot line duplexes shall have the same requirements and ownership may be severed so long as each resulting lot contains an area of not less than three thousand (3,000) square feet and a lot width of not less than thirty seven (37) feet and otherwise complies with this Zoning Code, including, but not by way of limitation, the provisions contained in § 154.004, as amended from time to time.

(3) Multi-family dwellings:

(a) Each multi-family (more than two families) dwelling containing units of five hundred (500) square feet or less shall be erected on a lot having an area of not less than two thousand five hundred (2,500) square feet per unit and a lot width of not less than seventy five (75) feet. Each assisted living facility or skilled nursing facility containing units of five hundred (500) square feet or less shall be erected on a lot having an area of at least one (1) acre, of not less than two thousand (2,000) square feet per unit, and a lot width of not less than seventy-five (75) feet.

(b) Each multi-family (more than two families) dwelling containing units having more than five hundred (500) square feet shall be erected on a lot having an area of not less than three thousand (3,000) square feet per unit and a lot width of not less than seventy five (75) feet. Each assisted living facility or skilled nursing facility containing units of more than five hundred (500) square feet shall be erected on a lot having an area of at least one (1) acre, of not less than (2,500) square feet per unit, and a lot width of not less than seventy-five (75) feet.

(4) Zero lot line multi-family (ZLLMF) dwellings: Each ZLLMF dwelling unit shall be erected on a lot having an area of not less than three thousand (3,000) square feet per unit and a combined lot width of not less than seventy-five (75) feet. Each individual dwelling unit shall have a lot width of at least twenty (20) feet per ZLLMF lot.

(E) Yards required. Yards of the following minimum depths shall be provided:

(1) Front yard: same as those required in R-1 Districts.

(2) Side yards: same as those required in R-1 Districts, except for assisted living facilities or skilled nursing facilities, or zero lot line multi-family (ZLLMF) dwellings. The side yard for those uses shall each not be less than ten (10) feet or thirty (30) feet if located adjacent to a State or U.S. highway. No side yard setback shall be required for ZLLMF units with a common side lot line. A side yard of at least five (5) feet in width shall be required for any side with a side lot line that is not common to that of any other ZLLMF unit.

(3) Rear yard: same as those required in R-1 Districts

An unobstructed easement shall be provided across at least one (1) side and the rear ten (10) feet adjacent to the building of each exterior zero lot line multi-family (ZLLMF) lot when adjacent to an interior ZLLMF lot. A ten (10) foot unobstructed easement shall be for ingress/egress and maintenance of adjacent interior ZLLMF lot owners. Said access easement shall be unobstructed and physically passable at all times. This easement shall be incorporated into each deed transferring title to the property.

(F) Maximum building height. Except as otherwise provided with respect to accessory structures, no building shall be over three (3) stories above ground level or a maximum height of thirty five (35) feet above ground level, whichever is less.

(G) Automobile storage or parking space. Adequate off-street parking in accordance with the provisions of § 154.172.

(H) Coverage of any lot shall not exceed sixty percent (60%).

(I) Fences.

(1) Front yard fences:

(a) Front yard fences on interior lots must be ornamental fences, not more than forty eight (48) inches in height above grade. Any fence other than an ornamental fence is not permitted in front yards on interior lots.

(b) Front yard fences on corner lots must be ornamental fences, not more than forty eight (48) inches in height above grade; provided, however, any other fence, including an ornamental fence, not more than six (6) feet in height above grade, is permitted in that front yard which the principal building or structure does not face, and provided that such fence is set back from the street line no less than ten (10) feet or one-half (½) of the distance of that front yard, whichever is greater.

(2) Side and rear yard fences. Side yard and rear yard fences may be ornamental fences or any other fence, but may not exceed six (6) feet in height above grade.

(3) All fences must comply with the visibility requirements contained in § 154.170(C) of this Code.

(Ord. 1536, passed 11-2-87; Am. Ord. 1717, passed 4-20-92; Am. Ord. 1867, passed 9-12-94; Am. Ord. 1941, passed 8-21-95; Am. Ord. 2377, passed 5-6-02;

Am. Ord. 2471, passed 9-15-03; Am. Ord. 2713, passed 1-2-07; Am. Ord. 2842, passed 8-3-09; Am. Ord. 2904, passed 9-20-10; Am. Ord. 3088, passed 8-18-14)
Penalty, see § 154.999

§ 154.059 STORAGE OF FLAMMABLE LIQUIDS IN RESIDENTIAL DISTRICTS

The storage of gasoline in bulk quantities in underground storage tanks in residential zoning districts is prohibited. However, the use of propane tanks for heating in above ground tanks is allowed in residential districts.

(Ord. 1536, passed 11-2-87)
Penalty, see § 154.999

§ 154.060 R- 1A DISTRICTS

(A) Uses permitted. Uses permitted in R-lA Districts shall be single-family dwellings only.

(B) Required lot area. Each lot shall be no less than ten thousand (10,000) square feet and have a lot width at the setback line no less than sixty-five (65) feet.

(C) Other regulations. All other regulations concerning single-family dwellings in R-1 Districts shall be applicable including, but not by way of limitation, floor area ratios, required lot area, yard requirements, building height, automobile storage or parking space, accessory buildings, and lot coverage.

(Ord. 1867, passed 9-12-94; Am. Ord. 2517, passed 4-5-04)

COUNTRY ESTATES DISTRICTS

§ 154.070 PURPOSE

The purpose of the Country Estates District regulations are to provide for certain lands in the outlying areas of the city to permit the development of low density residential subdivisions with large lots.

(Ord. 1536, passed 11-2-87)

§ 154.071 CLASSIFICATION

CE-1 Districts (country estates districts). Where the topography of the land does not lend itself to conventional subdividing, it may, with the approval of the Planning and Zoning Commission and the City Council, be developed under the CE-1 classification. CE-1 Districts can be established to permit the development of acreage plots within the municipality. This will permit the

development of an attractive, low density type of subdivision that would be highly beneficial to the municipality.

(Ord. 1536, passed 11-2-87)

§ 154.072 PERMITTED USES

The following uses are permitted in the Country Estates District subject to the following conditions:

(A) Single-family dwellings as defined in this chapter.

(B) Churches or similar places of worship.

(C) Schools.

(D) Libraries, museums.

(E) Public parks and playgrounds.

(F) Existing railroad and right-of-ways.

(G) Nurseries, truck gardening, and raising of farm crops but not raising of poultry, pets, or livestock; and provided, that no building shall be erected or maintained on the property for purpose of selling products grown and raised. Horses and ponies are permitted in this District only as an accessory use on an individual one-family dwelling lot and for the pleasure of the occupants of the dwelling and their bona fide guests, and not for hire. A stable, as a principal use, for the housing of horses or ponies only of the occupants of the country estate subdivision of which it is a part, may be approved as part of the subdivision if such community facility is deemed appropriate, in which case, individual accessory stables on one-family dwelling lots shall not be permitted.

(H) Lakes.

(I) Game preserves.

(J) Other customary accessory uses and buildings, provided such uses are additional to the principal use and do not include any activity commonly conducted as a business. An accessory building shall not be constructed before the principal building, and shall be located on the same lot with the principal building and no nearer than ten (10) feet to any part thereof; provided, that no part of any accessory building may be used for residential purposes, except that domestic employees of the owners, lessee, or occupants of the

principal building, and the family of such employee may have quarters in such accessory building. No accessory building shall exceed twenty-two (22) feet in height. There shall be no occupancy of this premises until the permanent residence is built.

(K) Unlighted golf courses.

(L) Boats, campers, trucks, and other recreational vehicles may only be located in a side or rear yard and must be located at least five feet from the side and rear yard line.

(Ord. 1536, passed 11-2-87; Am. Ord. 2377, passed 5-6-02; Am. Ord. 3167, passed 2-1-16)

Penalty, see § 154.999

§ 154.073 FLOOR AREA RATIO

Any building used as a residence shall have a minimum height of nine (9) feet above the front grade level and shall contain at least one thousand (1,000) square feet of livable area, excluding the basement. Floor area shall not exceed five percent (5%) of the lot area for the residence.

(Ord. 1536, passed 11-2-87)

Penalty, see § 154.999

§ 154.074 REQUIRED LOT AREA

Each dwelling shall be located on a lot having an area of not less than two (2) acres and width of not less than two hundred twenty (220) feet at setback line.

(Ord. 1536, passed 11-2-87)

Penalty, see § 154.999

§ 154.075 YARDS REQUIRED

Yards of the following minimum depths shall be provided:

(A) Front yard shall be not less than eighty (80) feet from the right-of-way line or one hundred ten (110) feet from the street centerline, when no right-of-way line exists. Where the lot is located at the intersection of two (2) or more streets, there shall be a front yard on each side of the lot. No accessory building shall project beyond the front line of either street.

(B) Side yards shall each be not less than twenty five (25) feet.

(C) Rear yard shall each be not less than fifty (50) feet.

(D) No chain, link, or wire front yard fences will be permitted. No fences will be permitted in side yards or rear yards over six (6) feet in height.

(Ord. 1536, passed 11-2-87)
Penalty, see § 154.999

§ 154.076 MAXIMUM BUILDING HEIGHT

Except as otherwise provided with respect to accessory structures, no building shall be over three (3) stories above ground level or a maximum height of thirty five (35) feet above ground level, whichever is lesser.

(Ord. 1536, passed 11-2-87; Am. Ord. 2377, passed 5-6-02)
Penalty, see § 154.999

§ 154.077 OFF-STREET PARKING

Adequate off-street parking shall be provided for all vehicles owned or used.

(Ord. 1536, passed 11-2-87)
Penalty, see § 154.999

PLANNED UNIT DEVELOPMENTS

§ 154.080 PLANNED UNIT DEVELOPMENTS

(A) Purpose. The purpose of Planned Unit Developments (PUD) is to encourage creative and exceptional site design in return for, greater flexibility than would ordinarily be possible under the zoning regulations that apply to typical subdivision. In particular, PUD's should preserve common open space, preserve important environmental resources, provide a rational and economical public utilities system, ensure a safe and efficient vehicle and pedestrian circulation system, and to implement the policies and objectives of the comprehensive plan.

(B) Classification. The PUD district is a floating zone that can be designated in any residential zoning district within the city following approval of the preliminary development plan by the City Council.

(C) Permitted Uses. Any permitted use or special use allowed within the zoning district in which the development was previously located and/or is consistent with the Comprehensive Plan shall be permitted in the PUD district. Special uses shall be authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission.

In addition, in any previously residentially zoned district, up to ten (10) percent of the land area may be used for commercial permitted or special uses if authorized by the City Council after a public hearing'and recommendation by the Planning and Zoning Commission.

(D) General Provisions.

(1) Ownership. The site of a proposed PUD shall be controlled under one owner or under unified ownership.

(2) PUD Size. There is no minimum PUD size, though a PUD typically contains a larger tract or tracts of land capable of accommodating unique site design.

(3) Lot Coverage. The maximum allowable lot coverage shall not exceed that which is permitted for the residential zoning district in which the development was previously located, exclusive of any public or private streets.

(4) Lot Width. The minimum lot width of the entire PUD shall be at least one hundred (100) feet. In addition, each lot shall have an average of sixty (60) feet of frontage onto a public or private street.

(5) Yards Required. The front yard setback shall be a minimum of fifteen (15) feet. No individual side or rear yards shall be required. A twenty-five (25) foot setback shall be required on the perimeter of the PUD.

(6) Minimum Building Spacing. The minimum horizontal distance between buildings shall be:

(a) Ten (10) feet between each single-family detached building.

(b) Twenty (20) feet between each multi-family building.

(c) Thirty (30) feet between any single-family building and any multi family building.

(7) Maximum building height. No building shall be over three (3) stories above ground level or a maximum of thirty-five (35) feet above ground level, whichever is less.

(8) Automobile storage or parking space. Adequate off-street parking is required within the PUD in accordance with the provisions for each individual land use in §154.172.

(9) Streets. All public streets shall be constructed in conformance with the Subdivision Code unless the City Council waives this requirement for all or some non-collector roads within the PUD where it is determined that private streets are an acceptable alternative to public streets. All maintenance of private streets shall be the responsibility of an approved homeowners association.

(10) Fences. Residential uses shall be subject to the fence regulations within §154.057 and commercial uses shall be subject to the fence regulations within §154.091.

(11) Landscaping and Screening. All landscaping regulations shall apply to all uses other than single- or two-family dwelling units.

(12) Signs. All sign regulations shall apply in accordance with the provisions for each individual land use in §154.140.

(13) Common Open Space. The following regulations shall apply:

(a) A minimum of twenty (20) percent of the PUD area shall be maintained as common open space.

(b) At least fifty (50) percent of the required common open space shall be in a contiguous tract.

(c) The area of each parcel of open space shall not be less than ten thousand (10,000) square feet and the minimum width shall be fifty (50) feet.

(d) The location and accessibility of the common open space shall be planned as much as possible as a contiguous area located for the maximum benefit of the residents; preserving, and where possible, enhancing natural features.

(e) Common open space includes pedestrian trails, passive recreation areas, and active recreation areas.

(f) Common open space shall be protected from future development by a deed of conveyance to the Washington Park District, a deed of conveyance to a homeowners association among the PUD, or the creation of a permanent conservation easement.

(E) Density Incentives. The PUD may be eligible for an increase in the maximum percentage of lot coverage up to ten (10) percent where certain additional amenities are, provided. Any design incentives shall be authorized by the City Council after a recommendation by the Planning and Zoning Commission, who shall each consider the availability and

adequacy of the public utilities within the PUD. Each design element is worth up to a maximum of five (5) percent increase in the maximum percentage of lot coverage. The applicant can request up to two (2) of the following incentives:

(1) At least five (5) percent more of the common open space is provided above the minimum required.

(2) At least fifty (50) percent more of any applicable landscaping is provided above the minimum required if at least one thousand (1,000) points are required.

(3) Providing additional public recreational amenities, including but not limited to, tennis courts, golf courses, ball fields swimming pools, or community centers.

(4) Creative site design and building placements which conserve the natural vegetation and terrain, and minimize future water runoff and erosion problems.

(5) At least twenty (20) percent of the residential dwelling units are allocated as affordable as determined by the latest U.S. Census data.

(F) Standards For Approval.

(1) Concept Plan

(a) The applicant is highly recommended to submit a concept plan for the proposed PUD. The purpose of the concept plan is to offer all applicable city officials the opportunity to review the plan and determine whether it conforms to the Comprehensive Plan and to determine if the land use is compatible with the surrounding neighborhoods before final plans are developed.

(b) If at least two phases are planned for the PUD, the applicant should present a plan for the development pattern of each phase. The plan should contain enough detail to allow for the proper evaluation of the PUD. The plan should contain the following:

(i) A map of the project area showing the general location of each land use and identifying where public streets and pedestrian paths will be located.

(ii) The general objectives of the PUD and how it will meet the purpose statement detailed in §154.078.

(iii) The number of acres within the development.

(iv) The approximate number and type of dwelling units and the percentage of lot coverage to be included.

(v) The approximate percentage of lot coverage of all public streets.

(vi) The approximate location of common open space, recreational amenities, or public facilities.

(vii) The approximate location of any floodplain, wetlands, or natural resource areas designated for preservation.

(viii) The percentage of total lot coverage for each proposed land use.

(ix) The underlying zoning district(s) within the PUD.

(x) An approximate phasing schedule indicating when and where each stage will be constructed and the density of each land use.

(xi) A description of how the PUD will be compatible with the Washington Comprehensive Plan.

(c) The Planning and Zoning Commission shall review the concept plan and provide a recommendation for tentative approval or any modifications needed for approval.

(2) Preliminary Development Plan

(a) The applicant shall submit a preliminary development plan for the proposed PUD. The preliminary development plan should be substantially consistent with the concept plan, if one was approved.

(b) The preliminary development plan shall contain the following:

(i) A map of the project area showing the general location of each land use and identifying where public streets and pedestrian paths will be located.

(ii) The general objectives of the PUD and how it will meet the purpose statement detailed in §154.078.

(iii) The number of acres within the development.

(iv) The approximate number and type of dwelling units and the percentage of lot coverage to be included.

(v) The approximate percentage of lot coverage of all public streets.

(vi) The approximate location of common open space, recreational amenities, or public facilities.

(vii) The approximate location of any floodplain, wetlands, or natural resource areas designated for preservation.

(viii) The percentage of total lot coverage for each proposed land use.

(ix) The underlying zoning district(s) within the PUD.

(x) An approximate phasing schedule indicating when and where each stage will be constructed and the density of each land use.

(xi) A description of how the PUD will be compatible with the Comprehensive Plan.

(xii) The approximate location of off-street parking facilities and the number of spaces to be included.

(xiii) A general landscaping plan for the PUD.

(xiv) A general signage plan for the PUD.

(xv) Building elevation plans showing the architectural appearance of any non-residential land uses.

(xvi) A plan for the treatment of the stormwater within the PUD.

(xvii) Any easements, covenants, or agreements that will affect the use, maintenance, and preservation of the common open space, community facilities, and/or individual structures within the proposed PUD.

(xviii) All information required by the Subdivision Code for a preliminary plat, where applicable.

(c) The Planning and Zoning Commission can review the preliminary plat concurrently with its review of the preliminary development plan.

(d) The process for approval of the preliminary development plan shall follow §152.010 (A-E) of the Subdivision Code.

(3) Final Development Plan

(a) Within one (1) year of approval of the preliminary development plan by the City Council, the applicant may prepare and submit a final development plan and final plat where applicable. The final development plan shall be in substantial conformance with the approved preliminary development plan. A final development plan may be submitted that includes all or a portion of the area of the PUD, consistent with the phasing schedule approved with the preliminary development plan.

(b) The final development plan shall contain the following:

(i) All of the items listed in §154.083 (B) for the preliminary development plan.

(ii) Accurate tabulations on the use of the PUD including the locations of all development lots and buildings and the number and density of all dwelling units.

(iii) Accurate tabulations of the location and number of off-street parking spaces.

(iv) A specific landscaping plan that includes the type, location, and number of each species of landscaping that will be part of the PUD.

(v) The applicant shall set forth in detail the proposal for the perpetual maintenance of common open space, recreational amenities, and community facilities.

(vi) Any other plans or specifications that may be necessary for final engineering approval of drainage, street design, and other water and sanitary sewer facilities.

(vii) All information required by the Subdivision Code for a final plat, where applicable.

(c) The City Council can review the final plat concurrently with its review of the final development plan.

(d) The process for approval of the final development plan shall follow §152.011 of the Subdivision Code.

(4) Amendments to Approved Final Development Plan

(a) Minor changes may be made to the final development plan during the construction of a PUD only with the approval of the Public Works Director or Planning and Development Director if they do not change the intent or character of the PUD. Minor changes shall not increase the lot coverage of the PUD.

(b) Major changes made to the final development plan during the construction of a PUD may only be done following the submittal and approval of a new final development plan by the City Council. Major changes include:

(i) An additional use or the increase in lot coverage of the PUD.

(ii) A reduction of the approved landscaping.

(iii) A reduction of the off-street parking requirements.

(iv) A reduction of the approved common open space or community facilities.

(v) Changes in the phasing schedule that changes the timing, amount, or completion of common open space, community facilities, or other public improvements.

(Ord. 2827, passed 4-20-09)

COMMERCIAL DISTRICTS

§ 154.090 PURPOSE

The purpose of the Commercial Districts is to accommodate businesses by the grouping of compatible businesses in areas well located to serve the needs of the individual businesses and those of the community; and also to create convenience to the public, by minimizing traffic congestion, discouraging unsightly and inefficient business development, and promoting business prosperity and shopping convenience.

(Ord. 1536, passed 11-2-87)

§ 154.091 C-1 DISTRICTS

Local retail districts are designed for the convenience shopping of those people residing in the adjacent neighborhood residential areas; and to permit only such uses as are necessary to satisfy these limited basic shopping needs which occur daily or frequently, thus requiring shopping facilities close to residences.

(A) Uses permitted:

(1) Dwelling units and lodging rooms provided that they are not located on the ground floor of buildings, nor on the same floor as a business use.

(2) Additional uses as follows:

Apartments, when ancillary to a business use.
Barber shops.
Beauty parlors.
Home, regional, district, and branch offices of manufacturing, commercial, service, and industrial companies and corporations where only executive, administrative, and clerical functions are performed.
Libraries and reading rooms.
Medical and dental clinics, excluding hospitals and animal clinics.
Municipal, state, or federal administrative or service buildings.
Museums.
Offices of doctors, dentists, optometrists, lawyers, architects, engineers, and similar professions.
Offices for educational, fraternal, professional, and religious organizations.
Real estate and insurance company offices.
Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
Professional offices.

(Ord. 2221, passed 1-8-00; Am. Ord. 2377, passed 5-6-02)

(B) Special uses. The following use is permitted as a special use when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission:

(1) Electric or telephone substations and other governmental and utility service uses.

(2) Day care facilities, subject to such restrictions, requirements, and limitations as may be deemed proper under the circumstances.

(3) Churches and other religious organizations.

(4) Specialty shops including gift; book and stationary; antique; art supplies and galleries; photocopying; camera and photo supplies; tobacco; florists; hobby; locksmith; shoe and hat repair; recycling, reuse and second hand stores; and business identification signs accessory to the specified specialty shop business use only as specifically authorized by the special use permit.

(C) Floor area ratio. The floor area ratio shall not exceed eight-tenths (0.8).

(D) Required lot area: The net land area for each business establishment shall not be less than five thousand (5,000) square feet.

(E) Yards required:

(1) Front yard: there shall be provided on every lot a front yard not less than forty (40) feet in depth on new construction.

(2) Side yard: there shall be provided a side yard along any lot line which adjoins a residence district; it shall be not less than ten (10) feet in width.

(3) Rear yard: there shall be a rear yard not less than twenty (20) feet in depth; however, when a rear lot line abuts an alley, one-half (½) the width of such alley may be counted toward satisfaction of the rear yard requirement.

The above yard requirements shall only apply to new construction or the expansion of existing structures.

(F) Maximum building height. No building shall be over three (3) stories above ground level or a maximum height of thirty five (35) feet above ground level, whichever is lesser.

(G) Automobile storage or parking space. Adequate off-street parking and loading in accordance with the provisions of § 154.172.

(H) Required conditions:

(1) All bank complexes, business, service, repair or processing, storage, or merchandise display shall be conducted wholly within an enclosed building except for off-street automobile parking and off-street loading.

(2) Not more than six (6) persons including owners or manager shall be engaged at any time in fabricating, repairing, or other processing of goods in any establishment.

(I) Fences. Fencing is required as a visual barrier when all or a portion of the subject site is immediately adjacent to a Transitional Buffer Yard as detailed in §154.404(B)(3). Fencing shall further be permitted to shield the following activities:

(1) Loading, unloading, or storage of refuse containers/dumpsters;

(2) Storage or display of materials or merchandise;

(3) Loading or unloading of passengers or goods; and

(4) Parking of vehicles.

Such fencing shall not be more than seven (7) feet in height above grade.

(Ord. 1536, passed 11-2-87; Am. Ord. 1977, passed 2-5-96; Am. Ord. 2377, passed 5-6-02; Am. Ord. 2697, passed 10-2-06; Am. Ord. 3189, passed 7-5-16)

Penalty, see § 154.999

§ 154.092 C-2 DISTRICTS

General retail districts are designed to cater to the needs of a larger consumer population than served by the local retail district and so are mapped typically in major shopping center locations characterized by large establishments generating larger volumes of vehicular and pedestrian traffic.

(A) Uses permitted.

(1) Any use permitted in C-1 Districts.

(2) Business uses may be conducted above the ground floor, but not on the same floor as residential uses.

(3) Additional uses are as follows:

Antique shops.
Apparel shops.
Appliance stores, sales and repair.
Arcades and video game rooms.

Art and school supply stores.
Art galleries.
Automobile detailing and customizing shops, provided there is no body repair or painting performed on the premises.
Automobile parts and accessories stores.
Automobile service stations.
Banks and financial institutions.
Bicycle sales, rental and repairs.
Blue printing and photocopying establishments.
Book and stationery stores.
Bowling alleys and structures accommodating recreational activities.
Cab stands.
Camera and photographic supply stores.
Candy and ice cream stores or shops selling similar commodities where the commodities may be produced on the premises; but all such production shall be either sold at retail on the premises or sold in stores owned and operated by the producing company.
Carpet and rug stores.
Car washes.
Catering establishments.
China and glassware stores.
Clothing and equipment rentals.
Coffee houses.
Coin and philatelic stores.
Convenience stores.
Currency exchanges.
Department stores.
Drive-in type food and beverage sales.
Drug stores.
Dry cleaning and laundry receiving stations; processing to be done elsewhere.
Electronics and communications stores.
Employment agencies.
Florists.
Food stores, grocery stores, meat markets, bakeries, delicatessens, and package liquor stores.
Funeral homes and mortuaries.
Furniture stores, including upholstery.
Furrier shops, including the incidental storage and conditioning of furs.
Garden supply and feed stores.
Gas stations.
Gift shops.

Hardware and houseware stores.
Health and exercise clubs, gymnasiums, reducing and tanning salons.
Hobby shops.
Hotels and motels.
Hospitals, monasteries, nunneries, religious retreats, orphanages, and institutions of an educational, charitable, or philanthropic nature.
Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles.
Jewelry store, including repair.
Laundries, automatic self-serve.
Leather goods and luggage stores.
Live bait.
Loan offices.
Locksmiths shops.
Monument sales.
Musical instruments, sales and repairs.
Newspaper offices.
Office supply stores.
Oil change and lubrication facilities.
Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.
Paint and wallpaper stores.
Pawn shops.
Pet shops.
Photography studios, including the developing of film and pictures.
Physical culture and health service, gymnasium and reducing salons, and masseurs.
Post offices.
Public meeting halls.
Restaurants.
Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing and alterations for retail only, jewelry from precious metals; watches, dentures, and optical lenses.
Sales and display rooms.
Schools: music, dance, or business.
Service: cleaning or repair shops for personal, household, or garden equipment.
Sewing machine sales and service.
Shoe and hat repair.
Shoe stores.
Skating rinks, indoor.
Sporting goods stores.

Tailor or dressmaking shops.
Taverns.
Tea rooms.
Temporary building for construction purposes for a period not to exceed the duration of such construction.
Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.
Temporary outdoor food vending and produce markets.
Theaters (not outdoor).
Tobacco shops.
Toy shops.
Travel bureaus and transportation ticket offices.
Typewriter and business machines sales and service.
Upholstery shops.
Variety stores.
Video and equipment sales and rental.

(4) All uses permitted in the C-2 District, including storage, must be conducted within an enclosed structure, with the exception of accessory outside sales or display of retail merchandise, provided that such accessory use does not violate parking, lot coverage, or other code regulations, and does not occupy a corner sight triangle (as defined in § 154.141 of this chapter) or in any way create a public safety hazard.

(Ord. 2239, passed 7-3-00)

(B) Special uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission.

(1) Those special uses permitted in a C-1 District.

(2) Assisted living facility, senior independent housing, or skilled nursing facility.

(3) Bus depots.

(4) Clubs and lodges: private, fraternal, or religious.

(5) Golf courses, miniature golf courses, and driving ranges.

(6) Inside mini-warehousing and storage.

(7) Machinery, equipment and vehicle rental.

(8) Skating rinks and parks, outdoor.

(C) Floor area ratio. Floor area ratio shall not exceed 1.0.

(D) Required area. Regulations governing lot area in C-1 Districts shall apply, except for assisted living facilities, senior independent housing, or skilled nursing facilities. Senior independent housing facilities shall have an area of at least one (1) acre and an average of at least four thousand five hundred (5,500) square feet of lot area per dwelling unit. Each assisted living facility or skilled nursing facility containing units of five hundred (500) square feet or less shall be erected on a lot having an area of at least one (1) acre, of not less than two thousand (2,000) square feet per unit, and a lot width of not less than seventy-five (75) feet. Each assisted living facility or skilled nursing facility containing units of more than five hundred (500) square feet shall be erected on a lot having an area of at least one (1) acre, of not less than (2,500) square feet per unit, and a lot width of not less than seventy-five (75) feet..

(E) Required yards:

(1) Front yards: None, except for assisted living facilities, senior independent housing, and skilled nursing facilities. The front yard for those uses shall not be less than twenty-five (25) feet.

(2) Side and rear yards: regulations shall be the same as in C-1 Districts, except for assisted living facilities, senior independent housing, and skilled nursing facilities. The side yard for senior independent housing shall each not be less than five (5) feet. The side yard for assisted living facilities or skilled nursing facilities shall each be not less than ten (10) feet or thirty (30) feet if located adjacent to a State or U.S. highway.

(3) Rear yards: regulations shall be the same as in C-1 Districts.

(F) Signs. The regulations for signs shall be the same as required for C-1 Districts.

(G) Maximum Building Height. No building shall exceed a height of Thirty-Five (35) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluding therefrom those exceptions contained in §154.173.

(1) The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed Sixty (60) feet. No assisted living facility, senior independent housing, or skilled nursing facility may exceed thirty-five (35) feet above ground level.

(2) Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.

(H) Automobile storage or parking space. There shall be adequate off-street parking and loading provisions in accordance with § 154.172.

(I) Fences. Fencing is required as a visual barrier when all or a portion of the subject site is immediately adjacent to a Transitional Buffer Yard as detailed in §154.404(B)(3). Fencing shall further be permitted to shield the following activities:

(1) Loading, unloading, or storage of refuse containers/dumpsters;

(2) Storage or display of materials or merchandise;

(3) Loading or unloading of passengers or goods; and

(4) Parking of vehicles.

Such fencing shall not be more than seven (7) feet in height above grade.

(Ord. 1536, passed 11-2-87; Am. Ord. 1541, passed 3-21-88; Am. Ord. 1763, passed 12-21-92; Am. Ord. 1790, passed 5-24-93; Am. Ord. 1977, passed 2-5-96; Am. Ord. 2274, passed 2-5-01; Am. Ord. 2377, passed 5-6-02; Am. Ord. 2402, passed 9-3-02; Am. Ord. 2471, passed 9-15-03; Am. Ord. 2713, passed 1-2-07; Am. Ord. 3189, passed 7-5-16)

Penalty, see § 154.999

§ 154.093 C-3 DISTRICTS

The service district is designed primarily to furnish areas served by general retail districts with necessary services and goods not allowed in general retail districts because they are incompatible with the uses permitted in the general retail districts.

(A) Uses permitted.

(1) Any use permitted in C-1 and C-2 Districts.

(2) Additional uses shall be the following:

Artisans in ceramics and nonferrous metals.
Animal hospitals and veterinary clinics without outside kennels.
Auction rooms.
Boat sales.
Building material establishments, dimension lumber, millwork, cabinets and other building materials; provided that no milling, planing, jointing, or manufacturing of millwork shall be conducted on the premises.
Bus depots.
Cartage and express facilities providing storage of goods, motor trucks, and other equipment, if in enclosed structures.
Caskets and casket supplies.
Clubs and lodges: private, fraternal or religious.
Contractors or construction offices and shops such as building, concrete, electrical, masonry, painting, plumbing, refrigeration, and roofing.
Dry cleaning and laundry establishments, commercial.
Exterminating shops.
Garages, public, for storage, repair, and servicing of automobiles, and trucks, including body repair and painting, but not including auto wrecking yards.
Greenhouses or nurseries.
Garden supply and feed stores.
Ice storage.
Laboratories, medical and dental research and testing.
Machinery sales, including farm machinery sales.
Machinery, equipment, and vehicle rental.
Mail order houses.
Meat markets, including the sale of meats and meat products to restaurants, hotels, clubs, or other similar establishments.
Meat processing without slaughtering and food lockers.
Miniature golf courses.
Motorcycle sales and service.
Motor vehicle and equipment sales and service.
Open sales lots.
Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.

Packaging and crating.
Printing and publishing establishments.
Public garages, including new and used car sales rooms.
Recording studios and radio stations.
Research laboratories.
Sheet metal shops.
Storage and warehousing, and wholesale establishments.
Trailer sales.

(B) Special uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission.

(1) Those special uses permitted in C-1 and C-2 districts.

(2) Drive-in theaters.

(3) Electric and telephone substations and other governmental and utility services uses.

(4) Light assembling and packaging of materials, goods and products provided entirely within enclosed buildings.

(5) Mobile homes and trailer courts provided that the water and sanitary facilities furnished conform to the requirements of the State Health Department.

(6) Outdoor recreation and amusement establishments, including shooting ranges, motorized racing tracks, and other mechanical rides.

(C) Floor area ratio. Floor area ratios shall not exceed 1.2, except for assisted living facilities, senior independent housing, or skilled nursing facilities. The floor area ratio for those uses shall not exceed one (1.0).

(D) Required area. Regulations governing lot area in C-1 Districts shall apply, except for assisted living facilities, senior independent housing, or skilled nursing facilities. Senior independent housing facilities shall have an area of at least one (1) acre and an average of at least four thousand five hundred (5,500) square feet of lot area per dwelling unit. Each assisted living facility or skilled nursing facility containing units of five hundred (500) square feet or less shall be erected on a lot having an area of at least one (1) acre, of not less than two thousand (2,000) square feet per unit, and a lot width of not less than seventy-five (75) feet. Each assisted living facility or skilled nursing facility containing

units of mew than five hundred (500) square feet shall be erected on a lot having an are of at lease one (1) acre, of not less than (2,500) square feet per unit, and a lot width of not less than seventy-five (75) feet.

(E) Required yards:

(1) Front yards: None, except for assisted living facilities, senior independent housing, or skilled nursing facilities. The front yard for those uses shall be not less than twenty-five (25) feet.

(2) Side yards: there shall be provided a side yard along any side lot line which adjoins a residence district; its width shall not be less than ten (10) feet and it shall not contain off-street parking and loading facilities. The side yard for senior independent housing shall each not be less than five (5) feet. The side yard for assisted living facilities or skilled nursing facilities shall each not be less than ten (10) feet or thirty (30) feet if located adjacent to a State or U.S. highway.

(3) Rear yards: regulations governing rear yard requirements in C-1 Districts shall apply, except that where the rear yard adjoins another business property and where loading and unloading space is located elsewhere on the property, where the building is not more than one (1) story in height the rear yard may be reduced five (5) feet, and except for assisted living facilities, senior independent housing, or skilled nursing facilities. The rear yard for those uses shall not be less than twenty (20) feet.

(F) Off-street parking and loading. There shall be adequate off-street parking and loading provisions in accordance with § 154.172.

(G) Maximum Building Height. No building shall exceed a height of Eighty (80) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). No assisted living facility, senior independent housing, or skilled nursing facility shall exceed a height of thirty-five (35) feet above ground level. The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluding therefrom those exceptions contained in §154.173.

(1) The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides in the final plat thereof for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the

building; provided, however, the height of the building above grade level may in no instance exceed one hundred (100) feet.

(2) Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.

(H) Fences. Fencing is required as a visual barrier when all or a portion of the subject site is immediately adjacent to a Transitional Buffer Yard as detailed in §154.404(B)(3). Fencing shall further be permitted to shield the following activities:

(1) Loading, unloading, or storage of refuse containers/dumpsters;

(2) Storage or display of materials or merchandise;

(3) Loading or unloading of passengers or goods; and

(4) Parking of vehicles.

Such fencing shall not be more than seven (7) feet in height above grade.

(Ord. 1536, passed 11-2-87; Am. Ord. 1763, passed 12-21-92; Am. Ord. 1977, passed 2-5-96; Am. Ord. 2055, passed 12-16-96; Am. Ord. 2137, passed 7-20-98; Am. Ord. 2274, passed 2-5-01; Am. Ord. 2377, passed 5-6-02; Am. Ord. 2402, passed 9-3-02; Am. Ord. 2471, passed 9-15-03; Am. Ord. 2713, passed 1-2-07; Am. Ord. 3189, passed 7-5-16)

Penalty, see § 154.999

INDUSTRIAL DISTRICTS

§ 154.105 PURPOSE

The manufacturing districts set forth in this subchapter are established to protect public health, safety, comfort, convenience, and the general welfare and to protect the economic base of the city, as well as the value of real estate, by regulating manufacturing development in appropriate locations. These general objectives include, among others, the following specific objectives:

(A) To protect established residential areas and the health of families living therein, by restricting those nearby manufacturing activities which may create offensive noise, vibration, smoke, dust, odors, heat, glare, fire hazards, and other objectionable influences to those areas which are appropriate therefor.

(B) To provide adequate space in appropriate locations for most types of manufacturing and related activities so that the economic structure of the community may be strengthened; and that employment opportunities may be found in the interest of public prosperity and welfare.

(C) To provide more space for manufacturing activities in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently and with a minimum of danger to public life and property.

(D) To establish proper standards of performance which will restrict obnoxious manufacturing activities, while at the same time encourage and permit the manufacturing activities which have adopted facilities for the processing of finished products without adversely affecting the health, happiness, safety, convenience, and welfare of the people living and working in nearby areas.

(E) To protect manufacturing districts from incompatible uses of land by prohibiting the use of such space for nonresidential development, thereby preserving the land for a more appropriate use in accordance with the plans for city improvement and development.

(F) To promote the most desirable use of land in accordance with the Comprehensive Plan of the city, to conserve the use of property, to promote stability of manufacturing activities and related development, and to protect the character and established development in each area of the community; to enhance and stabilize the value of land and to protect the tax base of the city.

(Ord. 1536, passed 11-2-87)

§ 154.106 PERFORMANCE STANDARDS

(A) Noise.

(1) Application of noise performance standards. Any use established in an Industrial District shall be so operated as to comply with the performance standards governing noise set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this section shall be so altered or modified as to conflict with or further conflict with the performance standards governing noise established hereinafter for the district in which such use is located. Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent use. All uses, existing or proposed, shall be operated in conformance with the applicable requirements embodied in

the regulations of the Illinois Administrative Code, Title 35 - Environmental Protection, Subtitle H - Noise Pollution, as amended from time to time.

(2) Method of measurements of noise level. Sound measured with a sound level meter and associated octave band filter, manufactured in compliance with standards described by the American Standards Association. Measurement 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 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 minimum two (2) decibels. Noises 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.

(3) Limitations on noise levels: Noise in I-1 and I-2 District. At no point on the boundary of a residence or business district 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 Table 1 set forth hereinafter for districts indicated:

Octave Band Cycles Per Second	**All Residential Districts**	**Sound Level In Decibels B1, B2 and B3**
37.5 to 75	58	73
75.5 to 150	54	69
150 to 300	50	65
300 to 600	46	61
600 to 1200	40	55
1200 to 2400	33	48
2400 to 4800	26	41
Over 4800	20	35

(4) Method of measurement. Measurement is to be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level is higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.

(B) Smoke and particulate matter.

(1) In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such a manner or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful. All uses, existing or proposed, shall be operated in conformance with the applicable requirements embodied in the regulations of the Illinois Administrative Code, Title 35 - Environmental Protection, Subtitle B - Air Pollution, Section 212.

(2) The emission from all sources within any lot area during any one (1) hour period of particulate matter containing more than ten percent (10%) by weight of particles having a particle size larger than forty four (44) microns is prohibited.

(3) Dust and other type of air pollution borne by the wind from such sources as storage areas, yards, streets, and so forth within lot lines shall be kept to a minimum by appropriate landscaping, oiling, or other acceptable means.

(4) For the purpose of grading the density of smoke, the Ringlemann Chart currently published and used by the United States Bureau of Mines shall be employed. The emission of smoke particulate matter of density equal to or greater than #3 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

(5) The location within lot lines of smoke stacks shall be determined as follows:

(a) Where total emission per use, the number of stacks being optional is up to fifteen (15) smoke units per hour, the following standards apply:

1. Smoke stack setback from lot lines on all sides.

2. Where the lot abuts a highway as designated on the zoning map the setback line shall be at least one hundred (100) feet from the nearest right-of-way.

(b) Where the lot abuts a major street as designated on the zoning map, the setback line shall be at least sixty (60) feet from the nearest right-of-way line; except as provided in division (B) (5) (d) of this section.

(c) Where the lot abuts a minor street as designated on the zoning map, the setback line shall be at least fifty (50) feet from the nearest right-of-way line; except as provided in division (B) (5) (d) of this section.

(d) Where the lot abuts a street with a right-of-way width of less than seventy (70) feet the setback line shall be at least eighty five (85) feet from the centerline of such right-of-way.

(e) Where the lot abuts a storm or floodwater channel or basin, the setback line shall be at least fifty (50) feet from the nearest shoreline or floodwater line.

(6) During one (1) hour period in each twenty four (24) hour period, each stack may emit up to thirty (30) smoke units when blowing soot or cleaning fires with no more than eight (8) minutes of smoke density of Ringelmann #2. Only during such fire cleaning periods shall smoke of a density of Ringelmann #3 be permitted, and then not for a period in excess of four (4) minutes. Where total smoke emission per use, the number of stacks being optional is sixteen (16) to thirty (30) smoke units per hour, the following standards apply:

(a) Smoke stack setback from lot lines on all sides two hundred fifty (250) feet.

(b) During one (1) hour period in each twenty four (24) hour period each stack may emit up to forty five (45) smoke units when blowing soot or cleaning fires with no more than eight (8) minutes of smoke of density of Ringelmann #2. Only during such fire cleaning periods shall smoke of a density of Ringlemann #3 be permitted and then not for a period in excess of four (4) minutes.

(C) Toxic or noxious matter. Any use established in an industrial district shall be so operated as to comply with the performance standards governing emission of toxic or noxious matter set forth hereinafter. No use shall for any period of time discharge across the boundaries of the lot to the surface water, soil groundwater, or air 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, welfare, or cause injury or damage to property or business.

(D) Odors.

(1) Any use established in an industrial district shall be operated as to comply with the performance standards governing odorous materials set forth hereinafter. No use already established on the effective date of this section shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing odorous materials established hereinafter.

(2) In all industrial districts, the emission of odorous matter in such quantities as to produce nuisance or hazard beyond lot lines is prohibited. In determining such offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual (copyright 1951) by Manufacturing Chemists Assoc., Inc. Washington, D.C., shall serve as a guide. All uses shall be operated in conformance with the applicable requirements embodied in the regulations of the Illinois Administrative Code, Title 35 - Environmental Protection, Subtitle B - Air Pollution, Section 245.

(E) Fire and explosion hazards.

(1) The storage, use, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

(2) The storage, use, or manufacture of solid materials or products ranging from free to active burning, to intense burning is permitted; provided the said materials shall be stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls, and protected throughout by an effective automatic fire extinguishing system; or said materials may be stored outdoors with at least fifty (50) feet clearance from all lot lines.

(3) The storage, use, or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases, shall be permitted in accordance with the regulations of the State Fire Marshal.

(F) Vibration limitations. Notwithstanding any other provisions of this chapter, any use permitted in this District creating intense earth-shaking vibrations such as are created by heavy drop forges, shall be set back at least five hundred (500) feet from the lot lines of such use on all sides.

(G) Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence or wall, in such a manner as to be undetectable without instruments from any point along lot lines.

(Ord. 1536, passed 11-2-87)

Penalty, see § 154.999

§ 154.107 I-1 DISTRICTS

(A) Uses permitted:

(1) Light manufacturing, fabricating, assembling, packaging, repairing, servicing, and processing of material, goods and products provided entirely within enclosed buildings.

(2) Animal hospitals, veterinary clinics, and pounds with outside kennels.

(3) Bottling works, steam laundries, dry cleaning plants, blacksmith shops.

(4) Dog kennels.

(5) Lumber, wood, feed, or other similar storage yards.

(6) Riding academies and public stables.

(B) Special use. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission:

(1) Any use not listed above which is permitted in C-2 and C-3 Districts.

(2) Airports and heliports.

(3) Body art establishments.

(4) Bulk storage, sale, and distribution of flammable liquids, fats, or oils in tanks.

(5) Bus or truck garage, yards, docks, terminals and transfer points.

(6) Day care facilities, subject to such restrictions, requirements, and limitations as may be deemed proper under the circumstances.

(C) Floor area ratio. The floor area ratio on a lot shall not exceed 2.0.

(D) Yards required. Yards of the following minimum depths shall be provided:

(1) Front yards shall be not less than twenty five (25) feet.

(2) Side yards shall be not less than ten (10) feet.

(3) Rear yard shall be not less than twenty five (25) feet.

(4) When adjoining a residence district any side or rear yard shall not be less than twenty five (25) feet and a solid wall or solid fence shall be provided along the property line. Such fences or wall shall be uniformly painted, and in no case shall be less than six (6) feet high or more than seven (7) feet high.

(E) Maximum Building Height. No building shall exceed a height of Eighty (80) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluding therefrom those exceptions contained in §154.173.

(1) The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides in the final plat thereof for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed one hundred (100) feet.

(2) Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.

(F) Automobile storage or parking space. Adequate off-street parking in accordance with the provisions of § 154.172.

(G) Accessory uses permitted:

(1) Outside storage of raw materials, work in process inventory, finished goods inventory, and supplies is a permitted use accessory to the main use of the property; provided, however, that such outside storage shall be limited and conditioned as follows:

(a) Such outside storage must be limited to an area no greater in size than the floor area of the first floor of the enclosed buildings on the parcel.

(Ord. 1536, passed 11-2-87; Am. Ord. 1763, passed 12-21-92; Am. Ord. 1975, passed 1-8-95; Am. Ord. 1977, passed 2-5-96; Am. Ord. 2274, passed 2-5-01; Am Ord. 2377, passed 5-6-02; Am. Ord. 2402, passed 9-3-02; Am. Ord. 3161, passed 12-14-15)
Penalty, see § 154.999

§ 154.107A I-1A DISTRICTS

(A) Uses permitted. The following uses shall be permitted in I-1A districts; provided, however, that no outside storage of any kind or nature shall be permitted or allowed in such I-1A district in connection with any of the permitted uses:

(1) Light manufacturing, fabricating, assembling, packaging, repairing, servicing, and processing of material, goods, and products provided entirely within enclosed buildings.

(B) Floor area ratio. The floor area ratio on a lot shall not exceed 2.0.

(C) Yards required. Yards of the following minimum depths shall be provided:

(1) Front yards shall be not less than twenty five (25) feet.

(2) Side yards shall be not less than ten (10) feet.

(3) Rear yards shall be not less than twenty five (25) feet.

(4) When adjoining a residence district any side or rear yard shall not be less than twenty five (25) feet and a solid wall or solid fence shall be provided along the property line. Such fences or wall shall be uniformly painted, and in no case shall be less than six (6) feet high or more than seven (7) feet high.

(D) Maximum Building Height. No building shall exceed a height of Eighty (80) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluding therefrom those exceptions contained in §154.173.

(1) The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides in the final plat thereof for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed one hundred (100) feet.

(2) Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.

(E) Off-street parking. Adequate off-street parking in accordance with the provisions of § 154.172.

(Ord. 1975, passed 1-8-96; Am. Ord. 2402, passed 9-3-02)

§ 154.108 I-2 DISTRICTS

(A) Permitted uses.

(1) The uses permitted in this District generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may be objectionable or obnoxious to the occupants of adjoining properties and for that reason must be grouped in areas where similar industrial uses are located, or where permitted uses will be best located in accordance with the Comprehensive Plan of the city, which is designed to protect the welfare of the community. Therefore, the following uses are hereby permitted; provided, that full compliance with the performance standards hereinafter set forth shall be established and constantly maintained, and provided further that all such uses shall be on a minimum lot size of one (1) acre.

(2) Manufacturing, fabricating, assembly, and processing of materials, articles, and products which are prohibited in I-1 District but which are not prohibited by the performance standards herein established for I-2 District, and which are not otherwise prohibited or restricted.

(a) Any use which may be allowed in I-1 District as a special use, except no residential use shall be permitted in I-2 District.

(b) Any manufacturing, processing, and treatment of materials and goods and products which require the use of large quantities of water, produce large quantities of waste material of which involve the disposal, into public sewers or otherwise of any quantities of toxic, noxious, corrosive, or explosive.

(c) Incinerators for household waste disposal.

(d) Manufacturing, processing, and bulk storage of noxious, toxic, corrosive, and explosive solid, liquid, or gaseous chemicals, including fireworks manufacturing.

(e) Extraction and processing of mineral products including ore, stone, sand, gravel, clay, topsoil, cement, lime, plaster, asbestos, fertilizer, and abrasives.

(f) Lumber mills, sawmills, planing mills, and flour or grain mills.

(g) Manufacturing and processing of coal, petroleum, tar and asphalt products, including coke, illuminating gas, linoleum oilcloth, roofing material, and asphalt tile.

(h) Ore smelters, foundries, blast and open hearth furnaces, bessemer converters, metal ingot, plate, tube, and wire and strip mills.

(i) Processing of animal and vegetable products such as tanneries, distilleries, breweries, slaughterhouses, rendering plants, glue, soap, paint and varnish manufacturers, wool and textile scouring, sizing, bleaching, and dyeing.

(j) Salvage yards, coal yards, or junk yards.

(k) Seed processing establishments.

(B) Special uses. The following uses are permitted as special uses when authorized by the City Council after a public hearing and recommendation by the Planning and Zoning Commission:

(1) Ammonia, bleaching powder, or chlorine manufacture.

(2) Carbon manufacture.

(3) Celluloid manufacture.

(4) Coal distillation.

(5) Coke ovens.

(6) Distillation of tar.

(7) Explosives, fireworks, and gunpowder manufacture or storage.

(8) Fat rendering.

(9) Grease, lard, or tallow manufactured or refined from animals.

(10) Hair manufacture.

(11) Incineration, reduction, storage, or dumping of slaughter-house refuse, rancid fats, dead animals, or offal.

(12) Petroleum manufacture.

(C) Floor area ratio. The floor area ratio on a lot shall not exceed 5.0.

(D) Yards required. Yards of the following minimum depths shall be provided:

(1) Front yards shall be the same as required in I-1 Districts.

(2) Side yards shall be the same as required in I-1 Districts.

(3) Rear yards shall be the same as required in I-1 Districts.

(E) Automobile storage or parking space. Adequate off-street parking in accordance with the provisions of § 154.172.

(F) Maximum Building Height. No building shall exceed a height of Eighty (80) feet above ground level, except as hereinafter provided in subparagraphs (1) and (2). The term "above ground level" shall mean the actual height of the building measured from the sidewalk level, or equivalent established grade, to the highest part of the building, specifically excluding therefrom those exceptions contained in §154.173.

(1) The maximum height of a building above ground level may be exceeded where the lot upon which the building is located or to be constructed provides in the final plat thereof for one (1) foot of additional building setback, on the front, side and rear yards, for each additional foot of height above ground level of the building; provided, however, the height of the building above grade level may in no instance exceed one hundred (100) feet.

(2) Any building or structure that exceeds thirty-five (35) feet in height shall provide a hard surface fire access road or lane located in close proximity to the building or structure, which fire access road or lane shall be of sufficient width to allow for access and staging of emergency vehicles thereon.

(G) Performance standards shall be the same as those required in I-1 Districts; standards are stated in § 154.106.

(H) Accessory uses permitted;

(1) Outside storage of goods and materials.

(Ord. 1536, passed 11-2-87; Am. Ord. 1763, passed 12-21-92; Am. Ord. 1975, passed 1-8-96; Am. Ord. 2274, passed 2-5-01; Am. Ord. 2402, passed 9-3-02)

Penalty, see § 154.999

SPECIAL USES

§ 154.120 PURPOSE

The development and execution of this subchapter is based upon the division of the city into districts, within which districts the uses 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 special uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two (2) categories:

(A) Uses publicly operated or traditionally affected with a public interest; and

(B) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(Ord. 1536, passed 11-2-87)

§ 154.121 INITIATION OF SPECIAL USE

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or exclusive possessory interest which is specifically enforceable, may file an application to use land for one or more of the special uses provided in this subchapter in the zoning district in which the land is located. Any person who has a mere possessory interest and is entitled to exclusive possession for a period of less than five (5) years must have the person or persons having a freehold interest in the property join in the application.

(Ord. 1536, passed 11-2-87)

§ 154.122 APPLICATION FOR SPECIAL USE

An application for a special use permit, except a planned development special use permit, shall be filed with the Code Enforcement Officer on a form prescribed by the Planning and Zoning Commission. The application shall be accompanied by such plans or data prescribed by the Commission. The application shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth in this subchapter. To partially defray the cost of this procedure, the applicant shall pay the sum of $100 to the City Clerk at the time of filing of the application.

(Ord. 1536, passed 11-2-87, Am. Ord. 2277, passed 3-5-01)

§ 154.123 HEARING ON APPLICANT

Upon receipt in proper form of the application and statement referred to in this section, the Planning and Zoning Commission shall hold at least one public hearing on the proposed special use. Not more than thirty (30) days or less than fifteen (15) days in advance of such hearing, notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city, as prescribed by applicable state statutes. Supplemental or additional notices may be published or distributed as the Commission may, by rule, prescribe from time to time. The Planning and Zoning Commission shall submit their recommendations to the City Council within thirty (30) days of said public hearing.

(Ord. 1536, passed 11-2-87;
Am. Ord. 1923, passed 6-19-95)

§ 154.124 AUTHORIZATION

For each application for a special use permit, the Planning and Zoning Commission shall recommend to the City Council the stipulations, additional conditions, and guarantees, that they feel are necessary for the protection of the public interest. The City Council may grant or deny any application for a special use.

(Ord. 1536, passed 11-2-87)

§ 154.125 STANDARDS

No special use shall be recommended by the Planning and Zoning Commission unless such Commission shall find:

(A) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

(B) That 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 or impair property values within the neighborhood;

(C) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(D) That adequate utilities, access roads, drainage, or necessary facilities have been or are being provided;

(E) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

(F) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Planning and Zoning Commission; and

(G) That where it is found a use not otherwise acceptable to the neighborhood in which located would be acceptable with certain conditions of use operation and improvement, the Planning and Zoning Commission may recommend and the Council may require the granting of such nonconforming special use subject to specified conditions. Such conditions may include:

(1) Landscape screening or fencing.

(2) Hours of operation.

(3) Night lighting (including parking areas) so as not to be annoying to surrounding properties.

(4) Requirements for access lanes and parking areas to protect pedestrian safety.

(5) Restraint on signage so as to be compatible with surrounding properties.

(6) Limitation on outdoor storage.

(7) Any other such requirements which, in the opinion of the Planning and Zoning Commission or Council, would render the use compatible with surrounding properties.

(8) If the special use is essentially residential (e.g., assisted living facility, senior independent housing facility, or skilled nursing facility), the requirement that the appropriate subdivision development and utility connection fees be paid.

(Ord. 1536, passed 11-2-87; Am. Ord. 2713, passed 1-2-07)

(H) That when dealing with radio, television, telephone and similar communication towers/antennae, which exceed the height limitations of the zoning district in which it would be located, and their associated structures, the following additional special conditions must be met:

(1) All applicable setback requirements and other requirements of a particular zoning district in which the tower is to be located, inclusive of all guylines and other associated structures, must be met, except for height restrictions;

(2) The tower will be constructed to the minimum height necessary to serve its purpose;

(3) That the tower's proposed location, height and configuration has received prior Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) approval;

(4) That said tower is designed, approved and attested to by a qualified structural engineer, verifying the safety and viability of the tower;

(5) The electronics and other operational apparatus to be attached to the tower must be certified by a qualified electronics engineer that said electronics and other operational apparatus will not interfere with other radio and television signals or other electronic devices or apparatus;

(6) All towers must meet the minimum lighting requirements by the FAA and FCC and such lighting must be shielded, to the extent possible, to prevent illumination of the ground below.

(7) Antenna support structures must be constructed from one of the following materials: aluminum, galvanized steel, or equally weather resistant materials. All ground mounted antenna support structures exceeding thirty five (35) feet in height shall be mounted in concrete and erected in such a manner so as to conform with ANSI/EIA-222-E for minimum basic wind speed for the locale, with one-half (½) inch radial ice load.

(8) All antenna support structures, whether ground or roof mounted, shall be properly grounded to adequately protect against a direct strike of lightning, in conformance with ANSI/EIA standards.

(9) The Planning and Zoning Commission and City Council shall consider the following factors in determining whether or not a special use for a tower/antenna should be granted:

(a) Existing uses and zoning of nearby property;

(b) The extent to which property values are diminished by the tower/antenna in question;

(c) The relative gain to the public as compared to the hardships imposed on the individual property owners;

(d) The suitability of the property for the tower/antenna;

(e) The public need for the tower/antenna; and

(f) Those aesthetic considerations which bear substantially on the economic, social, and cultural patterns of nearby property.

(Ord. 1763, passed 12-21-92)

§ 154.126 TERMINATION OF SPECIAL USES

The discontinuation, abandonment, or enlargement of any special use, or any violation of the conditions, stipulations, or guarantees applicable to any special use shall cause the special use to terminate instantly and without notice. In the event of said termination, the only uses allowed on the land previously subject to the special use shall be the uses permittable in the applicable zoning classification.

(Ord. 1536, passed 11-2-87)

SIGNS

§ 154.140 PURPOSE

There is a significant relationship between the manner in which signs are displayed and public safety, and the stability of the economic value of adjoining property. The reasonable display of signs is necessary as a public service and to the conduct of competitive commerce and industry.

The regulations in this subchapter establish minimum standards for the display of signs in direct relationship to the functional use of property as permitted within the zoning districts which are provided in this subsection.

(Ord. 2033, passed 9-3-96)

§ 154.141 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

AREA OF SIGN. The area of the sign is the entire area within a continuous perimeter enclosing the extreme limits of sign display, including any frame or border. However, it shall not include any structural elements lying outside the limits of such display area and not forming an integral part of the display. The calculation for a double-faced sign shall be the area of one face only.

AWNING OR CANOPY SIGN. A sign painted, stamped, stitched or otherwise applied on the valance of an awning.

BANNER. A long, narrow sign made from canvas, paper or other lightweight material secured or mounted on a wall on at least two sides or attached to a permanent existing structure. Said structure shall include, but shall not be limited to, fences, buildings, light poles and sign poles.

COPY. Any display or message on a sign surface containing wording, numbers, symbols, or graphics and intended for visual communication.

ELECTRONIC MESSAGE BOARD. Any sign or portion of a sign whose display information can be systematically changed or altered on a panel composed of electrically illuminated segments. An electronic message board shall not be considered a flashing sign.

FLAG. A sign made from canvas, paper or other lightweight material secured or mounted on one side as to allow movement by the wind.

FLASHING SIGN. Any sign directly or indirectly illuminated where the source of illumination flashes on or off, winks or blinks with varying light intensity or color, shows motion or creates the illusion of motion or revolves in a manner to create the illusion of being on or off.

FRONTAGE. All sides of a lot abutting a street right-of-way shall be considered frontage.

FREE STANDING OR GROUND SIGN. Any sign supported by one (1) or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

ILLUMINATED SIGN. Any sign which has characters, letters, figures designs or outline illuminated by electric lights, tubes or other means of illumination.

INFLATABLE SIGN. Any inflated balloon or lighter than air object greater than sixty four (64) cubic feet in volume and displayed more than six (6) feet above the ground.

LARGE BILLBOARD. A sign which advertises goods, products, or services not sold on the premises on which the sign is located up to a maximum of six hundred seventy-two (672) square feet.

MONUMENT SIGN. Any freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features where the base of the sign structure is on the ground or a maximum of twelve (12) inches above ground.

MOVING SIGN. Any sign or portion of a sign which structurally rotates, revolves, extends, retracts or otherwise is in motion in any manner.

NONCONFORMING SIGN. Any sign which was lawfully erected and maintained prior to such time as it came within the purview of this subsection and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this subsection; provided, however, such term shall not include any sign or other advertising structure which was erected or maintained in violation of any law or this subsection.

OBSOLETE SIGN. Any sign which advertises or formerly advertised a business or service or product no longer for sale on the premises for a period of at least sixty (60) days.

OFF-PREMISE SIGN. Any sign which advertises a business which is not being conducted on or immediately adjacent to the premises on which the sign is located.

PERMANENT SIGN. Any wall sign, free standing or ground sign, roof sign, awning or canopy sign designed and constructed to be a fixed in place sign for the specific purpose intended. Temporary sign(s) shall not be converted to permanent signs.

POLITICAL SIGN. Signs or posters announcing candidates seeking public political office in any local, state, or national election.

PORTABLE SIGN. Any sign not permanently affixed to the ground or a building including but not limited to sandwich board signs, chalkboard signs, message boards and any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service or entertainment, when the vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.

PROJECTING SIGN. Any sign attached to a building that projects from the wall or face of the building more than fifteen (15) inches.

ROOF SIGN. Any sign erected upon, against, or directly above a roof, or on top or above the parapet or on a functional architectural appendage above the roof.

SIGHT TRIANGLE. The imaginary triangular area formed by the intersecting lot lines nearest the street intersection, and a straight line joining said lot lines at points which are twenty (20) feet from the point of intersecting lot lines.

SIGN. Any structure or device located outside a building designed for visual communication intended to convey information to the public in written or pictorial form.

SMALL BILLBOARD. A sign which advertises goods, products, or services not sold on the premises on which the sign is located up to a maximum of sixty-four (64) square feet.

TEMPORARY SIGN. Any sign constructed of cardboard, cloth, canvas, fabric, wood or other temporary material, with or without a structural frame, and intended for a limited period of display including but not limited to flags, balloons, banners, pennants, and portable signs.

WALL SIGN. Any sign painted or attached to the outside of a building, erected parallel to the wall to which it is attached.

(Ord. 2033, passed 9-3-96; Am. Ord. 2599, passed 3-21-05; Am. Ord. 2941, passed 6-20-11; Am. Ord. 3169, passed 3-7-16)

§ 154.142 SIGN PERMIT REQUIRED; EXEMPTION

(A) No sign may be constructed, erected, remodeled, relocated, or expanded until a sign permit is obtained in accordance with the following sections in this subchapter. No sign permit shall be issued for any sign unless the sign is accessory to a permitted use and the

sign is permitted by, and complies with the regulations of this subchapter. However, the following types of signs are exempt from the permit requirements and from the regulations of this subchapter, except § 154.150(A).

(1) Flags or emblems of a government or of a political, civic, philanthropic, educational, or religious organization, displayed on private property;

(2) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, and warnings at railroad crossings;

(3) Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation; provided that the content and size of the sign do not exceed the requirements of such law, order, rule, or regulation;

(4) Small signs, not exceeding two (2) square feet in area, displayed on private property for the convenience of the public, including signs to identify restrooms, freight entrances, and the like;

(5) Flags, streamers, placards, pennants not exceeding six (6) square feet in area, and small balloons not exceeding five cubic feet in volume.

(6) Temporary signs, banners, and displays for special church, school, institutional, civic, or community events that are erected outside public right-of-way for a period no more than sixty (60) days prior and three (3) days after the scheduled event.

(7) Welcome signs erected outside public right-of-way near major community entrances that contain no advertising other than participating groups or organizations. Such signs shall be subject to the review and approval of the City Council prior to construction.

(Am. Ord. 2599, passed 3-21-05)

(B) The following types of signs are exempt from the permit requirement, but must comply with all of the other regulations of this subchapter:

(1) Signs permitted by § 154.149 of this chapter.

(Ord. 2033, passed 9-3-96; Am. Ord. 2599, passed 3-21-05)

§ 154.143 APPLICATION FOR PERMIT

Application for a sign permit shall be filed by the owner of the sign or his agent with the Code Enforcement Officer. The application shall contain the following information:

(A) Name, address, and telephone number of the owner of the sign, and agent, if any;

(B) Location of building, structure, or lot to which or upon which the sign is to be attached or erected:

(C) Position of the sign in relation to nearby buildings or structures;

(D) Two (2) prints or drawings of the plans and specifications indicating the method of construction and attachment to the buildings or in the ground except for banner, inflatable, and temporary sign permits;

(E) Name of person, firm, corporation, or association erecting sign;

(F) Evidence of written consent of the owner of the building, structure, or land to which or on which the sign is to be erected; and

(G) Such other information as the Code Enforcement Officer shall require to show full compliance with this and all other laws and ordinances of the city.

(Ord. 2033, passed 9-3-96)

§ 154.144 PERMITS

(A) A permit shall be issued for each sign by the Code Enforcement Officer relative to the provisions of this subchapter.

(B) Sign permits granted under the terms of this subchapter are not transferable.

(C) If the work authorized under a sign permit to build has not been substantially completed within six (6) months after the date of issuance, the permit shall become void and a new permit is required.

(D) The changing of the advertising copy or message on an approved painted sign or on changeable letter panels or bulletin boards specifically designed for the use of replaceable copy and painting, repainting, cleaning and other normal maintenance and repair of a sign structure shall not be considered as creating a sign and shall not require a sign permit.

(E) The Code Enforcement Officer is authorized and empowered to revoke any permit issued by him if the holder of the permit fails to comply with any provision of this subchapter.

(Ord. 2033, passed 9-3-96)

§ 154.145 FEES

For each sign requiring a permit under this subchapter, a fee shall be paid at the time of the issuance of a permit. The fee charged for the various types of signs shall be as follows:

(A) The fee for each portable sign shall be seventy five dollars ($75.00) for a one (1) calendar year permit;

(B) The fee for billboards shall be one hundred fifty dollars ($150.00) per billboard;

(C) The fee for each banner shall be $10.00 for a one calendar year permit; and

(D) The fee charged for all other signs requiring a permit shall be two dollars ($2.00) per one thousand dollars ($1,000.00) for fraction thereof of installed cost, with a minimum permit fee of ten dollars ($10.00).

(Ord. 2033, passed 9-3-96; Am. Ord. 2377, passed 5-6-02; Am. Ord. 2392, passed 8-5-02)

§ 154.146 INSPECTION UPON COMPLETION

The applicant who has been issued a permit for construction, installation, erection, relocation, or alteration of a sign, shall upon completion of the work, notify the Code Enforcement Officer who shall inspect the condition of the sign with respect to its safety and location.

(Ord. 2033, passed 9-3-96)

§ 154.147 APPEALS

Any person aggrieved by a decision of the Code Enforcement Officer relative to the provisions of this subchapter may appeal such decision to the Planning and Zoning Commission per § 154.221 of the Zoning Code.

(Ord. 2033, passed 9-3-96)

§ 154.148 GENERAL STANDARDS

All signs hereafter painted, constructed, erected, remodeled, relocated, or expanded shall comply with the following standards:

(A) No sign shall be constructed on or project into the public rights-of-way except signs installed by public governmental agencies and those signs specifically permitted in this Chapter;

(B) All signs and their supporting structures must be properly maintained and must be kept in good repair, and must, where applicable, be easily readable from the nearest public right of way;

(C) Illuminated signs. Illuminated signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Illuminated signs shall not be lighted in an obtrusive manner or create a nuisance;

(D) Flashing or moving signs. No flashing or moving signs shall be permitted unless specifically allowed in this subchapter. No sign shall flash or move in an obtrusive manner or create a nuisance. No rotating beam, beacon, strobe, or similar types of illumination devices shall be allowed;

(E) Sidewalk signs. Sandwich board signs, A-frame signs, easel signs, and similar sidewalk signs may be temporarily placed near the public right-of-way without a permit. Where a storefront meets the sidewalk, such signs may be placed on the sidewalk immediately adjacent to the main entrance. All sidewalk signs must satisfy the following requirements:

(1) The sign is accessory to an existing business, commercial, or industrial use;

(2) The sign does not exceed six (6) square feet in size and four (4) feet above ground level;

(3) The sign is displayed during business hours only;

(4) The sign does not impede pedestrian movement of vehicular visibility.

(F) Signs in accessways. No sign shall block any required accessway;

(G) Signs on vacant property. No sign shall be located on vacant property except a sign advertising the premises for sale or lease which meets the standards of § 154.149(B);

(H) Signs on trees or utility poles. No sign shall be attached to a tree or utility pole whether on public or private property;

(I) Building and electrical codes applicable. All signs must conform to the regulations and design standards of the applicable building codes. Wiring of all electrical signs must also conform to the applicable electrical codes;

(J) Traffic safety. No sign shall be maintained at any location whereby reason of its position, size, shape, or color it may obstruct, impair, obscure, interfere with the view of traffic, or be confused with any traffic control sign, signal, or device, or where it may interfere with, mislead, or confuse traffic. Signs erected or constructed on a corner must observe the sight triangle requirements;

(K) Obsolete signs. Obsolete signs may be permitted to remain on a premises as long as the following requirements are met: the sign is used to advertise the sale or lease of the premises, the sign face is not enlarged, and a building remains on the premises. If any of the foregoing requirements is not satisfied, the sign shall be removed by the owner of the property within thirty (30) days following written notification by the Code Enforcement Officer. If such a sign is not removed after the thirty (30) day period, the Code Enforcement Officer is authorized to have the sign removed. Any reasonable cost incident thereto shall be filed as a lien against the property where the sign was located;

(L) Portable signs. Portable signs except banners and flags will only be permitted or allowed if such portable sign satisfies all of the following requirements;

(1) The business must have a permanent sign in order to permit or allow a portable sign;

(2) The area of a portable sign may not exceed eighteen (18) square feet;

(3) No flashing lights will be permitted or allowed on or in connection with the portable signs but said portable sign may be backlit;

(4) There must be a message displayed on the portable sign;

(5) No more than one (1) portable sign may be displayed on a single lot or parcel with a frontage of five hundred (500) feet or less. Lots or parcels with frontage over five hundred (500) feet that have multiple businesses on the same lot or parcel may have a total of two (2) portable signs; and

(M) Banners. Banners will only be permitted or allowed if such banners satisfy all of the following requirements,

(1) Banners displayed on the ground are not permitted;

(2) Banners attached to poles, fences, buildings, light poles, sign poles, or any combination thereof, shall meet the following requirements:

(a) The business or shopping center maintains a permanent sign that complies with the provisions of the City's Sign Ordinance;

(b) No more than one (1) banner may be displayed on a single lot or parcel with a frontage of five hundred (500) feet or less. Lots or parcels with frontage over five hundred (500) feet that have multiple businesses on the same lot or parcel may have a total of two (2) banners; and

(c) The area of the banner may not exceed sixty (60) square feet.

(3) Banners displayed on the walls or roof of the business or shopping center are not permitted unless all of the following requirements are met:

(a) The business or shopping center has a permanent sign that complies with all of the provisions of the Sign Ordinance of the city;

(b) The area of the banners may not exceed sixteen percent (16%) of the wall or roof surface to which such banners are attached, and the total combined area of the banners and all other permanent signs on that wall or roof surface may not exceed twenty five percent (25%) of the area of the wall or roof surface to which the banners are attached.

(c) Where a single building is devoted to two (2) or more businesses, commercial, or industrial uses, the operator of each such use may install such a banner; provided, however, the maximum area of each such banner shall be determined by determining the proportionate share of the building face (including doors and windows) of the principal building occupied by each such use and applying such proportion to the total sign area permitted on the wall of the building according to subparagraph (3) (b) of paragraph (M) of this section.

(4) With regard to all permissible banners, each banner may be temporarily removed or replaced with a banner with a new message thereon from time to time without the necessity of obtaining a new sign permit therefor, provided that the area of the banner may not exceed the area of the banner for which the original sign permit was obtained and issued; and

(N) Flags. Flags do not require a permit, however will only be permitted or allowed if such flags satisfy all of the following requirements:

(1) Flags are not permitted, unless all of the following conditions are met:

(a) The business or shopping center maintains a permanent sign that complies with the provisions of the City's Sign Ordinance;

(b) No more than two (2) such flags may be displayed on a single lot or parcel with a frontage of two hundred (200) feet or less. Lots or parcels with frontage between two hundred one (201) and five hundred (500) feet may have a total of four (4) flags. Lots or parcels with frontage between five hundred one (501) and one thousand (1,000) feet may have a total of six (6) flags. Lots or parcels with frontage over one thousand (1,000) feet may have a total of eight (8) flags; and

(c) The area of each flag may not exceed thirty (30) square feet.

(2) With regard to all permissible flags, each flag may be temporarily removed or replaced with a flag with a new message thereon from time to time, provided that the flags meet the above requirements.

(O) Inflatables. Inflatables shall only be allowed to remain on the site for no more than thirty (30) calendar days per year.

(P) Political signs. Temporary political signs shall not exceed twelve (12) square feet in residential districts and fifty (50) square feet in agricultural, commercial and industrial districts. Political signs may be placed only on private property with permission of the landowner or person in control of said property and do not require a permit. All political signs must be removed within seven (7) days after the election, except for signs displayed in residential districts, which shall have no restrictions on the time duration of display.

(Ord. 2033, passed 9-3-96; Am. Ord. 2377, passed 5-6-02; Am. Ord. 2392, passed 8-5-02; Am. Ord. 2471, passed 9-15-03; Am. Ord. 2599, passed 3-21-05; Am. Ord. 2913, passed 12-6-10; Am. Ord. 2941, passed 6-20-11; Am. Ord. 3169, passed 3-7-16)

Penalty, see § 154.999

§ 154.149 SIGNS ACCESSORY TO RESIDENTIAL USES

Each sign accessory to residential uses shall be set back from the street right-of-way line a distance at least half of the required minimum setback specified in the district regulations, except for street number identification sign: and signs permitted under divisions (B) and (C) of this section. No sign accessory to any residential use shall be permitted except in compliance with the following regulations:

(A) Name plate and identification signs shall be permitted subject to the following regulations;

(1) For each single-family dwelling there shall be permitted one (1) name plate not exceeding one (1) square foot in area (excluding the area of the house number) indicating the name or address of the occupant and, where applicable, a professional status, but not to indicate a product or business;

(2) For each multiple-family dwelling there shall be permitted one (1) non-illuminated identification sign not exceeding five (5) square feet in area located near the main entrance to the building and indicating only the name and address of the building and name of the owner or manager thereof; and

(3) In connection with the construction or remodeling of a building there shall be permitted no more than two (2) non-illuminated signs, each such sign not exceeding thirty two (32) square feet in area, indicating the names of any or all of the architects, engineers, and contractors engaged in the construction thereof, on corner lots four (4) such signs, two (2) facing each street, shall be permitted. No such sign may be placed or located within five (5) feet of the lot line or property line of the lot, block, or parcel of property upon which such sign is located. Any signs permitted under this paragraph (A) (3) shall be removed by the person erecting the same within fourteen (14) days after the completion of the structure indicated.

(B) For Sale and For Rent signs shall be permitted subject to the following regulations:

(1) (a) For the sale or rental of real property, there may be no more than one (1) "For Sale" or "For Rent" sign per lot, except that on a corner lot two (2) such signs will be permitted, one (1) facing each street. No such "For Sale" or "For Rent" sign may exceed twelve (12) square feet in area, and no such sign shall be illuminated. Each such sign must be devoted solely to the sale or rental of the property being offered and must be removed within seven days following the sale or rental of the property.

(b) In addition to one (1) "For Sale" or "For Rent" sign, there may be no more than one (1) "Open House" sign per lot, except that on a corner lot, two (2) such signs will be permitted, one (1) facing each street. Each such "Open House" sign may not exceed twelve (12) square feet in area and no such sign may be illuminated. Each such "Open House" sign must be

devoted solely to the property being offered for sale and must be removed immediately upon the conclusion of the open house for that property.

(c) In addition to one (1) "Open House" sign being permitted per lot, additional "Open House" signs may be placed at intersections leading to the subject house for up to four (4) days prior to the open house. All such "Open House" signs shall be placed on private property after the consent and permission of the owner thereof has been obtained, and no such sign shall be placed in city right-of-way. Such sign shall be removed immediately upon the conclusion of the open house; and

(2) Where more than six (6) dwelling units (or lots for dwelling purposes) are offered for sale or rental by the same party, there shall be permitted one (1) sign facing each public street providing access to the property being offered. Each such sign shall not exceed one hundred (100) square feet in area and must be devoted solely to the sale or rental of the property being offered, and must be removed within (7) seven days following the sale or rental of the last property offered at that location.

(C) Garage sale and yard sale signs shall be permitted subject to the following regulations:

(1) For temporary sales of merchandise on private property, there may be no more than one (1) "Garage Sale" or "Yard Sale" sign per lot or household, except that on a corner lot two (2) such signs will be permitted, one (1) facing each street. No such sign may exceed three (3) square feet in area, and no such sign may be illuminated.

(2) Additional "Garage Sale" or "Yard Sale" signs may be placed at street intersections leading to the subject house. All such signs shall be placed on private property after the consent and permission of the owner has been obtained, and no such sign shall be placed in public right-of-way.

(3) All such "Garage Sale" or "Yard Sale" signs may be displayed no more than four (4) days prior to the scheduled sale and must be removed immediately upon the conclusion of the sale.

(D) Subdivision or development identification signs shall be permitted subject to the following regulations:

(1) For developing subdivisions, there may be no more than one (1) off premise sign directing vehicles to the subdivision from a major arterial road or street within the city. Such sign must not exceed twelve (12) square feet in area and no such sign

may be illuminated. Signs shall be placed on private property after the consent and permission of the owner thereof has been obtained. Each such sign must be devoted solely to directing persons and traffic to the subdivision being developed.

(2) For subdivisions where a Preliminary Plat has been approved for ten (10) or more residential lots or dwelling units, there may be no more than one (1) permanent subdivision or development identification sign on each corner of each entry street not exceeding fifty (50) square feet in size each. Said sign must be placed on private property outside the public right-of-way and must comply with all other standards contained in this Chapter.

(3) For assisted living facilities, senior independent housing, or skilled nursing facilities, there may be no more than one (1) permanent ground sign on each street entrance not exceeding fifty (50) square feet in size. Said sign shall be placed on private property outside the public right-of-way and must comply with all standards contained in this Chapter.

(Ord. 2033, passed 9-3-96; Am. Ord. 2599, passed 3-21-05, Am. Ord. 2713, passed 1-2-07)

Penalty, see § 154.999

§ 154.150 SIGNS ACCESSORY TO BUSINESS, COMMERCIAL, OR INDUSTRIAL USES

No sign accessory to any business, commercial, or industrial use shall be permitted, except in compliance with the following:

(A) Wall signs. Wall signs shall be permitted subject to the following regulations:

(1) Front wall signs are permitted on the front wall of any principal building. The total area of such sign or signs shall not exceed twenty five percent (25%) of the area of the front face (including doors and windows) of the principal building;

(2) Side wall signs shall not exceed more than ten percent (10%) of the side of the principal building, including doors and windows and shall not be painted directly on the side of any building;

(3) Rear wall signs shall be permitted on the rear wall of any principal building. The total area of such sign or signs shall not exceed twenty five percent (25%) of the area of the rear face (including doors and windows) of the principal building;

(4) Where a single principal building is devoted to two (2) or more business, commercial, or industrial uses, the operator of each such use may install a wall

sign. The maximum area of each sign shall be determined by determining the proportionate share of the front face (including doors and windows) of the principal building occupied by each such use and applying such proportion to the total sign area, permitted for the front wall of the building;

(5) Wall signs shall not be projecting signs;

(6) Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine (9) feet to the ground. In the event that a metal sign structure or accessory fixture herein described as grounded by the use of a grounding conductor run with the circuit conductors and said structure of fixture is also grounded by being bonded to a grounding electrode at the sign site, no clearance to grade shall be mandatory;

(7) Wall signs may be gaseous type or may be illuminated by interior means of lighting of an intensity to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent light from being directed on surrounding property; and

(8) Illuminated wall signs shall have shielded silhouette lighting or shielded spot lighting but shall not have any lighting where the light source itself is visible or exposed on the face or sides of the characters.

(B) Ground signs. No more than one (1) ground sign may be displayed on a single lot or parcel with a frontage up to two hundred (200) feet. Lots or parcels with frontage between two hundred one (201) and five hundred (500) feet may have a total of two (2) ground signs. Lots or parcels with frontage between five hundred one (501) and one thousand (1,000) feet may have a total of three (3) ground signs. Lots or parcels with frontage over one thousand (1,000) feet may have a total of four (4) ground signs. All ground signs are subject to the following conditions:

(1) All ground signs permitted by this section shall not project into the public right-of-way;

(2) The total area of all ground signs shall not exceed one (1) square foot per foot of frontage, however the area of any ground sign shall not exceed one hundred sixty (160) square feet on either side;

(3) No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than forty eight (48) volts, whether or not these wires or conductors are insulated or otherwise protected;

(4) The maximum height of the main body of any ground sign measured from the curb line or pavement edge shall not exceed the following limitations as applicable:

(a) Twenty (20) feet in any C-1 district or when located within fifty (50) feet of any residential lot.

(b) Twenty-five (25) feet in any C-2, C-3, I-1A, I-1, or I-2 district; and

(c) Thirty (30) feet in any C-2, C-3, I-1A, I-1 or I-2 district when adjacent to a four-lane divided roadway with a traffic speed limit posted at 45 miles per hour or greater.

(5) Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall maintain a clearance of nine (9) feet to ground. In the event that metal sign or structure or accessory fixture herein described is grounded by the use of a grounding conductor run with the circuit conductors and this structure or fixture is also grounded by being bonded to a grounding electrode at the sign site, no clearance to grade shall be mandatory.

(6) Business parks, retail plazas, or shopping centers may consolidate individual ground signs and erect an enlarged commercial center sign, subject to the following regulations:

(a) The sign must prominently display a common name for the entire shopping center, plaza, or business park. No individual tenant, lot, or business shall have a panel or portion of the sign exceeding fifty (50) square feet on either side.

(b) The sign may be placed on-premise or off-premise but shall be located no more than four hundred (400) feet from the advertised business park, retail plaza, or shopping center.

(c) The business park, retail plaza, or shopping center must contain four (4) or more individual businesses or lots that share one or more common

entrances and are located on a site no smaller than ten (10) acres in total land area.

(d) The sign must be located in a C-2, C-3, I-1A, I-1, or I-2 district.

(e) The sign shall not exceed thirty-four (34) feet in height and two hundred sixty (260) square feet in sign area on either side. The sign must also comply with any and all sign standards in this Chapter, unless inconsistent with this subsection.

(f) The sign must be placed no less than ten (10) feet from any public right-of-way line, no less than three hundred (300) feet from any residential property, and no less than five hundred (500) feet from any other commercial center sign or billboard.

(g) Each individual lot within a business park shall have or erect monument signs only. Sign size and quantity per lot shall be as permitted by this subchapter, however, no monument sign shall exceed eight (8) feet in height and sixty (60) square feet in area on either side.

(C) Roof signs. Signs must be located wholly within the roof area of the structure and are permitted subject to the following conditions:

(1) No roof sign shall be placed on the roof of any building in such manner as to prevent the free passage from one part of the roof to any other part thereof;

(2) Every roof sign, including the upright supports and braces, shall be constructed entirely of non-combustible materials. However, combustible structural trim may be used thereon;

(3) No roof sign shall have a surface exceeding twenty five percent (25%) of the roof surface, nor have its highest point extended more than eight (8) feet above the roof level;

(4) No sign shall be painted directly upon the roof of any building; and

(5) Every roof sign shall be thoroughly secured to the building by iron or other metal anchors or supports.

(D) Awning or canopy signs. Letters may be painted or otherwise affixed to any permissible awning or canopy subject to the following regulations:

(1) Lettering or letters shall not project above, below, or beyond the physical dimensions of the awning or canopy; and

(2) Lettering or letters shall not denote other than the name and address of the business conducted therein or a product or products produced or sold or service rendered therein.

(E) Commercial or industrial district. Nameplates indicating the name and corporate insignia of the building owner or occupant, address or product may be located on gates, gate posts, or gate houses; provided that in the case of multiple occupancy, one (1) name be utilized for identification purposes.

(F) Signs accessory to automobile service stations. The following signs accessory to automobile service stations are permitted, in addition to the signs permitted under this section:

(1) Gasoline service stations shall be permitted one (1) exterior rate or price sign for each street frontage. The area of each such sign shall not exceed eight (8) square feet. Such signs shall not contain any advertising;

(2) Each gasoline service station shall be permitted to display a maximum of seven (7) signs or items of information; and

(3) Signs accessory to service stations must conform to all other provisions in this section.

(G) For sale signs. Temporary for sale signs shall not exceed twenty (20) square feet in area for lots or parcels less than five (5) acres in size. Temporary for sale signs shall not exceed fifty (50) square feet in area for lots or parcels greater than five (5) acres in size.

(H) Off-premise signs. No more than one (1) off-premise ground sign may be displayed on a single commercial- or industrial- zoned parcel provided that such sign does not exceed thirty-two (32) square feet in size and a maximum height of fifteen (15) feet. Such off-premise ground sign can be consolidated as part of a commercial center sign subject to the conditions in §154.150 (B) (6) and a maximum of sixteen (16) square feet per panel. Such off-premise ground sign shall count toward the total number, and the maximum square foot area, of ground sign(s) permitted on the parcel on which such off-premise sign is located.

(I) Projecting signs. No more than one (1) projecting sign per storefront may be constructed, provided, however, that such sign:

(1) Is a minimum of ten (10) feet above ground level and does not extend above the parapet wall or roof line;

(2) Is one (1) square foot in area per linear foot of store frontage not to exceed twenty-four (24) square feet, and is no more than six (6) feet from the face of the building; and

(3) Does not extend into the public right-of-way except where a storefront meets the sidewalk. In such instance, the sign shall not extend past the curb line or into any vehicular area.

(J) Electronic message boards. No more than one (1) electronic message board per lot may be constructed, provided, however, that the message board:

(1) Is attached and subordinate to a permitted wall or ground sign;

(2) Does not exceed sixty (60) square feet in area and does not exceed forty (40) percent of the total area of the sign;

(3) Displays a copy for a minimum duration of three (3) seconds before any change in copy.

(4) Is not a flashing sign, does not display video or graphic animation, and does not utilize chasing, scintillating, or high intensity lighting.

(5) Does not display any advertising other than references to the business conducted on the premises. Civic announcements, congratulatory remarks, personal salutations, and the time, date, and/or temperature shall also be allowed.

(6) Is not located within one-hundred (100) feet of any residential zoning district.

(Ord. 2033, passed 9-3-96; Am. Ord. 2288, passed 5-7-01; Am. Ord. 2471, passed 9-15-03; Am. Ord. 2599, passed 3-21-05; Am. Ord. 2941, passed 6-20-11)

Penalty, see § 154.999

§ 154.151 SIGNS ACCESSORY TO PARKING AREAS

Signs accessory to parking areas are permitted subject to the following regulations:

(A) One (1) sign may be erected to designate each entrance to or exit from a parking area. Each such sign shall be no more than two (2) square feet in area; and

(B) One (1) sign designating the conditions of use shall be permitted for each parking area. Each such sign shall be limited to a maximum area of nine (9) square feet. In parking areas where the parking spaces are reserved, each space may have a sign designating the parking restrictions limited to a maximum area of two (2) square feet.

(Ord. 2033, passed 9-3-96)

§ 154.152 SIGNS ACCESSORY TO CHURCHES, SCHOOLS, OR NONPROFIT INSTITUTIONS

Signs accessory to churches, schools, or nonprofit institutions are permitted subject to the following regulations:

(A) In AG-1, CE-1, R-1A, R-1, and R-2 zoning districts, there shall be not more than one (1) sign per lot, except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted. No such sign shall exceed thirty two (32) square feet in area. Such signs shall be set back from the right-of-way line a distance at least one half (½) of the minimum setback specified in the district regulations.

(B) In C-1, C-2, C-3, I-1A, I-I, and I-2 zoning districts, signs shall be as permitted by § 154.150 of this chapter.

(C) Sign permit fees shall be waived for any tax supported unit or district.

(Ord. 2033, passed 9-3-96; Am. Ord. 2599, passed 3-21-05)

§ 154.153 AGRICULTURAL DISTRICT SIGNS

The following signs accessory to agricultural zoning districts are permitted subject to the following regulations:

(A) Nameplates not exceeding one (1) square foot in area on either side for each dwelling unit;

(B) Bulletin boards for churches and identifications signs for schools or other permitted uses, not exceeding fifty (50) square feet in area when located on the premises of agricultural zoning districts;

(C) Signs not exceeding fifty (50) square feet in area offering for sale, land, lots, houses, or livestock; and

(D) Home occupation signs in conformance with § 154.036.

(Ord. 2033, passed 9-3-96)

§ 154.154 BILLBOARDS

(A) Billboards of the following three (3) types shall be allowed:

(1) Poster panels or bulletins normally mounted on a building wall, roof, or free-standing structure with advertising copy in the form of pasted paper;

(2) Multi-prism signs alternating advertising messages on one (1) displayed area; and

(3) Painted bulletins, where the advertisers message is painted directly on a wall-mounted, roof, or free-standing display area.

(B) Billboards are prohibited in the city, except under the following conditions:

(1) No large billboard will be permitted which advertises a business which is not located and presently being conducted on the premises on which the billboard is located, except as follows:

(a) As may be permitted by applicable state and federal law, rules, and regulations along state and federal highways, or roads under the jurisdiction of the state or federal departments of transportation, and where the maximum permissible speed for vehicles traveling upon such highway or road is not less than fifty-five (55) miles per hour;

(b) The maximum height above grade of such large billboard shall not exceed thirty (30) feet;

(c) The maximum surface area of such large billboard shall not exceed six hundred seventy two (672) square feet;

(d) The lot, block, or parcel of real estate upon which said large billboard is located must have an area of no less than twenty thousand (20,000) square feet, and must be zoned for commercial or industrial use;

(e) The location of said large billboard shall be no less than twenty (20) feet from the property line of the lot upon which the large billboard is located;

(f) Said large billboard may not be located or placed within five hundred (500) feet from the nearest lot line of any residential zoned lot, block or parcel, or any lot, block or parcel use for residential purposes;

(g) Said large billboard may not be located any closer than one thousand five hundred (1,500) feet from another such large billboard whether on the same side of the highway or road; and

(h) Said large billboard may not be located in such a place or in such a manner so as to block the view of drivers of vehicles approaching an intersection.

(2) No small billboard will be permitted which advertises a business which is not located and presently being conducted on the premises on which the billboard is located, except as follows:

(a) As may be permitted by applicable state and federal law, rules, and regulations along state and federal highways, or roads under the jurisdiction of the state or federal departments of transportation, and where the maximum permissible speed for vehicles traveling upon such highway or road is not less than fifty-five (55) miles per hour;

(b) The maximum height above grade of such small billboard shall not exceed fifteen (15) feet;

(c) The maximum surface area of such small billboard shall not exceed sixty-four (64) square feet;

(d) The lot, block, or parcel of real estate upon which said small billboard is located must have an area of no less than twenty thousand (20,000) square feet, and must be zoned for commercial or industrial use;

(e) The location of said small billboard shall be no less than twenty (20) feet from the property line of the lot upon which the small billboard is located;

(f) Said small billboard may not be located within five hundred (500) feet from the nearest lot line of any residential zoned lot, block, or parcel, or any lot, block, or parcel used for residential purposes if the small billboard is lighted using internal or external means unless the small billboard is separated by a highway or road where the maximum permissible speed for vehicles is not less than fifty-five (55) miles per hour. If separated by such a highway or road, the small billboard may not be located within three

hundred (300) feet from the nearest lot line of any residential zoned lot, block, or parcel, or any lot, block, or parcel used for residential purposes;

(g) Said small billboard may not be located any closer than five hundred (500) feet from any other billboard with the exception of small billboards that are located on opposite sides of a public street; and

(h) Said small billboard may not be located in such a place or in such a manner so as to block the view of drivers of vehicles approaching an intersection.

(Ord. 2033, passed 9-3-96; Am. Ord. 2941, passed 6-20-11; Am. Ord. 3169, passed 3-7-16)
Penalty, see § 154.999

§ 154.155 NONCONFORMING SIGNS

(A) Signs which do not conform to the provisions of this subchapter as of October 1, 1996 are nonconforming uses.

(B) A nonconforming sign may not be:

(1) Changed to another nonconforming sign;

(2) Structurally altered so as to prolong the life of the sign;

(3) Expanded in size;

(4) Reestablished after its removal for thirty (30) days;

(5) Reestablished after damage or destruction if the estimated expenses of reconstruction exceeds fifty percent (50%) of appraised replacement cost at the time of the damage or destruction;

(6) Routinely maintained where the costs of such repair or maintenance exceeds fifteen percent (15%) of the current replacement costs for any period of twelve (12) consecutive months. However, nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any size or part thereof declared to be unsafe by the Code Enforcement Officer; or

(7) Continued following a change of business, for which the sign advertised.

(Ord. 2033, passed 9-3-96)
Penalty, see § 154.999

§ 154.156 VARIANCES

Variances as described in this subchapter may be permitted by the Planning and Zoning Commission in appropriate cases, subject to the legislative intent specified in the zoning code, and the standards established by that Code. In all cases the scope of authority which the Planning and Zoning Commission shall have to grant sign variances from the provisions of this subchapter is limited to those as permitted by state statute.

In addition to any power herein granted to the Planning and Zoning Commission, the corporate authorities reserve and retain the power to determine and vary by ordinance the application to the sign regulations herein contained in harmony with their general purpose and intent in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations. No such variance shall be made by the corporate authorities without a hearing before the Planning and Zoning Commission.

(Ord. 2033, passed 9-3-96; Am. Ord. 2287, passed 5-7-01)

§ 154.157 ENFORCEMENT; PENALTIES

(A) The Code Enforcement Officer is authorized and directed to administer and enforce all the provisions of this subchapter. Whenever necessary, the officials of other departments of the city shall give such assistance as is consistent with the usual duties of their respective departments;

(B) Upon presentation of proper credentials, the Code Enforcement Officer or his duly authorized representative may enter at reasonable times any premises when necessary to perform any duty imposed upon him by this subchapter.

(C) Whenever it shall appear to the Code Enforcement Officer that any sign has been constructed or erected, or is being maintained in violation of any of the terms of this subchapter; or after a permit for a sign has been revoked or becomes void; or that a sign is unsafe or in such condition as to be a menace to the safety of the public, the Code Enforcement Officer shall issue a notice in writing to the owner or lessee of the sign or owner of the premises upon which the sign is erected or maintained. The notice shall inform this person of the violation and shall direct him to make such alteration, repair, or removal as is necessary to secure compliance with this subchapter, within a reasonable period of time, which reasonable period of time shall be as follows:

(1) If a sign is erected without first obtaining the necessary permit, then a reasonable period of time within which to apply for the necessary permit shall be twenty four (24) hours from and after the receipt of the notice;

(2) Where a sign has been constructed or erected or is being maintained in violation of any of the terms of this subchapter, then a reasonable period of time within which to abate the violation shall be fourteen (14) days from and after the receipt of the notice; and

(3) Where a sign is unsafe or in such a condition as to be a menace to the safety of the public, then a reasonable period of time within which to abate the violation shall be fourteen (14) days from and after the receipt of the notice.

(D) Upon failure of the sign owner to comply with the terms of the notice of violation, the Code Enforcement Officer is authorized and empowered to remove, alter, or repair the sign in question so as to make it conform with this subchapter and charge the expenses for such work to the person named in the notice;

(E) Except as otherwise provided, the Code Enforcement Officer may remove or cause to be removed a sign immediately and without notice if, in his opinion the condition of the sign is such as to present an immediate threat to the safety of the public;

(F) A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which the sign advertises no longer is conducted on the premises. If the owner or lessee fails to remove the sign, the Code Enforcement Officer shall notify the owner or lessee in writing, and allow thirty (30) days for removal of such sign. Upon failure of the owner or lessee to comply with the notice, the Code Enforcement Officer may remove the sign at cost and expense to the owner or lessee;

(G) Signs may be inspected periodically by the Code Enforcement Officer for compliance with this subchapter, and with other ordinances of the city. All signs and their component parts are to be kept in good repair, and in safe condition.

(H) Any person, firm or corporation which violates any of the provisions of this subchapter shall be fined not less than one hundred dollars ($100.00), 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; and

(I) In addition to the other remedies and penalties provided in this subchapter, the City Attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, permanent injunction, or for damages against any person, firm, or corporation violating the provisions of this subchapter.

(Ord. 2033, passed 9-3-96)

SUPPLEMENTARY REGULATIONS

§ 154.170 AREAS

(A) Reduced lot area. No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which the lot is located. Whenever such reduction in lot area occurs, any building located on this lot shall not thereafter be used until the building is altered, reconstructed, or relocated so as to comply with the area and yard requirements applicable thereto.

(B) Dwelling on small lots. Notwithstanding the limitations imposed by any other provisions of this chapter, the Board of Appeals shall permit erection of a single-family dwelling in a district permitting such use on a lot, separately owned or under contract of sale and containing, on or before February 23, 1961, an area or a width smaller than that required for a single-family dwelling, but complying with all other requirements for dwellings; and provided that adjacent lots in common ownership shall be combined to equal or approach the standard minimum size requirements.

(C) Visibility at intersections. On a corner in any residence district no fence, wall, hedge earth terraces, parking facilities, or other structure or plant which would obstruct motor vehicle visibility of traffic approaching the corner or intersection, shall be erected, placed, or maintained within the triangular area formed by the intersecting lot lines nearest the street intersection, and a straight line joining said lot lines at points which are twenty (20) feet distant from the point of intersecting lot line.

(Ord. 1536, passed 11-2-87)

Penalty, see § 154.999

§ 154.171 YARDS

(A) Terraces. A terrace shall not be considered as a part of the structure in determining the lot area if such terrace is unroofed.

(B) Projecting architectural features shall not encroach upon required yards.

(C) Projecting architectural features of business properties. All overhanging awnings and similar structures must be at least seven feet above the sidewalk at any point, and overhanging signs, canopies, marquees, and similar structures must be a minimum of eight (8) feet six (6) inches above the sidewalk at any point. Such structures cannot project closer than one (1) foot to any driveway.

(D) Fire escapes. Open fire escapes may extend into any required yard not more than four (4) feet six (6) inches.

(E) Location of accessory buildings. Any accessory building shall be at least five (5) feet from side and rear lot lines.

(F) Mechanical equipment, outdoor. Heating and cooling equipment, generators, refuse compactors, and other noise-producing equipment ancillary to any non-residential use must be located no more than five (5) feet from the principal structure. Such equipment must not be placed within any required yard or setback and must also meet screening requirements as applicable in this Chapter.

(Ord. 1536, passed 11-2-87; Am. Ord. 2517, passed 4-5-04)
Penalty, see § 154.999

§ 154.172 OFF-STREET PARKING

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

(1) **EMPLOYEE** or **NUMBER OF EMPLOYEES**. The greatest number of persons to be employed in the building in question during any season of the year in any time of the day or night.

(2) **OFF-STREET PARKING SPACE**. A space of one hundred eighty (180) square feet of appropriate dimensions for the parking of an automobile, exclusive of the access drives or aisles thereto.

(3) **SEATS**. The seating capacity of a particular building as determined by the specifications and plans filed with the Code Enforcement Officer; in the event individual seats are not provided, each twenty four (24) inches of benches or similar seating accommodations shall be considered as one (1) seat for the purposes of this section.

(4) **DRIVEWAY**. The area of any residential property designed for vehicular ingress and egress to and from the property including any such area as shall have been prepared for the parking of vehicles. Such portion of the driveway situated in the front yard shall not exceed the width of the garage plus twelve (12) feet. In the event the dwelling has no garage, the maximum width of a driveway in the front yard shall be twenty four (24) feet. The above notwithstanding, in no event shall a driveway in the front yard be wider than thirty six (36) feet nor may the width be

more than forty percent (40%) of the frontage width at the setback line, whichever is less.

(5) **VEHICLE**. For purposes of this ordinance, the term "vehicle" shall mean all motor vehicles and trailers, including, but not limited to, automobiles, trucks, travel trailers, campers, motor homes, tent trailers, boats, boat trailers, snowmobiles, snowmobile trailers, and camping trailers. No such vehicle or vehicles shall be parked outside a garage on more than ten percent (10%) of the area of the lot on which the dwelling is located, measured from the front line of the dwelling rearward, and including the area of the lot on which the dwelling is located.

(6) **BICYCLE PARKING SPACE**. An “Inverted-U” bicycle rack shall be used to store bicycles. Each “Inverted-U” bicycle rack shall count for two (2) bicycle parking spaces. Bicycle parking spaces shall be located in safe and secure locations near the building entrance.

(B) Off street parking required.

(1) In the use of land for residential, commercial, industrial, or any other purposes, no residential, commercial, industrial, or any other building or structure shall be erected and not major repairs made to an existing residential, commercial, industrial, or any other building or structure, unless there already be in existence upon the lot, or unless provision is made for the location on the lot, concurrently with the erection or major repairs, off- street parking space on the basis of the following minimum requirements:

(a) Dwellings. A one-family dwelling shall have at least two (2) off-street parking spaces. A two-family dwelling shall have at least three (3) off-street parking spaces. A zero lot line multi-family or other dwelling occupied by three (3) or more families shall have one and one-half (1.5) parking spaces per family.

(b) Senior independent housing shall have at least one and one-half (1.5) off-street parking spaces per dwelling unit.

(c) Assisted living facilities or skilled nursing facilities shall have at least one (1) off-street parking space for each three (3) dwelling units plus one (1) space for each employee at the peak shift.

(d) Hotels, including clubs, lodging houses, tourist homes and cabins, motels, trailer courts, camps in parks, boarding and rooming houses, dormitories, sororities, fraternities, and all other similar places offering overnight accommodations shall have at least one (1) off-street parking space for each one (1) guest room.

(e) Hospitals, including sanitariums, asylums, orphanages, convalescent homes, homes for the aged and infirm, and all other similar institutions shall have at least one (1) off-street parking space for each four (4) patient beds, plus at least one (1) additional off-street parking space for each staff and visiting doctor, plus at least one (1) additional off street parking space for each three (3) employees, including nurses.

(f) Restaurants, including bars, taverns, night clubs, lunch counters, diners, and all other similar dining or drinking establishments shall have at least one (1) off-street parking space for each four (4) seats provided for patrons' use.

(g) Theaters, including motion picture houses shall have at least one (1) off-street parking space for each six (6) seats provided for patrons' use.

(h) Places of public assembly, including private clubs, lodges, and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, skating rinks, dance halls, bowling alleys, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fairgrounds, circus grounds, funeral homes, mortuaries, community center, libraries, museums, and all other similar places of relatively infrequent public assembly shall have at least one (1) off-street parking space for each four (4) seats provided for patrons' use, or for each four (4) persons in average attendance when seats are not provided for all patrons.

(i) Auditoriums shall have at least one (1) off-street parking space for each eight (8) seats provided for patrons' use.

(j) Churches shall have at least one (1) off street parking space for each eight fixed seats in the main worship hall of the church.

(k) Schools shall have, for grade and junior high schools, at least one parking space for each twenty (20) students of design capacity; and for high schools, at least one (1) parking space for each seven (7) students of design capacity.

(l) Wholesale, manufacturing, and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractors equipment and lumber yards, research laboratories, business service establishments such as blueprinting, printing, and engraving, soft drink bottling establishments, fabricating plants, and all other structures devoted to similar mercantile or industrial pursuits shall have at least one (1) off street parking space per two (2) employees plus one (1) space per company vehicle.

(m) Retail establishments, including personal service shops, equipment or repair shops, gasoline or other motor fuel stations, motor vehicle sales or repair establishments, all retail stores and businesses, and banks or other financial and lending institutions shall have at least one (1) off-street parking space for each four hundred (400) square feet of gross floor area.

(n) Office building, including commercial, governmental and professional buildings, and medical and dental clinics shall have at least one (1) off-street parking space for each three hundred (300) square feet of gross floor area.

(o) For all commercial and industrial uses with a gross floor area of twenty-five thousand (25,000) square feet or greater, there shall be a maximum supply of off-street parking spaces of one hundred thirty- five (135) percent of the total minimum allowable spaces based on the use of the building or structure.

(2) On the same premises with every building devoted to retail trade, retail and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, hotels, hospitals, laundries, dry-cleaning establishments, or other buildings where large amounts of goods are received or shipped, erected in any district after February 23, 1961, there shall be provided loading and unloading space as follows:

(a) Building of ten thousand (10,000) square feet of floor area shall have one (1) off-street loading space plus one (1) additional off-street loading and unloading space for each additional fourteen (14,000) square feet of area.

(b) Each loading space shall be not less than fourteen (14) feet in width and fifty (50) feet in length.

(3) In case of a use not specifically mentioned, the requirements for off-street parking or off-street loading for a use which is so mentioned and to which said use is similar, shall apply.

(4) The off-street parking facilities required for the uses mentioned in this section, and for other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve, but in case of nonresidential uses when practical difficulties prevent their establishment upon the same lot, the required parking facilities shall be provided within three hundred (300) feet of the premises to which they are appurtenant.

(5) No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this section shall be included as a part of an off-street parking area similarly required for another building or use unless the type of structure indicates that the period of usage of such structures will not be simultaneous with each other.

(6) In case of mixed uses, the total requirement for off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in this chapter, and the off-street loading space for one (1) use shall not be considered as providing the required off-street loading space for any other use.

(7) Nothing in this section shall be construed to prevent the joint use of off-street parking or off-street loading for two (2) or more buildings or use, and the total of such spaces when used together shall not be less than the sum of the requirement of the various individual uses computed separately in accordance with this chapter.

(8) All off-street parking facilities required pursuant to the provisions of this section shall be surfaced with asphalt, concrete, bituminous cement binder pavement, or gravel if treated in such a manner so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residence buildings, residence zones, or streets.

(9) No certificate of occupancy will be issued upon completion of any building or repair operations unless and until all off-street parking requirements shown upon the plans, or made a part of the building permit, shall be in place and ready for use.

(10) For commercial, institutional, or office developments requiring at least twenty (20) off-street parking spaces, bicycle parking access shall be provided for a minimum of five (5) percent of the automobile parking spaces provided.

(11) Off-street parking is permitted in any zoning classification. However, when practical difficulties prevent their establishment upon the same lot, the zoning of the off-street parking facility shall be consistent with the premises to which they are intended.

(C) Off street parking of vehicles shall not be allowed in the front yards in residential districts upon any unimproved surface. As used in this section, the term "unimproved surface" includes, but is not limited to, grass and dirt surfaces.

(D) Off-street parking of vehicles in residential districts shall be allowed under the following provisions when not in conflict with paragraph (C) above:

(1) Parking is prohibited in the front yard beyond the front line extended of the dwelling unit unless upon a driveway and provided that the vehicle at no time is parked within the public right-of-way or within the site triangle; the site triangle being the imaginary triangular area formed by the intersecting lot lines nearest the street or alley intersection, and a straight line adjoining said lot lines at points which are twenty (20) feet from the point of intersecting lot lines.

(2) Vehicles may be parked in garages, sheds, or driveways, and in side and rear yards, subject to the other provisions specifically stated in this ordinance. However, no abandoned or inoperative vehicles as defined in Chapter 90 may be parked anywhere on a property except in enclosed garages or sheds.

(3) Setbacks for the parking of vehicles outside a garage for more than thirty (30) consecutive days shall meet the following standards:

(a) Front Yard: five (5) feet from the dwelling side of a sidewalk used by the public, or if there is no such sidewalk, then ten (10) feet from the street pavement. The above notwithstanding, no vehicle shall be parked on a driveway within the public right-of-way. For purposes of this paragraph only, corner lots shall be deemed to have only one (1) front yard; that front yard being the one located adjacent to the street for which the property is addressed, subject to the other provisions specifically stated in this ordinance.

(b) Side Yard: five (5) feet; except that the five (5) foot setback requirement shall not apply where there is no building on an adjoining lot within ten (10) feet of the vehicle.

(c) Rear Yard: Zero (0) feet, subject to the other provisions specifically stated in this ordinance.

(E) Individual subdivision covenants which are more restrictive than the provisions of paragraph (D) above will continue to be enforceable by private action according to their terms.

(F) Penalty. Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the off-street parking provisions of this Chapter shall correct the condition or violation within seven (7) days of the mailing by the City of a written notice to the occupant of the dwelling. If such occupant fails after receiving the seven (7) day notice to correct the violation:

(1) The City may make application to the Circuit Court for an injunction or other injunctive relief requiring conformance with the provisions in this Chapter or obtain such other order as the Court deems necessary to secure compliance with the off-street parking provisions.

(2) Any person who violates the off-street parking provisions shall upon conviction thereof be fined not less than fifty dollars ($50.00) and no 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.

(Ord. 1536, passed 11-2-87; Am. Ord. 2023, passed 8-5-96;
Am. Ord. 2066, passed 5-5-97, Am. Ord. 2254, passed 11-6-00; Am. Ord. 2377, passed 5-6-02;
Am. Ord. 2713, passed 1-2-07; Am. Ord. 2737, passed 6-4-07;
Am. Ord. 2866, passed 12-7-09; Am. Ord. 2904, passed 9-20-10;
Am. Ord 3235, passed 6-12-17)
Penalty, see § 154.999

§ 154.173 HEIGHT

No building shall be erected, reconstructed, relocated, or structurally altered so as to have a greater height than permissible under the limitations set forth herein for the district within which such building is located, except that antennae, satellite dishes, parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, spires, steeples, stacks, stage towers or scenery lifts, water towers, and necessary mechanical appurtenances shall be permitted

to exceed the maximum height provisions when erected in accordance with all other rules and regulations of the City.

(Ord. 1536, passed 11-2-87; Am. Ord. 1717, passed 4-20-92; Am. Ord. 2377, passed 5-6-02; Am. Ord. 2402, passed 9-3-02)

Penalty, see § 154.999

§ 154.174 NONCONFORMING USES

(A) The lawful use of any building or structure existing on or before February 23, 1961 may be continued, although such use does not conform with the provisions of this chapter.

(B) A nonconforming use shall not be extended, but the extensions of a lawful use to any portion of the building designed for a nonconforming use which existed prior to February 23, 1961, shall not be deemed the extension of such nonconforming use. Any such valid extension must meet the lot area, side yard, front yard, and rear yard requirements provided for that district in which the nonconforming building is located. A nonconforming use of land shall not be extended, or moved to another area of the plot, or increased in intensity of use.

(C) A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost fifty percent (50%) of the current fair value of the building unless said building is changed to a conforming use. A building designed for a nonconforming use, however, may be reconstructed or altered beyond the limitations herein provided by the action of the Board of Appeals, after public hearing as required by law in case of variances. The limitations herein provided shall not prohibit the restoration to a safe condition of any structure or portion thereof declared unsafe by a proper authority.

(D) If a nonconforming use has ceased for a period of twelve consecutive months, it shall not be reestablished unless the nonconforming use was in a building designed, arranged, and intended for such use.

(E) Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use shall not be substituted or added to another nonconforming use.

(F) Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

(Ord. 1536, passed 11-2-87; Am. Ord. 2695, passed 10-2-06)

Penalty, see § 154.999

§ 154.175 BUILDING DESIGN GUIDELINES

(A) Purpose. The City Council finds that it is in the best interest of the health, safety, and general welfare of the residents and visitors of the City that minimum building design standards be established for new building construction within the City. It is the specific intent of the City to:

(1) Minimize adverse impacts of new development upon adjoining properties and existing land uses;

(2) Encourage a basic level of architectural variety and quality; and

(3) Conserve and enhance the built environment and visual appeal of the community.

(B) Applicability. Building design standards shall be required in all City zoning districts as follows:

(1) At the time of placement, construction, or expansion of any principal building.

(2) At the time of placement, construction, or expansion of any accessory building that will exceed four hundred (400) square feet in total area on one or more floors.

(C) Applicable developments. All non-residential developments, including but not limited to business, commercial, industrial, manufacturing, or institutional uses, and including assisted living facilities or skilled nursing facilities, shall require a minimum thirty-five (35) percent brick, stone, stucco, or other decorative masonry on any portion of a building exterior that includes a public entrance, fronts a public street, or has a wall facing a current or future public street.

(1) Exterior doors and windows shall be excluded from the calculation of applicable surface area.

(2) Acceptable decorative masonry shall include split faced block, fluted block, glazed block, ceramic, simulated stucco, simulated brick, simulated stone, or other decorative concrete masonry units. Simulated panelized sheathing and smooth face concrete block, painted or unpainted, shall not be considered decorative masonry.

(3) Other decorative materials appropriate for the business or institutional applications that achieve the above-stated purposes may be acceptable upon review and approval by a City staff committee consisting of the Planning

Director, Building and Zoning Supervisor, and Building Inspector, or other individual(s) designated by the City Administrator. Any committee decision may be appealed in accordance with §154.221.

(D) Large-scale commercial developments. All developments within any C-1, C-2, or C-3 zoning district containing 60,000 or more total square feet on one or more floors shall comply with the following minimum design and construction standards:

(1) A minimum ninety (90) percent brick, stone, stucco, or other decorative masonry is required on any portion of a building exterior that includes a public entrance, fronts a public street, or has a wall facing a current or future public street. A minimum thirty-five (35) percent brick, stone, stucco, or other decorative masonry is required on all remaining sides of the building.

(a) Exterior doors and windows shall be excluded from the calculation of applicable surface area.

(b) Acceptable decorative masonry shall include split faced block, fluted block, glazed block, ceramic, simulated stucco, simulated brick, simulated stone, or other decorative concrete masonry units. Simulated panelized sheathing and smooth face concrete block, painted or unpainted, shall not be considered decorative masonry.

(c) Other decorative materials appropriate for the business or institutional application that achieve the above-stated purposes may be acceptable upon review and approval by a City staff committee as defined in Paragraph (C) Subparagraph (3) above. Any committee decision may be appealed in accordance with §154.221.

(2) Any building or portion of a building exterior that includes a public entrance or fronts a public street shall not exceed one-hundred (100) lineal feet in wall length without providing architectural relief in the facade. Architectural relief shall consist of using arcades, cornices, eaves, gables, focal points, windows or other offsets in elevation. This requirement may be modified upon review and approval by a City staff committee as defined in Paragraph (C) Subparagraph (3) above if a substantial portion of the wall length is blocked from view.

(E) Prohibited buildings. The placement and outdoor use of shipping containers or freight storage units (including but not limited to Sea-Land containers, railroad car bodies, trailers, truck and bus beds, etc.) for purposes other than the original manufactured intent is prohibited in all zoning districts unless one or more of the following exceptions are met:

(1) The container or unit is used in a manner consistent with the original manufactured intent and is otherwise permitted by the Chapter.

(2) The container or unit is a component of an approved special use.

(3) The container or unit will be used for temporary , supplemental storage of goods or materials for no more than ninety (90) days in a calendar year.

(4) The container or unit will be used for temporary storage or disposal of materials associated with construction or remodeling of a principal building. In such instance, the container shall be removed upon project completion and within a one (1) year period.

(Ord. 2532, passed 5-17-04; Am. Ord. 2713, passed 1-2-07; Am. Ord. 2723, passed 3-19-06)

SPECIAL FLOOD HAZARD AREA REGULATIONS

§154.185 PURPOSE

This subchapter is enacted pursuant to the police powers granted to this city by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2) in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control projects, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas;

(F) To make federally subsidized flood insurance available; and

(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provided

recreational opportunities, provide aesthetic benefits and enhance community and economic development.

§154.186 DEFINITIONS

For the purpose of this subchapter, the following definitions are adopted:

BASE FLOOD. The flood having a one percent (1%) probability being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood. The base flood elevation at any location is as defined in §154.187 of this subchapter.

BFE or **BASE FLOOD ELEVATION**. The elevation in relation to mean sea level of the crest of the base flood.

BUILDING. A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

CRITICAL FACILITY. Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

DEVELOPMENT.

(1) Any man-made change to real estate, including, but not necessarily limited to:

(a) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

(b) Substantial improvement of an existing building;

(c) 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 per year;

(d) Installing utilities, construction of roads, bridges, culverts or similar projects;

(e) Construction or erection of levees, dams, walls, or fences;

(f) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(g) Storage of materials including the placement of gas and liquid storage tanks; and

(h) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) Development does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

FEMA. Federal Emergency Management Agency.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD FRINGE. That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP. A map prepared by the Federal Emergency Management Agency (FEMA) that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or many not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA). These two terms are synonymous. Those lands within the jurisdiction of the City of Washington, the extraterritorial jurisdiction of the City of Washington, or that may be annexed into the City of Washington, that are subject to inundation by the base flood. The floodplains of Washington are generally identified as such on panel numbers 55, 60, 65, and 70 of the countywide Flood Insurance Rate Map of Tazewell County prepared by the Federal Emergency Management Agency and dated February 17, 2017. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Tazewell County that are within the extraterritorial jurisdiction of the City of Washington or that may be annexed into the City of Washington are generally identified as such on the Flood Insurance Rate Map prepared for Tazewell County by the Federal Emergency Management Agency and dated February 17, 2017.

FLOODPROOFING. Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOODPROOFING CERTIFICATE. A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOODWAY. That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the city shall be according to the best data available from Federal, State or other sources.

FPE or **FLOOD PROTECTION ELEVATION**. The elevation of the base flood plus one (1) foot of freeboard at any given location in the floodplain.

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.

HAZARDOUS MATERIALS. Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a present or potential hazard to human health and safety or to the environment whether in use, storage, or transit.

HISTORIC STURCTURE. Any structure that is:

1. 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.
2. 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.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR. Illinois Department of Natural Resources/Office of Water Resources.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of §154.191 of this ordinance.

MANUFACTURED HOME. A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connection to required utilities.

NEW CONSTRUCTION. Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NFIP. National Flood Insurance Program.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the costs of repairs at the time of each such flood event on the average equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

SFHA or **SPECIAL FLOOD HAZARD AREA**. See definition of floodplain.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this ordinance equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss" (see definition).

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this ordinance in which the cumulative percentage of improvements:

equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or

increases the floor area by more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

TRAVEL TRAILER or **RECREATIONAL VEHICLE**. A vehicle which is built on a single chassis; 400 square feet or less in size; designed to be self-propelled or permanently towable by a light duty truck; and designated primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

§154.187 BASE FLOOD ELEVATION.

This subchapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior any development of the site.

(A) The base flood elevation for the floodplains of Tributary #1 and Farm Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Tazewell County prepared by the Federal Emergency Management Agency and dated February 17, 2017.

(B) The base flood elevation for each floodplains delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the city.

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the Flood Insurance Rate Map of the city shall be according to the best data available

to the Illinois State Water Survey Floodplain Information Repository. Should no other data exist, an engineering study must be financed to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated Tazewell County that are within the extraterritorial jurisdiction of the City of Washington, or that may be annexed into the City of Washington shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Tazewell County prepared by the Federal Emergency Management Agency and dated February 17, 2017.

§ 154.188 DUTIES OF THE BUILDING OFFICIAL

The Building Official shall be responsible for the general administration and enforcement of this subchapter and ensure that all development activities within the floodplains under the jurisdiction of the city meet the requirements of this subchapter. Specifically, the Building Official shall:

(A) Process development permits in accordance with §154.189;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of §154.190.

(C) Ensure that the building protection requirements for all buildings subject to **§** 154.191 are met and maintain a record of the "as-built" elevation of the lowest flood (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of §154.192;

(E) Ensure that the water supply and waste disposal systems meet the Public Health standards of §154.193;

(F) If a variance is requested, ensure that the requirements of §154.194 are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all actions outlined in §154.196 as necessary to ensure compliance with this subchapter;

(H) Assure that applicants are aware of any obtain any and all other required local, state, and federal permits;

(I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance; and

(L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this subsection.

(M) Perform site inspections and make substantial damages determinations for structures within the floodplain.

(N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six (6) months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

§ 154.189 DEVELOPMENT PERMIT

No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the floodplain without first obtaining a development permit from the Building Official. The Building Official shall not issue a development permit if the proposed development does not meet the requirements of this subchapter.

(A) The application for a development permit shall be accompanied by:

(1) drawings of the site, drawn to scale showing property line dimensions;

(2) existing grade elevations and all changes in grade resulting from excavation or filling;

(3) the location and dimensions of all buildings and additions to buildings;

(4) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of §154.191; and

(5) the costs of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) Upon receipt of an application for a development permit, the Building Official shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be below the current base flood elevation is subject to he provisions of this ordinance. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is

subject to the provisions of this ordinance. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this ordinance.

The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The Building Official shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Building Official shall not issue a permit unless all other federal, state, and local permits have been obtained.

§ 154.190 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in **§** 154.190(B), no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;

(2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;

(3) Aerial utility crossing meeting the conditions of IDNR/OWR Statewide Permit Number 4;

(4) Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5;

(5) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceed seventy (70) square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit No. 6;

(6) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statement Permit No. 7;

(7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;

(8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;

(9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;

(10) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11;

(11) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12;

(12) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and

(13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

(B) Other development activities not listed in §154.190(A) may be permitted only if:

(1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

§ 154.191 PROTECTING BUILDINGS

(A) In addition to the state permit and damage prevention requirements of §154.190, all buildings to be located in the floodplain shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building valued at more than one thousand dollars ($1,000.00) or seventy (70) square feet;

(2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or

exceeds the market value by fifty percent (50%). This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this subchapter;

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken subsequent to the adoption of this subchapter;

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);

(5) Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year; and

(6) Repetitive loss to an existing building as defined in § 154.186.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent land fill in accordance with the following:

(a) The lowest floor (including the basement) shall be at or above the FPE.

(b) The fill shall be placed in layers no greater than six (6) inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the FPE;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;

(d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or

(2) The building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls or other foundation provided that is permanently open to flood waters;

(b) All components located below the flood protection elevation shall be constructed of materials resistant to flood damage;

(c) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

(d) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one (1) permanent openings on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation; and

(e) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris.

(i) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

(ii) The area below the FPE shall be used solely for parking or building access and not later modified or occupied as habitable space; or

(iii) In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

(3) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.

(c) The interior grade of the crawlspace below the FPE must not be more than two (2) feet below the lowest adjacent exterior grade.

(d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four (4) feet at any point.

(e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(f) Portions of the building below the FPE must be constructed with materials resistant to flood damage.

(g) Utility systems within the crawlspace must be elevated above the FPE.

(C) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

(1) Below the FPE the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

(2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

(3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose this subchapter.

(D) Manufactured homes or travel trailers to be permanently installed on site shall be:

(1) Elevated to or above the FPE in accordance with **§** 154.191(B).

(2) Anchored to resist floatation, 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 IL Adm. Code 870.

(E) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of §154.191(B)(3) unless the following conditions are met:

(1) The vehicle must be either self-propelled or towable by a light duty truck; and

(2) The hitch must remain on the vehicle at all times; and

(3) The vehicle must not be attached to external structures such as decks and porches; and

(4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and

(5) The vehicles largest horizontal projections must be no larger than four hundred (400) square feet; and

(6) The vehicle's wheels must remain on axles and inflated; and

(7) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and

(8) Propane tanks, electrical and sewage connections must be quick-disconnected and above the 100-year flood elevation; and

(9) The vehicle must be licensed and titled as a recreational vehicle or park model; and

(10) The vehicle must be either

(a) entirely supported by jacks rather than blocks or

(b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(F) Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

(1) The garage or shed must be non-habitable; and

(2) The garage or shed must be used only for the storage of vehicles or tools and cannot be modified later into another use; and

(3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits; and

(4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot; and

(5) Below the BFE, the garage or shed must be built of materials not susceptible to flood damage; and

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the FPE; and

(7) The garage or shed must have at least one permanent opening on each wall no more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area; and

(8) The garage or shed must be less than fifteen thousand dollars ($15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy-six (576) square feet; and

(9) The structure shall be anchored to resist floatation and overturning; and

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the FPE; and

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications."

§ 154.192 SUBDIVISION REQUIREMENTS

The City Council shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.

(A) New subdivisions, manufactured home parks, travel trailer parks, annexation agreements, planned unit developments and additions to manufactured home parks and subdivisions shall meet the requirements of §154.190 and §154.191. Any proposal for such development shall include the following data:

(1) The BFE and the boundary of the floodplain (where the BFE is not available from an existing study, the applicant shall be responsible for calculating the BFE);

(2) The boundary of the floodway when applicable; and

(3) A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

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. Whenever possible, the floodplains shall be included within parks or other public grounds.

§ 154.193 PUBLIC HEALTH AND OTHER STANDARDS

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §154.190 and §154.191, the following standards apply:

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of §154.191 of this subchapter.

(2) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize and eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the FPE shall be watertight.

(5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permitted within the floodplain only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall be elevated or structurally dry floodproofed to the 500-year flood frequency elevation. In situations where a 500-year flood elevation has not been determined the flood protection elevation shall be three (3) feet above the 100-year flood frequency elevation. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(6) No fences shall be located within the floodplain.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

§ 154.194 VARIANCES

Whenever the standards of this subchapter place undue hardship on a specific development proposal, the applicant may apply to the Planning and Zoning Commission for a variance. The Planning and Zoning Commission shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to the granting of a variance as it deems necessary to further the intent of this subchapter.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health or safety or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

(7) All other required state and federal permits have been obtained.

(B) The Planning and Zoning Commission shall notify an applicant in writing that a variance from the requirements of the building protection standards of §154.191 that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage; and

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Historic Structures

(1) Variances to the building protection requirements of § 154.190 and § 154.191 of this ordinance subject to the conditions that:

(a) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

(b) The repair or rehabilitation will not result in the structure being removed as a certified historic structure..

§ 154.195 DISCLAIMER OF LIABILITY

The degree of flood protection required by this subchapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This subchapter does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This subchapter does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from reliance on this subchapter or any administrative decision made lawfully thereunder.

§ 154.196 PENALTY

Failure to obtain a permit for development in the floodplain or failure to comply with the

conditions of a permit or a variance shall be deemed to be a violation of this subsection. Upon due investigation, the Building Official may determine that a violation of the minimum standards of this subsection exists. The Building Official shall notify the owner in writing of such violation.

(A) If the owner fails after ten (10) days notice to correct the violation:

(1) The city shall make application to the circuit court for an injunction requiring conformance with this subsection or make such other order as the court deems necessary to secure compliance with the subsection;

(2) Any person who violates this subsection shall upon conviction thereof be fined not less then fifty ($50.00) nor more than five hundred dollars ($500.00) for each offense; and

(3) A separate offense shall be deemed committed upon each day during on or which a violation occurs or continues.

(4) The city shall record a notice of violation on the title of the property.

(B) The Building Official shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Building Official is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No building permit shall be permanently suspended or revoked until a hearing is held by the Planning and Zoning Commission. Written notice of such hearing shall be served on the permittee and shall state:

(1) The grounds for the complaint, reasons for suspension or revocation, and

(2) The time and place of the hearing.

At such hearing, the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Planning and Zoning Commission shall determine whether the permit shall be suspended or revoked.

Nothing herein shall prevent the City of Washington from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(C) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

§ 154.197 ABROGATION AND GREATER RESTRICTIONS

This ordinance repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program, including Ordinance 2598 passed March 21, 2005. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this subchapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

154.198 CARRYING CAPACITY AND NOTIFICATION

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the City of Washington shall notify adjacent communities in writing thirty (30) days prior the issuance of a permit for the alteration or relocation of the watercourse.

(Ord. 1692, repealed 3-21-05; Ord. 2598, passed 3-21-05; Am. Ord. 3213, passed 12-5-16)

SATELLITE DISH ANTENNAS

§ 154.205 CONFORMANCE WITH REGULATIONS

No satellite television antenna shall be erected, constructed, maintained, or operated except in conformance with the following regulations of this subchapter.

(Ord. 1536, passed 11-2-87)

Penalty, see § 154.999

§ 154.206 DEFINITIONS

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

SATELLITE TELEVISION ANTENNA. An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

USABLE SATELLITE SIGNAL. A satellite signal which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television. To be considered usable, quality referred to above need only be present if fifty percent (50%) of the channels available for satellite reception at optimum locations within the city.

(Ord. 1536, passed 11-2-87)

§ 154.207 LOCATION OF SATELLITE ANTENNA

(A) In any commercial, industrial, or multi-family residential zone, such antenna may be located anywhere on the lot or buildings thereon.

(B) In a noncommercial or single-family zone, subject to the provisions contained in this subchapter, such antenna shall be located only in the rear yard of any lot.

(1) If a usable satellite signal cannot be obtained from such rear yard, such antenna may be located on the side or front yard of the property, provided that a permit is obtained prior to such installation from the Code Enforcement Officer. Such permit shall be issued upon the showing by the applicant that a usable satellite signal is not obtainable from the rear yard of the property; and that the construction and erection otherwise comply with city requirements.

(2) In the event that a usable satellite signal cannot be obtained by locating the antenna on the rear, side, or front yard of the property, such antenna may be placed on the roof of the dwelling structure, provided that a permit is obtained prior to such installation from the Code Enforcement Officer. Such permit shall be issued upon a showing by the applicant that a satellite signal is not obtainable from any other location on the property, and provided further, that the construction and erection otherwise comply with the city requirements.

(Ord. 1536, passed 11-2-87)

Penalty, see § 154.999

§ 154.208 ANTENNA SIZE

(A) Subject to § 154.207(B)(1), in a noncommercial or single-family zone, such antenna shall not exceed twenty (20) feet in height, including any platform or structure upon which said antenna is mounted or affixed. Such antenna may not exceed seventeen (17) feet in diameter in a noncommercial or single-family zone.

(B) Except in a commercial, industrial, or multi-family residential zone, satellite television antennas shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets.

(C) Not more than any one (1) satellite television antenna shall be allowed on any lot zoned residential or country estates.

(D) All antennas and the construction and installation thereof shall conform to applicable city code regulations and requirements.

(E) Antennas shall meet all manufacturer's specifications, be of noncombustible and corrosive resistant material, and be erected in a secure, wind-resistant manner.

(F) Every antenna must be adequately grounded for protection against a direct strike of lightning.

(Ord. 1536, passed 11-2-87)
Penalty, see § 154.999

AMATEUR RADIO/CITIZENS RADIO ANTENNAE

§ 154.210 AMATEUR RADIO/CITIZENS RADIO ANTENNAE; DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this division of Chapter 154 concerning amateur radio/citizens radio antennae.

(A) **ANTENNA** shall mean the arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves.

(B) **ANTENNA SUPPORT STRUCTURE** shall mean any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennae for the purpose of transmission or reception of electromagnetic waves by federally licensed amateur radio or citizens band radio operators.

(C) **ANTENNA HEIGHT** shall mean the overall vertical length of the antenna support structure and antenna.

(Ord. 1788, passed 5-3-93)

§ 154.211 PERMIT REQUIRED

It shall be unlawful for any person to install, construct or increase the height of any antenna support structure without first obtaining a building permit, except that no permit shall be required if the height of the antenna support structure (excluding the height of any building to which the antenna support structure is attached) is less than twelve (12) feet.

(Ord. 1788, passed 5-3-93)

§ 154.212 APPLICATION

Applications for a building permit required in § 154.211 shall be made upon such forms requested by the city and shall have attached thereto the following items:

(A) A location plan for the antenna support structure.

(B) Manufacturer's specifications for the antenna support structure and details of footings, guys and braces.

(C) A copy of the applicant's homeowner or renters insurance policy.

(D) A copy of a valid amateur radio operator's license in the name of the owner or occupant of the property for which the permit is being requested, except in the instance of a citizens radio antenna, where no license is required.

(E) A permit fee of fifteen dollars ($15.00).

(Ord. 1788, passed 5-3-93)

§ 154.213 HEIGHT LIMITATION

Amateur radio antennae and citizens radio antennae heights shall be restricted to the following:

(A) Amateur radio antenna height:

(1) Freestanding antenna support structure – seventy five (75) feet above grade; and

(2) Antenna support structure attached to a building – thirty (30) feet above the height of the building to which it is attached, not to exceed seventy five (75) feet above grade.

(B) Citizens radio antenna height:

(1) Freestanding antenna support structure – sixty (60) feet above grade; and

(2) Antenna support structure attached to a building – twenty (20) feet above the height of the building to which it is attached, not to exceed sixty (60) feet above grade.

(Ord. 1788, passed 5-3-93)

§ 154.214 CONSTRUCTION REQUIREMENTS AND RESTRICTIONS

(A) Antenna support structures shall be designed and constructed in conformance with Section 621 of the 1990 BOCA National Building Code, for freestanding antenna support structures and Section 622 of the BOCA National Building Code, for antenna support structures attached to a building, except for those provisions in Sections 621 and 622 of the 1990 BOCA National Building Code, which conflict with this section, where this section shall prevail.

(B) Electrical requirements. All antenna support structures, whether ground or roof mounted, shall be grounded to adequately protect against a direct strike of lightning. In all instances, construction shall follow the manufacturer's requirements for grounding.

(C) No antenna shall protrude in any manner upon the adjoining property; and no antenna shall protrude upon the public way.

(D) Ground mounted antenna support structures may be erected only in a rear or side yard and must maintain a setback of five feet from the rear and side property lines.

(Ord. 1788, passed 5-3-93)

§ 154.215 EXEMPTIONS

This ordinance shall not affect any existing antenna support structure, utilized by federally licensed amateur radio or federal authorized citizens band radio service stations, which has been constructed and which is in place prior to the date of the passage of this ordinance; provided, however, that such antenna support structures must comply with the grounding requirements of § 154.214(C); and further provided that owners of existing antenna support structures submit to the Building Department, within ninety (90) days of the date of this ordinance, the documentation required by § 154.212, less the required fee.

(Ord. 1788, passed 5-3-93)

§ 154.216 INSPECTION

The zoning enforcing officer is hereby empowered to inspect or re-inspect any antenna installation for violation of this Code and, if such installation is found in violation, shall notify the person owning or operating such antenna and shall require the correction of the condition within forty eight (48) hours.

(Ord. 1788, passed 5-3-93)
Penalty, see § 154.999

§ 154.217 PENALTY

Failure to correct a violation within the time specified in § 154.216 shall subject the violator to the penalties provided in § 154.999 of this code.

(Ord. 1788, passed 5-3-93)

BOARD OF APPEALS

§ 154.220 ORGANIZATION

A Board of Appeals is hereby established in accordance with the provisions of the statute applicable thereto. Regular meetings of the Board shall be held at such time and place within the municipality as the Board may determine. Special meetings may be held at the call of the chairperson or as determined by the Board. Such chairperson, or in his absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such fact. The Board shall adopt its own rules of procedure not in conflict with the statute or this chapter.

(Ord. 1536, passed 11-2-87)

§ 154.221 APPEALS

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board, or bureau of the municipality. .Such appeal shall be taken within twenty (20) days from the date of the action appealed from, by filing with the Code Enforcement Officer and Board of Appeals a notice of appeal, specifying the grounds thereof. The Code Enforcement Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Code Enforcement Officer certifies to the Board, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The Board of Appeals shall fix a reasonable

time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. The Board may reverse or affirm, wholly or partly, or may modify the use, requirement, decision, or determination as, in its opinion, ought to be made in the premises.

(Ord. 1536, passed 11-2-87)

§ 154.222 JURISDICTION; GRANTING OF VARIANCES

The Planning and Zoning Commission shall hear and decide appeals from any order, requirements, decision, or determination made by the Code Enforcement Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter. The Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises, and to that end the Board shall also have all the powers of the officer from whom the appeal is taken. When a property owner shows that a strict application of the terms of this chapter relating to the use, construction, or alteration of buildings or structures, or to the use of land, imposes upon him practical difficulties or particular hardship, then the Board may, in the following instances only, make such variations of the strict application of terms of this chapter as are in harmony with its general purpose and intent when the Board is satisfied, under the evidence heard before it, that the granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship so great as to warrant a variance:

(A) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

(B) To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than fifty percent (50%) of its value, by fire or act of God, or the public enemy, where the Board shall find some compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be issued if its primary function is to continue a monopoly.

(C) To make a variance, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record, or by reason of exceptional topographical conditions the strict application of any provision of this chapter would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property, and amount to a practical confiscation of property, as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this chapter.

(D) To interpret the provisions of this chapter where the street layout actually on the ground varies from the street layout as shown on the district map fixing the several districts.

(E) To waive the parking requirements in the business or industrial districts whenever the character or use of the building is such as to make unnecessary the full provision of parking facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.

(F) To permit a building to be erected, reconstructed, altered, or enlarged so that the building lines would extend beyond the distance specific in this chapter into side yards or into front yards; provided that such variance may not be granted:

(1) Unless there is a building in the block that extends beyond the distance from the front street line specified in this chapter, in which case the building line may be permitted to extend as near to the front street line as such nonconforming building;

(2) Unless the lot is irregular in shape, topography, or size; or

(3) Unless the street line of the lot is directly opposite the street line of a lot which is irregular in shape, topography, or size.

(G) To permit in any district such modifications of the requirements of the regulations of this chapter as the Board may deem necessary to secure all appropriate development of a lot where adjacent to such lot on two or more sides there are buildings that do not conform to the regulations of the district.

(H) Nothing herein contained shall be construed to give or grant the Board the power or authority to alter or change the zoning code or the district map; such power and authority being reserved to the City Council. The Board of Appeals may impose such conditions and restrictions upon the use of premises benefited by a variance, except in a specific case, after an application for a permit has been made to the Code Enforcement Officer and after duly advertised public hearing held by the Board as prescribed by statute. The notice of hearing shall contain the address or location of the property for which the variance or other ruling by the Board is sought as well as a brief description of the nature of the appeal. In order to partially defray the expenses of the public hearings involving variances, the applicant shall pay the sum of $100 to the City Clerk at the time of the filing of the appeal for the variance.

(I) The city also reserves the right to itself to grant variations as to the terms of this chapter as set forth in § 154.238(B).

(Ord. 1536, passed 11-2-87, Am. Ord. 2277, passed 3-5-01)

§ 154.223 APPEALS TO COURT

All final administrative decisions of the Board of Appeals rendered under the terms of this chapter shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

(Ord. 1536, passed 11-2-87)

ADMINISTRATION; ENFORCEMENT'

§ 154.235 CODE ENFORCEMENT OFFICER

This chapter shall be enforced by the Code Enforcement Officer who shall be appointed by the Mayor by and with the consent of the City Council. No building permit or certificate of occupancy shall be issued by him except where the provisions of this chapter shall have been complied with.

(Ord. 1536, passed 11-2-87)

§ 154.236 PERMITS

Except for any agricultural use, it shall be unlawful to establish any use of a building, structure, or land, either by itself or in addition to another use, or to erect a new building or structure, or part thereof, or to rebuild, structurally alter, add to, or relocate any building or structure, or part thereof, without obtaining a permit from the Code Enforcement Officer in accordance with the following regulations:

(A) Building permits:

(1) Application for permits shall be filed in written form with the Code Enforcement Officer, shall state the legal description of the property, the name and address of the owner, the applicant and the contractor, the estimated value of the completed improvement, and shall describe the uses to be established or expanded, and shall give such information as may be required by this chapter for its proper enforcement.

(2) All applications for a building permit shall be accompanied by a dimensioned drawing of the lot or parcel of land, which dimensioned drawing shall show the location of all improvements, existing and planned, including but not limited to

buildings, patios, decks, automobile parking areas and driveways, fences and pools and any and all perimeter landscaping and/or screening required. For those lots which are part of a subdivision for which a Stormwater Drainage Plan has been approved pursuant to § 152.081 of the subdivision code, all applications for building permits shall be accompanied by a dimensioned drawing of the lot or parcel of land showing the location of all improvements, as previously described hereinabove, and showing conformance with the applicable Stormwater Drainage Plan for the subdivision. For commercial and industrial developments, all applications for building permits must comply in all respects to the stormwater control provisions of the Subdivision Code, including, but not by way of limitation, § 152.002(C), § 152.016, and § 152.024, as amended from time to time. Residential developments not a part of a subdivision for which a stormwater drainage plan has been approved are not required to meet this requirement.

(3) Each permit issued for a main building shall also cover any accessory structures or buildings constructed at the same time on the same premises, and such permit shall be posted in plain sight on the premises for which it is issued until completion of construction or occupancy.

(4) Any work or change in use authorized by permit but not substantially started within ninety (90) days shall require a new permit. Once work has begun, such work not completed within one (1) year shall require a new permit. A permit shall be revoked by the Code Enforcement Officer when he shall find from personal inspection or from competent evidence that the rules or regulations under which it has been issued are being violated.

(5) All applications and a copy of all permits issued shall be systematically filed and kept by the Code Enforcement Officer in his office for ready reference.

(6) Fees. To partially defray expenses of administering the chapter a fee where required shall be charged for each permit and collected by the Code Enforcement Officer who shall account for the same to the municipality. A filing fee of $20 shall be charged for each permit, plus an additional $2 per $1,000 of construction value. With the exception to permits issued for pools, fences, and storage sheds under 200 square feet, the above fee shall be no less than $40. If construction commences without a valid building permit, the above fee shall be doubled. There shall be no refund of any permit fees paid hereunder. The above fee shall not be required to be paid by any tax supported unit or district. Construction value for all new building construction shall be calculated using the most recent edition of the R. S. Means Square Foot Costs, to be adopted by resolution each year. At the discretion of the Code Official, the Building Permit fees listed in this Section may

be waived for the repair of an existing building or structure damaged as a direct result of the tornado that affected the City on November 17, 2013, provided said permits are issued on or before December 31, 2014. Requests regarding the waiver of fees shall be evaluated on a case-by-case basis and shall be approved at the sole discretion of the Code Official. The waiver of Building Permit fees shall not apply to the construction of new buildings or structures, including the rebuilding of existing buildings and structures deemed to have been damaged to the extent of fifty percent (50%) of its value pursuant to §150.03 of this Code.

(7) A permit shall be required for interior alterations and improvements on existing structures other than one- and two-family dwellings when a change of use to a more hazardous use occurs. The degree to which a use is deemed more hazardous shall be determined by its classification in the City's most recently adopted version of the International Building Code. No permit shall be required for maintenance and interior alterations and improvements on existing one- and two-family dwellings.

(8) The finished site elevations shall allow for the habitable improvements constructed on the site to:

(a) Have a finished grade with a slope of two percent (2%) away from the foundation; and

(b) The finished floor, excluding subterranean floors, to have a minimum height of one (1) foot above the elevation of drainage ways upon or adjoining the property upon which the habitable improvement is located.

(Ord. 1536, passed 11-2-87; Am. Ord. 1662, passed 4-1-91; Am. Ord. 1718, passed 4-20-92; Am. Ord. 1901, passed 3-6-95, Am. Ord. 2277, passed 3-5-01; Am. Ord. 2331, passed 9-17-01; Am. Ord. 2471, passed 9-15-03; Am. Ord. 3065, passed 1-21-14)

Penalty, see § 154.999

§ 154.237 CERTIFICATES OF OCCUPANCY

(A) No land shall be occupied or used and no building hereafter erected, structurally altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by the Code Enforcement Officer.

(B) All certificates of occupancy shall be applied for coincident with the application for building permit, and said certificate shall be issued within three (3) days after the

construction shall have been approved. Approved public utilities must be connected to any residence and in use, prior to the issuance of an occupancy permit.

(C) Certificates of occupancy for the use of vacant land shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of this chapter.

(D) The Code Enforcement Officer shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

(E) No permit for excavation for, or the erection or structural alteration to any building shall be issued until an application has been made for a certificate of occupancy.

(F) The City shall not issue a Certificate of Occupancy for any building in a subdivision in which all public infrastructure improvements required in accordance with this Chapter have not been installed and approved by the City. Any damage done to improvements during construction shall be corrected prior to issuance of a Certificate of Occupancy for any building. The City will withhold all public services of any nature, including the maintenance of streets, snow plowing, or garbage pickup until final acceptance of all public improvements.

(Ord. 1536, passed 11-2-87; Am. Ord. 2186, passed 5-3-99; Am. Ord. 3218, passed 2-6-17)

Penalty, see § 154.999

§ 154.238 AMENDMENTS

(A) (1) The City Council may from time to time, on its own motion or on petition after report by the Planning and Zoning Commission and after hearing and public notice of such hearing given by one (1) publication in the city at least fifteen (15) days before the time of hearing amend, supplement, or change by ordinance, the regulations and districts herein or subsequently established.

(2) In addition to the public notice referred to above, written notice of all proposed zoning amendments shall be given to the owners or inhabitants of all parcels of land adjoining the property under consideration for rezoning. This additional notice shall be mailed or delivered by the City Clerk to the address of the adjoining property, or to the owner if that address is different than the adjoining property and such different address is known to the Clerk. In addition, a sign shall be posted on the premises seeking rezoning, stating the proposed zoning change. The failure of the Clerk to send or the failure of the owner or occupier of the

adjoining parcels to receive said additional notice, or the failure to post a sign, shall not affect the validity of any ordinance amending the zoning code.

(B) In addition to any power herein granted or contained, the City Council reserves and retains the power to determine and vary by ordinance the application of the regulations herein contained in harmony with their general purpose and intent in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations relating to the use, construction, or alteration of buildings or structures or the use of land. However, no such variance shall be made by the corporate authorities as specified without a hearing before the Board of Appeals.

(C) Whenever owners of fifty percent (50%) or more of the street frontage in any block shall present to the City Council a petition, duly signed and acknowledged, requesting such amendment or reclassification, it shall be the duty of the City Council to refer this petition to the Planning and Zoning Commission to hold a hearing thereon, as provided by statute.

(D) Before any action shall be taken under this subchapter, the party petitioning for a change shall deposit with the City Clerk the sum of $100 to partially defray the cost of this procedure, and under no condition shall this sum or any part thereof be refunded for failure of the amendment to be enacted into law.

(Ord. 1536, passed 11-2-87, Am. Ord. 2277, passed 3-5-01)

§ 154.239 VIOLATIONS; REMEDIES AND APPROPRIATE ACTIONS

In case a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the proper authorities of the City Council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

(Ord. 1536, passed 11-2-87)

HOME OCCUPATIONS

§ 154.301 TITLE

This subchapter of the Code of Ordinances shall be referred to as Home Occupation Code.

(Ord. 2186, passed 5-3-99)

§ 154.302 DEFINITIONS

For purposes of this subchapter, the following definitions shall apply, unless the context clearly indicates or requires as different meaning:

(1) **FAMILY DAY CARE**. The keeping for part-time care and/or instruction, whether or not for compensation, of six (6) or less children or adults at any one time within a dwelling, not including members of the family residing on the premises.

(2) **HOME OCCUPATION**. An accessory use of a dwelling unit for gainful employment which:

(a) is clearly incidental and subordinate to the use of the dwelling unit as a residence; and

(b) is carried on solely within the main dwelling or accessory structure and does not alter or change the exterior character or appearance of the dwelling; and

(c) is located in a residential district.

(Ord. 2186, passed 5-3-99; Am. Ord. 2377, passed 5-6-02)

§ 154.303 PERMIT REQUIRED

No Home Occupation shall be conducted, operated or established until a Home Occupation Permit has been issued and obtained in accordance with the provisions of this subchapter.

(Ord. 2186, passed 5-3-99)

§ 154.304 APPLICATION FOR PERMIT

An application for a Home Occupation Permit shall be filed by the owner of the property upon which the proposed home occupation is to be conducted. The application must be filed with the Code Enforcement Officer of the City. The application must contain the following information:

(1) the name, address and telephone number of the applicant;

(2) a correct legal description and Parcel Identification Number for the property upon which the proposed home occupation is to be conducted;

(3) a detailed description of the proposed home occupation which the application desires to operate;

(4) such other or additional information as shall be required by the Code Enforcement Officer.

(Ord. 2186, passed 5-3-99)

§ 154.305 CONDITIONS FOR USE

All Home Occupations shall be subject to the following conditions and limitations:

(1) There may not be any more than one (1) person employed outside of immediate family members of the family residing in the dwelling unit engaged therein.

(2) The Home Occupation must be wholly operated and contained within the dwelling unit or an accessory structure.

(3) No materials or equipment may be stored outside of the dwelling unit or the accessory structure.

(4) Not more than six (6) customers or clients may be permitted on the property during any period of sixty (60) consecutive minutes, nor more than sixteen (16) in any given twenty-four (24) hour period.

(5) Sufficient parking must be provided on the same lot as the dwelling unit for all Home Occupation customer and clients, and other business visitors.

(6) Commercial shipping and receiving deliveries related to the Home Occupation, other than the United States Postal Service and private package and letter delivery services, shall not be permitted. This prohibition of commercial deliveries includes, but is not limited to, commercial deliveries by semi-trailer trucks.

(7) No pedestrian or vehicular traffic generated by the Home Occupation shall be permitted on the premises between the hours of 10:00 p.m. and 6:00 a.m.

(8) The appearance of the structure may not be altered, nor the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character.

(9) No noise, vibration, glare, heat, smoke, dust, electromagnetic, or electrical interference, nor odor detectable beyond the confines of the dwelling unit shall be permitted or allowed, including transmittal through vertical or horizontal party walls.

(10) No more than one (1) commercial vehicle shall be used in conjunction with the Home Occupation, not to exceed one (1) ton maximum load weight and owned by a resident of the dwelling. Such vehicle must be parked in a garage or residential drive on-site, and in accordance with all other provisions of the Code of Ordinances. Said vehicle may indicate thereon the name, address, and telephone numbers of the Home Occupation being conducted within the dwelling unit or accessory structure.

(11) No more than one (1) Home Occupation may be conducted upon any property.

(12) The applicant shall certify that he/she is in compliance with the provisions of all applicable local, state, and federal building, fire, health, safety, and housing codes and shall conform with all applicable requirements for business and occupational licensing.

(13) The owner, if different from the applicant, shall provide consent to the proposed home occupation.

(Ord. 2186, passed 5-3-99; Am. Ord. 2878, passed 3-1-10)

§ 154.306 ISSUANCE OF PERMITS

(1) Administratively Granted Permits. Home Occupation Permits for those Home Occupations listed below may be granted and issued by the Code Enforcement Officer, upon a proper application therefor being filed:

(a) Dealer sales, including vitamins, cosmetics, crafts, and home products;

(b) Craft shop - making and selling crafts;

(c) Internet advertising;

(d) Vending machines;

(e) Music instructions;

(f) Professional office;

(g) Family day care;

(h) Sewing service;

(i) Pet grooming;

(j) Furniture refinishing;

(k) Art studio - desktop publishing;

(l) Mail order sales;

(m) Administrative offices for building trade businesses (including plumbing, electrical, HVAC, carpentry, and general contracting), provided, however, no building trade work of any kind shall be conducted on the property;

(n) Beauty parlors.

No such permit shall be issued until and unless the applicant shall have notified the residents of all parcels of land adjoining the property, in writing, (i) that a permit to operate a Home Occupation has been requested, (ii) that such application will be granted and a permit issued, (iii) a detailed description of the proposed Home Occupation, together with a comprehensive list of any and all conditions placed on the operation or maintenance of the Home Occupation, (iv) the name, address, and telephone number of the applicant, and (v) that any objection to the issuance of the Home Occupation Permit must be filed with the applicant and the Code Enforcement Officer within seven (7) days of the date of the notice. The applicant must notify the residents of all parcels of land adjoining and adjacent to the property under consideration for the Home Occupation Permit by personally delivering the written notice or by depositing the written notice in the United States Postal Service mail, addressed to the resident of the adjoining property, with postage prepaid. Notification will be deemed to have been made when personally delivered or when properly deposited in the United States mail.

The Code Enforcement Officer shall have the ability to grant a Home Occupation Permit when a proposed Home Occupation not listed above meets each of the conditions and limitations in §154.305 and there are no customers or clients, deliveries, or traffic associated with the operation of the proposed Home Occupation. If any of these cannot be clearly determined by the Code Enforcement Officer, the conditions in paragraph (3) below shall apply.

(2) Home occupations shall not be deemed to include uses such as the following:

(a) Animal hospitals, kennels, or commercial stables;

(b) Automobile repair or paint shops;

(c) Funeral homes;

(d) Restaurants and tea rooms;

(e) Tattoo and body piercing establishments; and

(f) Tourist homes or bed-and-breakfast establishments, except as permitted in an R-2 district.

(3) All Other Permits.

No application for a Home Occupation Permit to conduct a Home Occupation other than the Home Occupations listed in paragraph (1) above, shall be granted until a public hearing has been held, pursuant to notice thereof, and a decision to issue a Home Occupation Permit has been made by the Planning and Zoning Commission, and received by the Code Enforcement Officer.

(a) Notice of Hearing. Notice of the public hearing on the application for a Home Occupation Permit must be published once less fifteen (15), nor more than thirty (30) days prior to the date of the hearing in a newspaper of general circulation with the City. In addition to the publication of notice, the applicant must notify the residents of all parcels of land adjoining and adjacent to the property under consideration for the Home Occupation Permit in writing of the public hearing. Proof of notification must be filed with the Code Enforcement Officer not less than fifteen (15) days prior to the date of the hearing. Failure to file the required proof of notification shall result in the denial of the application for the Home Occupation permit.

(b) Service of Notice. The City shall notify the residents of all parcels of land adjoining and adjacent to the property under consideration for the Home Occupation Permit by personally delivering the written notice or by depositing the written notice in the United States Postal Service mail, addressed to the resident of the adjoining and adjacent property, with postage prepaid. Notification will be deemed to have been made when personally delivered or when properly deposited in the United States mail. Failure to notify adjoining and adjacent property owners will not invalidate any permit granted.

(c) Notice Requirements. The notice of the public hearing shall contain the following information:

(i) the name and address of the applicant;

(ii) the legal description of the property upon which the proposed Home Occupation is to be conducted;

(iii) a detailed description of the proposed Home Occupation;

(iv) the time, place and date of the public hearing;

(v) a statement that all interested persons may appear at the hearing and be heard as the advisability of allowing or permitting the proposed Home Occupation to be conducted on the property.

(d) Public Hearing. The public hearing shall be held by and in front of the Planning and Zoning Commission of the City. At the hearing, the Planning and Zoning Commission shall hear testimony and receive evidence from the applicant that the proposed Home Occupation qualifies as a Home Occupation under § 154.302 of this subchapter, and, if so, that the applicant can comply with each and every provision of § 154.305 of this subchapter. In addition, the Planning and Zoning Commission shall determine each of the following when making its decision on whether to issue or deny the permit;

(i) The establishment and operation of the proposed Home Occupation will not be detrimental to or endanger the public health, safety, or general welfare; and

(ii) The proposed Home Occupation will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

The Planning and Zoning Commission may ask the applicant for any information pertinent to making a decision whether to issue or deny the requested Home Occupation Permit. The Planning and Zoning Commission shall hear and receive testimony and evidence from the Code Enforcement Officer of the City, and from all other interested parties who appear and wish to be heard. After the conclusion of the testimony, the Planning and Zoning Commission will make and issue its written decision issuing or denying the requested Home Occupation Permit.

(4) Appeals of Administratively Granted Permits.

All decisions of the Code Enforcement Officer to issue or deny a Home Occupation Permit, under the provisions allowing the administrative granting of permits, may be appealed to the Planning and Zoning Commission pursuant to the provisions of § 154.221 of this Code. Appeals of decisions of the Planning and Zoning Commission shall be made pursuant to the Illinois Administrative Review Law, as amended from time to time.

(Ord. 2186, passed 5-3-99; Am. Ord. 2878, passed 3-1-10)

§ 154.307 PENALTY

(1) Administration and Enforcement.

The Code Enforcement Officer is authorized and directed to administer and enforce all of the provisions of this Subchapter. Whenever necessary, the officials of other departments of the City will give such assistance as is consistent with the usual duties of their respective departments.

(2) Entry Onto Premises.

Upon presentation of proper credentials, the Code Enforcement Officer or his or her duly authorized agent, may enter at all reasonable times any premises when necessary to enforce the provisions of this Subchapter, or to determine whether there has been compliance with the provisions of this Subchapter. The issuance of a Home Occupation Permit by the City shall be deemed to be consent by the applicant to any such entry by the Code Enforcement Officer.

(3) Notice to Abate Violations.

Whenever it shall appear to the Code Enforcement Officer that a violation of any condition of a Home Occupation Permit, or a violation of the provisions of this Subchapter, has occurred or is occurring, or after a Home Occupation Permit has been revoked or becomes void, the Code Enforcement Officer shall issue a notice, in writing, to the original applicant to immediately correct the violation. The notice shall inform the original applicant of the violation and shall direct him or her to abate the violation and to secure compliance with the provisions of the Home Occupation Permit and the provisions of this Subchapter within twenty-four (24) hours.

(4) Failure to Abate Violations.

Upon the failure of the original applicant to abate all violations and fully comply with all of the conditions of the Home Occupation Permit and the provisions of this Subchapter within the period stated in the notice, the Code Enforcement Officer shall revoke the Home Occupation Permit.

(5) Subsequent Violations.

The violation of any condition of a Home Occupation Permit or any of the provisions of this Subchapter more than one (1) time shall result in the immediate revocation of the Home Occupation Permit.

(6) Fines.

Any person who violates any of the provisions of this Subchapter shall be fined not less than one hundred fifty dollars ($150), nor more than seven hundred fifty dollars ($750), for each offense. A separate offense shall be deemed to be committed on each day upon which a violation occurs or continues.

(7) Injunction.

In addition to the other remedies and penalties provided in this Subchapter, the City Attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, permanent injunction, or for damages against any persons violating the provisions of this Subchapter.

(Ord. 2186, passed 5-3-99)

LANDSCAPING AND SCREENING

§ 154.401 PURPOSE

(A) The City Council hereby finds that it is in the best interests of the health, safety, and welfare of the residents of the City that minimum standards be established for landscaping and screening within the City.

(B) It is the specific intent of the City to:

(1) achieve the community wide goal of developing the visual appeal of public and private open space through landscaping improvements in accordance with the City's Comprehensive Plan;

(2) provide buffering between single-family and two-family land uses and multiple-family, office, commercial, industrial, and other land uses;

(3) safeguard and enhance property values and to protect public and private investment;

(4) preserve and protect the unique identity and environment of the City and preserve the economic base attracted to the City;

(5) provide for the preservation of larger existing trees which are a valuable amenity to the urban environment, and, once destroyed, can only be fully replaced after generations;

(6) ensure that the local stock of trees and other vegetation is replenished;

(7) provide ground water recharge and stormwater runoff retardation, shade, and air purification, while at the same time reducing noise, glare, wind, and heat; and

(8) reduce soil erosion and thereby reduce sedimentation of waterways.

(Ord. 2193, passed 8-16-99)

§ 154.402 DEFINITIONS

For the purposes of this Division, the following terms shall be given the respective meanings ascribed thereto, unless the context clearly requires otherwise:

(A) **ABUTTING**. Sharing an adjacent property boundary or separated only by an alley, but not separated by a public street.

(B) **ALTERNATIVE COMPLIANCE PROCEDURE**. A method by which a property owner may comply with the terms and provisions of the Code relating to landscaping and screening by submitting a landscape plan that does not comply with the primary landscaping requirements of the landscaping and screening division of the Zoning Code. Such method involves development and submission of a comprehensive landscape plan for review and approval by the City Planner. The method allows for an alternative to the application of the point system hereinafter provided.

(C) **BERM**. A mound of earth with a maximum slope of 4:1, and a minimum height of three (3) feet. BERMS shall be planted with grass and/or other landscaping material.

(D) **DECIDUOUS SHRUB**. A lower story plant that generally will not attain a mature height of more then twenty-five (25) feet and usually has a dense branching pattern which is close to the ground level. Such plants shed their leaves and are dormant during the winter. Any plant that will not attain a mature height of more than one (1) foot will not be regarded as a deciduous shrub.

(E) **ESCROW AGREEMENT**. A written document, signed by the property owner which requires not less than one hundred ten percent (110%) of the total cost of the landscaping improvements be deposited and held as security for the full performance of the landscape plan, and the construction and development of such plan. The Escrow Agreement shall provide for, among other things, the release of funds to the City to complete or institute the landscape plan, if the landscape plan is not completed or instituted by the property owner.

(F) **EVERGREEN SHRUB**. A lower story plant that generally will not attain a mature height of more than twenty-five (25) feet and usually has a dense branching pattern which is close to the ground level. Such plants retain their foliage throughout the year. Any plant that will not attain a mature height of more than one (1) foot will not be regarded as an evergreen shrub.

(G) **EVERGREEN TREE**. A tree that retains, its foliage throughout the year, generally develops a pyramidal shape, and grows to a mature height and spread that is greater than any pyramidal shaped evergreen shrubs such as upright Junipers and upright Arborvitae.

(H) **LANDSCAPE AREA**. An area where trees, shrubs, flowers, lawn or other plantings are provided.

(I) **PARKWAY TREES**. Trees which are planted in the public right-of-way.

(J) **RESIDENTIAL DISTRICT**. Any of the zoning districts designated as R-1, R-1 A, R-2, or CE-1 by the City of Washington Zoning Code, or any of the zoning districts designated as RR, R-1, or R-2 by the Tazewell County Zoning Code.

(K) **SHADE TREE**. A deciduous plant which generally creates a tall and wide overhead canopy under natural growing conditions. Shade trees will usually have a single trunk. Such plants will shed their leaves and are dormant during winter.

(L) **TRANSITIONAL BUFFER YARD**. A landscaped yard which provides increased compatibility between abutting incompatible land uses.

(Ord. 2193, passed 8-16-99; Am. Ord. 2377, passed 5-6-02)

§ 154.403 APPLICABILITY

(A) Landscaping and/or screening shall be required and plans therefor must be submitted to the City for review and approval as follows:

(1) at the time of application for any and all building permits for new construction of any structure to be used for other than single-family or two-family dwelling units;

(2) upon a change in use of property from single-family or two-family residential use to any other use;

(3) at the time of application for any and all special use permits;

(4) upon the submission of a final plat of subdivision for a commercial or industrial subdivision, which final plat includes thereon and therein one (1) or more new public streets or other public rights-of-way; and

(5) at the time of application for any and all building permits for the expansion of existing uses, other than single-family and two-family dwelling unit uses.

(B) The provisions of this division shall apply to all zoning districts, as provided from time to time under the City's Zoning Code.

(Ord. 2193, passed 8-16-99)

§ 154.404 PRIMARY LANDSCAPING REQUIREMENTS

(A) Performance Standards. All landscape plans, including those submitted under the Alternative Compliance Procedures, shall fully meet the following Performance Standards:

(1) Landscaping and landscaping materials shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the site;

(2) Landscaping materials must be selected and placed in such a manner that they do not interfere with or damage existing utilities;

(3) Landscaping materials must be selected and placed so as not to affect the safe and enjoyable use of surrounding properties;

(4) Landscaping materials must be selected and placed taking into account the ultimate size that will be achieved over time by the landscaping materials selected;

(5) Landscaping materials with thorns, berries, and other undesirable plant characteristics must be placed to avoid potential harm to persons or property on and off-site.

(6) Weak wooded trees may only be used where limb breakage will not cause harm to persons or property.

(B) Calculation of Minimum Requirements. Unless otherwise permitted by the Alternative Compliance Procedures of this Division, every landscape plan shall include therein Streetside Landscaping, Parking Lot Landscaping, and Traditional Buffer Yard landscaping as hereinafter provided. The landscaping materials and the quantities and types thereof shall be calculated and determined as follows:

(1) Streetside Landscaping. Streetside Landscaping shall be so designed and constructed that the total of all points assigned to the landscaping materials utilized must equal or exceed the number obtained by dividing the lot frontage on the street, measured in linear feet, by two (2).

All Streetside Landscaping must be located in the area between the front lot line (adjacent to the street) and the nearest point of any parking lot, access drive or road, or building on the property. The above described area must be not less than ten (10) feet in depth, notwithstanding the required minimum front yard under the provisions of the particular zoning district.

Existing Parkway Trees may comprise up to one-half (½) of the total points that must be obtained through trees where the existing Parkway Trees are located within ten (10) feet of the front lot line (adjacent to the street).

(2) Parking Lot Landscaping. Parking Lot Landscaping shall be so designed and constructed that the total of all points assigned to Parking Lot Landscaping used must equal or exceed the number of parking spaces provided on the property; provided, however, the following additional requirements shall also apply:

(a) Fewer Than One Hundred (100) Parking Spaces. If the parking lot has fewer than one hundred (100) parking spaces, the Parking Lot Landscaping may be placed within an interior curbed parking island and/or within ten (10) feet of the perimeter of the parking lot.

(b) One Hundred (100) or More Parking Spaces. If the parking lot has one hundred (100) or more parking spaces, one-half (½) of the required points assigned to the landscaping materials used must consist of shade trees planted in curbed parking islands within the interior of the parking lot. Parking islands must be protected with concrete curbs, or a functionally equivalent material that has received the prior approval of the City Planner. Landscape timbers, railroad ties, and wood or lumber are not functionally equivalent to concrete curbs, and are not acceptable hereunder.

(c) Minimum Area for Planting Trees. The minimum area for planting all types of trees within parking lots will be not less than one hundred eighty (180) square feet. Shade trees and intermediate trees may not be planted in any area with a width of less than five (5) feet. Evergreen trees may not be planted in any area with a width of less than ten (10) feet. Shrubs may not be planted in any area with a width of less than two (2) feet. The widths of all plantings within curbed parking islands must be measured from the back of the curb.

(d) Location of Parking Lot Landscaping. The location of the Parking Lot Landscaping will be subject to review and approval by the City Planner.

(3) Transitional Buffer Yard. Transitional Buffer Yards shall be so designed and constructed so that the total of all points assigned to the landscaping materials used therein must equal or exceed the number of linear feet of the length of the Transitional Buffer Yard as measured along the property line separating the residential district or residential use from the property subject to this division. The following additional requirements shall apply to a Transitional Buffer Yard:

(a) Evergreen Materials. One-half (½) of the total points assigned to the landscaping materials used in the Transitional Buffer Yard shall be comprised of evergreen or broadleaf evergreen plantings.

(b) Depth of Yard. The depth of the Transitional Buffer Yard shall be not less than ten percent (10%) of the lot width or depth, whichever is applicable, provided that in no event may the Transitional Buffer Yard be less than

ten (10) feet. No Transitional Buffer Yard will be required to be more than twenty-five (25) feet in width or depth.

(c) Prohibited Materials. No aisleways, driveways, parking areas, refuse containers, service vehicle maneuvering areas, storage, towers, or structures of any form may be located within any Transitional Buffer Yard, except as specifically permitted by this division. If an emergency exit is required by Code to be located within the Transitional Buffer Yard, a concrete pad of no more than twenty three (23) square feet may be placed at grade level immediately outside of the required emergency exit.

(d) Utility Structures. Utility structures or units are permitted in a Transitional Buffer Yard if properly screened from the adjacent residential property, subject to the review and approval by the City Planner. The utility structure must be visually screened with a fence, wall, berm, evergreen planting, or combination thereof, which achieves a substantially solid six (6) foot visual barrier.

(e) Screening of Activity Areas. A visual barrier will be required when all or a portion of the subject site immediately adjacent to the Transitional Buffer Yard is planned to be used for the following activities:

(i) loading, unloading, or storage of refuse containers/dumpsters

(ii) storage or display of materials or merchandise;

(iii) loading or unloading of passengers or goods; and

(iv) parking of vehicles.

The above referred to visual barrier shall consist of a fence, wall, berm, evergreen planting, or combination thereof which achieves a substantially solid six (6) foot visual barrier. If a fence or wall is used to meet this requirement, it must be located between the activity area and the Transitional Buffer Yard.

All plantings used to meet the screening of activity area requirements must be capable of achieving a substantially solid six (6) foot visual barrier within two (2) years of the date of the issuance of the Certificate of Occupancy by the City.

(4) Expansion of Existing Structures. Where an existing structure, other than a one-family or two-family dwelling, is expanded, the landscaping plan shall include such landscaping materials as are required for new construction, provided that the number of points that must be obtained by the landscaping materials used may be reduced as follows:

If Expansion Square Footage Divided by Pre-Expansion Square Footage is:	**. . . then Percentage of Points Required is:**
0% - 25%	0%
26% - 50%	50%
51 % or more	100%

(5) Point System Classification. The following points shall be assigned to and shall apply for all required landscaping and landscaping materials:

Tree Classification	***Base Value***
Shade Trees	18 points
Evergreen Trees	18 points
Intermediate Trees	12 points

Shrub Classification	***Base Value***
Evergreen Trees	18 points
Evergreen Shrubs	3 points
Deciduous Shrubs	2 points

(6) Incentive for Preserving Existing Landscaping. Existing landscaping that is in a vigorous growing condition and is not specifically prohibited by this Division may be used to meet the point requirements of this Division. Furthermore, the following landscaping materials will be awarded five (5) additional points (added to base value) per tree when preserved:

Type of Material	***Size***
Shade Trees	12 inch diameter trunk or greater
Intermediate Tree	15 feet height or taller
Evergreen Tree	15 feet height or taller

(7) Incentive for Planting Larger Landscaping. Planting of landscaping materials which are larger than the minimum required sizes specified herein will be rewarded with five (5) additional points (added to base value) per tree when the proposed sizes are as follows:

Type of Landscaping Material	***Sizes***
Shade Tree	4 inches diameter (5 inches in Transitional Buffer Yards) or greater
Intermediate Tree	10 feet height or taller
Evergreen Tree	10 feet height or taller

(8) Landscaping Material.

(a) Selection. All landscaping materials must be in a healthy, vigorous growing condition. All landscaping materials must be capable of withstanding the extremes of the particular site microclimates.

(b) Minimum Size. All landscaping materials required herein must, at the time of planting, be of the following minimum size:

- Shade Trees - Trunk caliper (diameter) of two and one-half (2-1/2) inches.

- Evergreen Trees - Six (6) feet in height.

- Intermediate Trees - Single stem varieties shall have a trunk caliper (diameter) of one and one-half (1-1/2) inches. Multi-stem varieties shall have a minimum height of six (6) feet.

- Shrubs (all) - Two (2) feet in height or spread.

Trunk caliper shall be measured two (2) feet above the ground.

(c) Prohibited Trees. The following trees may not be used in meeting any of the requirements of this Division:

- Ailanthus (Tree of Heaven);
- Box Elder;
- European Mountain Ash;
- European White Birch;
- Mulberry;
- Poplar;
- Purple-leaf Plum;
- Russian Olive;
- Siberian Elm;
- Silver Maple;
- Willow.

(9) Ground Cover and Mulching Requirements.

(a) All landscape areas must be planted and maintained with a vegetative ground cover such as sod or seed. Other low growing plants (evergreen or broadleaf plants with a mature height of one (1) foot or less) may also be utilized.

(b) If low growing broadleaf evergreen plants such as Pachysandra, Vinca Minor, and Purpleleaf Wintercreeper are utilized to meet the ground cover requirements, such must be planted together in continuous beds, mulched with shredded hardwood bark or cypress mulch and spaced in such a way that they achieve a substantially continuous ground cover within two (2) years from the date a Certificate of Occupancy is issued by the City.

(c) Creeping Junipers must be mulched with shredded hardwood bark, cypress, or gravel mulch and must achieve a substantially continuous ground cover within two (2) years from the date a Certificate of Occupancy is issued by the City.

(d) All required shrubs and trees must be mulched and maintained with shredded hardwood bark, cypress, or gravel mulch. Plant groups must be mulched in a continuous bed in which the edge of the mulching bed does not extend any more than four (4) feet beyond the edge of the plantings.

(e) When required shrubs or trees are planted individually and away from nearby plants, they must be encircled in a mulched area with a diameter of no more than five (5) feet. Evergreen trees may be mulched in a circle with a diameter large enough to accommodate the spread of the tree and up to four (4) additional feet of mulch beyond the edge of the tree.

(f) All mulch proposed to be placed within or directly adjacent to a parking lot shall be shredded hardwood bark or cypress mulch. Gravel mulch will not be permitted within or directly adjacent to parking lots.

(Ord. 2193, passed 8-16-99)

§ 154.405 ALTERNATIVE COMPLIANCE PROCEDURES

(A) Application. In lieu of complying with the point system for determining the nature and extent of landscaping and screening required on any property, a comprehensive landscaping plan may be submitted where practical difficulties or a particular hardship exists that renders strict compliance with the point system impossible or impractical.

(B) Practical Difficulty or Particular Hardship. A practical difficulty or particular hardship exists only where one (1) or more of the following conditions is found to exist:

(1) The view of the landscaping will be blocked by a changed in grade, natural vegetation, or man-made features;

(2) An existing building or a concrete or asphalt parking lot occupies the area where the landscaping would otherwise be required (except for parking lot landscaping);

(3) In the case of a Transitional Buffer Yard, the adjacent residentially zoned property has previously been developed with a use other than residential, and the City Planner determines that a reduction in the nature and extent of the landscaping and screening will not have a negative impact on the adjacent property;

(4) In the case of a Transitional Buffer Yard, the adjacent residentially zoned property is vacant and is not proposed to be used for residential purposes in the City's Comprehensive Plan.

Economic hardship, standing alone, will not be considered a practical difficulty or a particular hardship.

(C) Satisfaction of Performance Standards. Comprehensive landscaping plans submitted under this Section must fully achieve the performance standards as contained in Paragraph (A) of § 154.404.

(D) Minor Adjustments to Existing Special Uses. Where the holder of an existing special use plans or proposes to make a change to the existing landscape plan, or to its existing landscaping, the owner or holder of the special use may follow the provisions of this paragraph:

(1) Plan Submission. When a minor adjustment to the landscaping of an existing special use is planned or proposed, the holder of the special use may either request a public hearing before the Plan Commission as to the proposed modification of the existing landscaping plan, or may submit an amended plan to the City Planner for review as provided in this Section.

(2) City Planner's Authority. The City Planner shall determine whether the proposed adjustment to the landscaping or landscaping plan will have any impact on the special use or surrounding property, other than on the landscaping itself. The City

Planner may approve the proposed amendment, or may state that the request must be processed through the Planning and Zoning Commission and City Council.

(3) Planning and Zoning Commission. Where the holder of a special use elects to request a public hearing before the Planning and Zoning Commission, or where the City Planner requests that the proposed change be processed through the Planning and Zoning Commission, the Planning and Zoning Commission shall hold a public hearing on the proposed change to the landscaping or landscaping plan.

(4) Public Hearing. The Planning and Zoning Commission shall, when requested by the holder of a special use or the City Planner, hold a public hearing on any proposed modification of the landscaping or landscaping plan to an existing special use. The hearing shall be open to the public, and shall be held after notice of such hearing is given by one (1) publication in the City at least fifteen (15) days before the time of the hearing. The notice of public hearing shall state the time, place, and date of the public hearing, the purpose of the public hearing, and contain a correct description of the property that is subject to the existing special use.

(5) Planning and Zoning Commission Recommendation. After the conclusion of the public hearing, the Planning and Zoning Commission shall make its recommendation as to the granting or denying of the proposed change to the existing landscaping plan or landscaping of an existing special use to the City Council. That recommendation shall be made in writing and forwarded to the City Council by the Planning and Zoning Commission. The recommendation shall contain findings of fact and shall contain an explicit recommendation for approval or denial of the proposed change to the landscaping or landscaping plan for the existing special use.

(6) City Council Action. The City Council shall have final authority to approve or deny the change to the landscaping or landscaping plan for an existing special use. The City Council, at a regularly or specially held meeting thereof, shall approve or deny the request for the change after having considered the Planning and Zoning Commission's recommendation.

(Ord. 2193, passed 8-16-99)

§ 154.406 LANDSCAPE MAINTENANCE

(A) Responsibility. The owner of property subject to a landscaping plan shall be responsible for the maintenance, repair, and replacement of all landscaping, landscaping materials, fences, and other visual barriers, including but not limited to refuse disposal area screens.

(B) Plant Materials. .All required landscaping materials must be maintained in a healthy, vigorous growing condition, and neat and orderly appearance. Landscaping materials must be replaced as necessary, and must be kept free of refuse and debris.

(C) Fences and Walls. All fences, walls, and other barriers must be maintained in good repair, such that same are at all times structurally sound and attractive in appearance. All fences must have the finished face directed toward residential property, where a residential property is adjacent to or separated only by a public or private street or right-of-way.

(Ord. 2193, passed 8-16-99)

§ 154.407 OTHER SCREENING

(A) Refuse Disposal Area Screens. All refuse disposal areas must be landscaped and otherwise screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet.

(B) Mechanical Equipment Screens. All rooftop and ground level mechanical equipment and utilities must be fully landscaped or otherwise screened from view of any street or residential zoning district as seen from six (6) feet above ground level.

(C) Screening for Scrap, Junk, Salvage, Reclamation, or Similar Yards. Any scrap, junk, salvage, reclamation or similar yard, or any auto salvage yard must provide a solid fence or wall with only such openings as are necessary for ingress or egress. Said fence or wall shall be located as otherwise required in this Division unless same is located adjacent to a non-residential property, in which case it shall be located as near to the lot line separating the properties as shall be possible. Said fence or wall shall be maintained in good repair and in a neat and orderly appearance and shall be of such height that any materials stored within the confines of the fence cannot be seen above a line of sight established between a point four and one-half (4-1/2) feet above the centerline of the street nearest to that fence, and the top of said fence.

(Ord. 2193, passed 8-16-99)

§ 154.408 LANDSCAPING PLAN SUBMISSION AND REVIEW

The landscaping plan must contain all of the information required in this division. Landscaping and screening must be completed prior to issuance of a certificate of occupancy, unless an escrow agreement is approved by the City.

(A) Content of Landscaping Plan. The following information must be shown on all landscaping plans:

(1) North arrow, scale, date of preparation and date of revisions, name and address of designer or drafter;

(2) Location of all buildings, structures, and pavement that are proposed or will remain on the site;

(3) Location of all existing or proposed watercourses, ponds, lakes, or other bodies of water;

(4) Location, size, and common name of any existing trees or shrubs that are to be preserved;

(5) Location of all landscaping and landscaping materials that are proposed for the site, including any trees, shrubs, ground cover, ornamental grasses, and flower beds, identifying thereon the name and type of each such tree, shrub, ground cover, or ornamental grass;

(6) Location of any existing or proposed signs, walls, fences, berms (at one (1) foot contour intervals), site furniture, lights, fountains, and sculptures;

(7) Location of all property lines;

(8) Location of all curb lines for existing and proposed streets, alleys, and parking lots;

(9) Location of all sidewalks, existing or proposed for the site, or that currently adjoin the site;

(10) Comprehensive plant list that describes the common name, quantity, and size for each proposed plant that is shown or described in the landscaping plan;

(11) Such other additional information as may be required by the City Planner to adequately review the landscaping plan.

(B) Alternative Compliance Procedure. The Landscaping Plan must clearly indicate on the face thereof that the Landscaping Plan is being submitted under the Alternative Compliance Procedures of this Division, or the Landscaping Plan will be reviewed for compliance with the Primary Landscaping Requirements.

(C) Installation of Landscaping. All landscape plans must be approved as provided in this division prior to the installation of the landscaping or landscaping materials.

(Ord. 2193, passed 8-16-99; Am. Ord. 2377, passed 5-6-02)

§ 154.409 VARIANCES

Variances as described in this subchapter may be permitted by the Planning and Zoning Commission in appropriate cases, subject to the legislative intent specified in the zoning code, and the standards established by that Code. In all cases the scope of authority which the Planning and Zoning Commission shall have to grant landscaping and screening variances from the provisions of this subchapter is limited to those as permitted by state statute.

In addition to any power herein granted to the Planning and Zoning Commission, the corporate authorities reserve and retain the power to determine and vary by ordinance the application to the landscaping and screening regulations herein contained in harmony with their general purpose and intent in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations. No such variance shall be made by the corporate authorities without a hearing before the Planning and Zoning Commission.

(Ord. 2193, passed 8-16-99; Am. Ord. 2377, passed 5-6-02)

§ 154.410 PENALTY

(A) Any person, firm, corporation, partnership, or other entity that violates any of the provisions of this division shall be punished by a fine of not less than one hundred dollars ($100.00) and not more than seven hundred fifty dollars ($750.00). Each day any violation of this chapter shall occur shall constitute a separate offense. This penalty shall be in addition to the costs and penalties provided for as hereinafter provided in this Section.

(B) In addition to the other remedies and penalties provided in this Section, the City Attorney is authorized to file appropriate civil actions for temporary restraining order, temporary injunction, permanent injunction, or for damages against any person violating this division.

(C) When the existence of a violation of this division is brought to the attention of the City Planner, he shall cause an inspection investigation to be made by the appropriate agencies

to determine whether or not a violation has occurred, and the nature and extent of the violation.

(1) If, after inspection and investigation, the City Planner determines that a violation of this Section has occurred, the City Planner shall cause a notice in writing to be served upon the person who is responsible for the existence of the violation. Notice may be served by mailing a copy thereof to the last known address of the person who is responsible for the existence of the violation, return receipt requested, or may be personally delivered by a representative of the City. The notice shall indicate the date of the inspection and investigation, and the nature and extent of the violation.

(2) The notice shall grant a reasonable period of time within which to restore or replace the landscaping material, and/or correct any violation found to exist. If said violation is not corrected within the given period of time, the violation may be abated or corrected by the City under the direction of the City Planner, and the cost of so doing shall be collected from the person who is responsible for the violation, with a penalty of ten percent (10%) of such costs in an appropriate court of competent jurisdiction.

(Ord. 2193, passed 8-16-99)

TELECOMMUNICATIONS TOWERS

§ 154.501 TITLE

This Code shall be known as the Telecommunications Towers Code of the City of Washington, Illinois, and may be so cited and pleaded and shall be referred to herein as the Telecommunications Towers Code.

§ 154.502 PURPOSE

The primary intent of this Division is to regulate personal wireless service facilities, including antennae, mounts, and equipment to be located within the City of Washington. This Code is not intended to, nor does it apply to, amateur radio communications and amateur radio antennae. Therefore, the purpose of this Division shall be to:

(A) Comply with all federal and state regulations regarding the placement, use, and maintenance of PWSFs.

(B) Encourage the continued improvement of wireless telecommunications service in the city.

(C) Minimize, to the extent permitted by law, the proliferation of visual and safety impacts of PWSFs throughout the City.

(D) Promote both proper maintenance and renovation of PWSFs.

(E) Encourage the use of co-location of PWSFs by multiple providers so as to reduce the number of high towers needed within the City of Washington.

(F) Recognize the commercial communication requirements of all sectors of the business and residential community.

§ 154.503 DEFINITIONS

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

ABOVE GROUND LEVEL. The actual height of the PWSF from the sidewalk level or equivalent established grade to the highest part of the mount or the antenna, whichever is higher.

ANTENNA. A whip (omni-directional antenna), panel (direction antenna), disc (parabolic antenna), or similar device used for transmission and/or reception of radio frequency signals.

ANTENNA ARRAY. An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennae (whips), directional antennae (panels), and parabolic antennae (discs). The antenna array does not include the mount as defined herein.

APPLICANT. A person or entity with an application before the City for a permit for a PWSF.

CAMOUFLAGE. A way of painting and mounting a PWSF that requires minimal changes to the host structure in order to accommodate the facility.

CARRIER. A company licensed by the Federal Communications Commission (FCC) that provides wireless services. For purposes of this Title, a tower builder shall not be considered a carrier.

CELL SITE. A generic term for a PWSF.

CELLULAR. A mobile telephone service operating in the 800 MHz spectrum.

CO-APPLICANT. Any person and/or entity joining with an applicant in an application for a permit for a PWSF, including the owner(s) of the PWSF, owner(s) of the subject property, and any proposed tenant(s) for the PWSF.

CO-LOCATION. The use of a common tower or structure by two or more wireless license holders or by one wireless license holder for more than one type of communications technology for purposes of maintaining two or more PWSFs.

COMMERCIAL COMMUNICATIONS TOWER. Any television, radio or communications tower which is not a facility designed or used for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. Commercial Communications Towers do not include Amateur Radio/Citizens Radio Antennae, which shall meet the requirements of Sections 154.210 through 154.217 of the Zoning Code.

COMMERCIAL MOBILE RADIO SERVICES (CMRS). Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data, and video. According to the FCC, these services are "functionally equivalent services." Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

CONCEAL. To enclose a PWSF within a natural or man-made feature resulting in the facility being either invisible or made part of the feature enclosing it.

DESIGN. The appearance of PWSFs such as their materials, colors, and shape.

DISGUISE. To design a PWSF to appear to be something other than a PWSF.

ENHANCED SPECIALIZED MOBILE RADIO (ESMR). Private land mobile radio with telephone services.

EQUIPMENT CABINET/EQUIPMENT SHELTER. An enclosed structure at the base of the mount within which are housed the equipment for the PWSF, such as batteries and electrical equipment.

FALL ZONE. The area on the ground within a prescribed radius from the base of a PWSF. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material.

FEDERAL COMMUNICATIONS COMMISSION (FCC). An independent federal agency charged with licensing and regulating wireless communications at the national level.

FUNCTIONALLY EQUIVALENT SERVICES. Cellular, PCS, Enhanced Specialized Mobile Radio, Specialized Mobile Radio, and Paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

HEIGHT. The distance measured from sidewalk level or equivalent grade, which for purposes of this ordinance will be called above ground level, to the highest point of a PWSF, including the antenna array.

LATTICE TOWER. See Tower, Lattice.

LICENSED CARRIER. A company authorized by the FCC to construct and operate a commercial mobile radio services system. A licensed carrier must be identified for every PWSF application.

LOCATION. The area where a PWSF is located or proposed to be located.

MICROCELL. Any PWSF that is designed to generate lower power density than that limited by the FCC "Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation."

MITIGATION. The reduction or elimination of visual impacts by the use of one or more methods:

(1) Concealment.
(2) Camouflage.
(3) Disguise.

MODIFICATION. The changing of any portion of a PWSF from its description in a previously approved permit. The FCC definitions for "modification" are different from local government rules.

MONOPOLE. The shape of mount that is self-supporting with a single shaft of wood, steel, or concrete, and antennae at the top and/or along the shaft.

MOUNT. The structure or surface upon which antennae are mounted, e.g.:

(1) Roof-mounted. Mounted on the roof of a building.
(2) Side-mounted. Mounted on the side of a building.
(3) Ground-mounted. Mounted on the ground.

(4) Structure-mounted. Mounted on a structure other than a building.

PERSONAL WIRELESS SERVICE FACILITY (PWSF). A facility for the transmission or reception of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF includes any unstaffed facility for the transmission or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter, and a mount.

PERSONAL WIRELESS SERVICES. Any personal wireless service defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services.

PUBLIC PROPERTY. Site or property owned or controlled by the City of Washington, Northern Tazewell Fire Protection District, Northern Tazewell Water District, School Districts 50, 51, 52 or 308, Tazewell County, Washington District Library, Washington Fire Department, Washington Park District, or Washington Township.

RADIO FREQUENCY (RF) ENGINEER. Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.

RADIO FREQUENCY RADIATION. The emissions from PWSFs that can, in excessive amounts, be harmful to humans. RF emissions are byproducts of the RF signal (RFR).

RADIO FREQUENCY SIGNAL. The actual beam or radio waves sent and received by a PWSF. A signal is the deliberate product of a PWSF. The RF emission is the byproduct.

SECURITY BARRIER. A locked, impenetrable wall, fence, or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION. The distance between one carrier's antenna array and another carrier's antenna array.

SITE. That portion of a subject property where a PWSF is to be placed. Any acceptable location may have several potential sites within it.

SITING. The method and form of placement of PWSFs on a specific area of a subject property.

SPECIALIZED MOBILE RADIO (SMR). A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers, or taxis within a small, definable geographic area.

STANDARDS. Rules or measures by which acceptability is determined. PWSFs are measured by visibility or safety. Wireless planning regulates PWSFs based on location (or where the PWSF site can go), siting (or how the PWSF is placed within its setting), and design (or what the PWSF looks like).

TOWER. Any ground, roof or otherwise mounted pole, spire, antenna, antenna array, mount, structure, or combination thereof which exceeds thirty-five (35) feet in height. The height of an antenna or antenna array shall not include the height of any pre-existing structure or equipment constructed pursuant to a valid building permit.

TOWER, GUYED. A monopole or lattice tower that is anchored to the ground or to another surface by diagonal cables.

TOWER, LATTICE. A type of mount that is usually ground-mounted and self-supporting with multiple legs and cross-bracing of structural steel.

UNLICENSED WIRELESS SERVICES. Commercial mobile services that can operate on public domain frequencies and therefore need no FCC license for their sites.

WIRELESS COMMUNICATIONS. Any form of signaling by wireless, including personal wireless services, that require a transmitter, a receiver, and a path - sometimes straight, sometimes indirect - between them.

§ 154.504 CO-LOCATION REQUIREMENTS

All PWSFs erected, constructed, or located within the City shall comply with the following requirements:

(A) Proposals for a PWSF tower shall not be approved unless the City Council finds that the antenna or antenna array and other telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or structure within a one-mile radius of the proposed tower due to one or more of the following reasons:

(1) The planned equipment, if installed, would exceed the structural capacity of any existing or approved towers or structures, as documented by a qualified licensed structural engineer, and all the existing and approved towers cannot be reinforced,

modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at a tower or structure as documented by a qualified licensed professional engineer and interference cannot be prevented at a reasonable cost.

(3) Existing or approved towers and the structures within a one-mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified licensed professional engineer.

(4) Other unforeseen reasons that make it unfeasible to locate the planned equipment on an existing or approved tower or structure.

(B) Any proposed PWSF tower shall be designed, structurally, electrically, in all respects, to accommodate both the applicant's antenna and equipment and comparable antenna and equipment for at least two (2) additional users if the tower is over 100 feet in height, or at least one additional user if the tower is from sixty (60) to 100 feet in height. Towers must be designed to allow for future rearrangement of antennae upon a tower and to accept antennae mounted at varying heights.

§ 154.505 PRE-EXISTING PERSONAL WIRELESS SERVICE FACILITIES

(A) A PWSF for which a permit has been issued prior to the effective date of this ordinance shall be deemed a permitted use, subject to the conditions of that permit. When a PWSF for which no permit has been obtained (unpermitted PWSF) is identified by The City of Washington to be attached to a mount approved for another use or PWSF, the unpermitted PWSF must apply for a separate permit, even when (i) sharing a legal mount, (ii) already in operation, and (iii) duly licensed by the Federal Communications Commission. The issuance of permit renewals or other new permits for such facilities shall be in accordance with the provisions of this Division. Unpermitted PWSFs will be considered out of compliance with this Division and subject to abatement.

(B) Any PWSF or mount hereafter damaged or destroyed due to any reason or cause whatsoever may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this Division, unless the cost of repairing the PWSF or mount to its former use, physical dimensions, and location would be fifty percent (50%) or more of the cost of a new mount of like kind and quality, then the mount may not be repaired or replaced, except in full compliance with this Division.

(C) Placement of an attached array or a microcell on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure. However, placement of any attached array, microcell, or any other portions of a PWSF on an existing structure, whether legally non-conforming or in, as well as out of, compliance, shall require a permit to be obtained for the PWSF under the terms of this Division.

(D) Unpermitted Facilities, Mounts or Equipment Ineligible for Co-location: No issuance of any permit under this Division shall occur for a request to co-locate, attach, or share an existing PWSF site, mount, or facility, when such existing site, mount, or facility is found to have one or more PWSFs without permits required by the City of Washington and the laws that the City is authorized to implement and enforce.

§ 154.506 SPECIFICATION OF LAND USE CLASSIFICATIONS

Notwithstanding anything in the Zoning Code to the contrary, PWSFs shall be a permitted use or a special use in all zoning districts, provided that such PWSFs comply with the standards of this Division and the permits under which PWSFs are regulated.

§ 154.507 TIERED PERMIT PROCESS

(A) It shall be unlawful for any person, firm, or corporation to erect, construct in a place, place or re-erect, replace, or repair any CMRF, including any PWSF, without first making application to the City of Washington and securing a permit under one of the following "tiers."

(B) The City of Washington City Planner shall receive all PWSF applications and assign each application to one of the following "tiers."

(1) Tier One

(a) This tier is limited to applications for a building permit that comply with the following:

(i) Any antenna or antenna array added to an existing building or structure located on Public Property provided that the antenna or antenna array extends no more than ten (10) feet higher than the existing building or structure.

(ii) Meets all Standards for Safety in Section 154.508 of this Division.

(b) Tier One applications need not meet all Standards for Location, Siting, and Design in Section 154.508 of this ordinance.

(c) Applicants shall review maps available at the City of Washington showing Public Property locations.

(d) Tier One Review and Approval/Reassignment to Tier Two: All Tier One applications shall be reviewed by the City Planner or his or her designee. The City Planner may:

(i) Review and direct the Building and Zoning Supervisor to grant a building permit.

(ii) Review and direct the Building and Zoning Supervisor to reassign the application for a Tier Two review.

(iii) Review and deny the application.

(2) Tier Two

(a) This tier is limited to applications for a building permit that comply with the following:

(i) Proposed for Public Property but not approved under Tier One as provided in Section 154.507(B)(1), excluding those which include the construction of a tower, which shall be reviewed under Tier Three; or

(ii) Limited to an antenna or antenna array if added to an existing building, structure, excluding single- and two-family dwellings, but including streetlights, utility poles, traffic signal poles, existing monopoles or towers, or other structures not inconsistent with the proposed PWSF.

(b) Tier Two applications shall meet all Standards for Location, Siting, Design, and Safety set forth in Section 154.508 of this ordinance.

(c) Applicants shall review maps available at the City of Washington showing Public Property locations.

(d) Tier Two Review and Approval/Reassignment to Tier Three/Denial: All Tier Two applications shall be reviewed by the City Planner or his or her designee. The City Planner may:

(1) Review the application and direct the Building and Zoning Supervisor to grant a building permit.

(2) Review the application and consult with the applicant concerning submission of a modified request under Tier Two or an application for special use under Tier Three.

(3) Review and deny the request.

(3) Tier Three

(a) All applications that do not qualify as either Tier One or Tier Two shall be considered Tier Three applications, which shall not be a permitted use in any zoning district, but shall be permitted only as a special use.

(b) Tier Three applications shall meet all Standards for Location, Siting, Design, and Safety in Section 154.508 of this ordinance.

(c) All PWSFs requiring Tier Three applications shall be a special use within each zoning district and reviewed, approved, or denied as provided in this Division and Sections 154.120 through 154.126 of the Zoning Code.

(1) Tier Three Review and Recommendation to the Planning and Zoning Commission and City Council for approval/denial: All Tier Three applications shall be reviewed by the City Planner for a special use permit. The City Planner shall prepare a report to the Planning and Zoning Commission. The Planning and Zoning Commission shall act on these applications in accordance with Sections 154.120 through 154.126 of the Zoning Code by preparing written recommendations to the City Council.

(d) All recommendations of the Planning and Zoning Commission shall be forwarded to the City Council for final action. The City Council may accept, deny or modify the Planning and Zoning Commission recommendation in accordance with Sections 154.120 through 154.126 of the Zoning Code.

§ 154.508 STANDARDS

The approval of any PWSF which does not meet the requirements of Tier One applications shall be subject to meeting or exceeding all of the following standards:

(A) Location Standards.

(1) Preferred Sites: All applicants seeking to erect a PWSF in the City of Washington shall make a good faith effort to locate the equipment at a Preferred Site. Prior to making application to erect a PWSF at a site other than a Preferred Site, the applicant shall discuss potential Preferred Sites with the City Planner to determine whether any potential Preferred Sites are feasible. The application to erect a PWSF at a site other than a Preferred Site shall include a signed affidavit from the applicant indicating that no Preferred Sites are feasible for this proposed PWSF. If the City Planner had recommended specific Preferred Sites, the affidavit shall set forth all reasons that each Preferred Site proposed by the City Planner is not feasible. Preferred Sites shall mean the following:

(a) Rooftops on any building other than single- and two-family dwellings.

(b) Utility poles, including telephone poles, utility distribution and transmission poles, street, and traffic signal poles.

(c) Other kinds of poles, including Civil Defense mounts, public field light standards, and private parking or storage lot light standards.

(d) Wooded areas where the height above ground level of the PWSF does not exceed the tree line by more than ten (10) feet.

(e) Steeples on churches already having steeples or on newly constructed steeples.

(f) On Public Property as defined in Section 154.503.

(g) In C-3, I-1, I-1A, and I-2 zoning districts.

(2) Avoidance Sites: A PWSF shall not be located in an Avoidance Site unless the applicant can demonstrate that this regulation "has the effect of prohibiting service" as that term is defined in the Telecommunications Act of 1996. Avoidance Sites shall mean the following:

(a) Flood-prone areas, as mapped by the Federal Emergency Management Agency on a Flood Insurance Rate Map.

(b) Wetlands, water bodies, and watercourses, as mapped by the Illinois Department of Natural Resources.

(c) Visual and community entrance corridors, including any location within two hundred fifty (250) feet of the following arterial roads: Business Route 24 (including McClugage Road, Washington Road, Peoria Street, and Walnut Street), Cummings Lane, Main Street, U.S. 24 and other corridors as mapped by the City of Washington.

(d) CE, R-lA, R-1, and R-2 zoning districts, except in the case of Public Property.

(3) Prohibited sites: No Tower with a height exceeding thirty-five (35) feet above ground level shall be permitted in the area bounded by Jefferson Street on the north, Elm Street on the east, Holland Street on the south, and Wood Street on the west, nor within 250 feet of any property designated by the City of Washington as an Historic District or Historic Landmark.

(4) Use or lease of property for PWSFs shall not be subject to the requirements of the Subdivision Code. A plat of survey shall accompany permit applications where the applicant proposes to lease the property.

(5) For purposes of determining whether the application complies with zoning district development regulations, the dimensions of the entire lot shall control.

(B) Siting Standards. PWSFs shall meet the following siting standards:

(1) To the greatest extent possible, PWSFs shall be concealed within existing structures or located where camouflaged conditions surround them, or located on inconspicuous mounts.

(2) Wherever possible, PWSFs shall be placed within trees, but no antenna should extend higher than ten (10) feet above the average tree height.

(3) Placement on existing roofs or non-wireless structures shall be favored over ground-mounted PWSFs.

(4) Wherever possible, roof-mounted PWSFs shall not project more than ten (10) additional feet above the height of a legal building.

(5) Wherever possible, side-mounted PWSFs shall not project more than twenty (20) inches from the face of the mounting structure.

(C) Design Standards. PWSFs shall meet the following design standards:

(1) Color. All PWSFs shall be painted or be complementary with trees, sky and other surroundings.

(2) Size. The silhouette of the PWSF shall be reduced to minimize visual impact.

(3) PWSFs near residences shall either:

(a) Provide underground vaults for equipment shelters, or

(b) Place equipment shelters within enclosed structures.

(4) Equipment: The following types of equipment are discouraged and may not be utilized unless the applicant demonstrates that this regulation has the "effect of prohibiting service" as that term is defined in the Telecommunications Act of 1996: Roof-mounted monopoles, lattice towers, or guyed towers; ground-mounted lattice towers; and ground-mounted guyed towers.

(5) Metal towers shall be constructed of, or treated with, corrosive resistant material. Wood poles shall be impregnated with rot-resistant substances.

(6) Height of PWSFs shall be kept to a minimum and shall not exceed 125 feet above ground level unless the applicant obtains a variance of height in addition to any required special use permit.

(D) Safety Standards. PWSFs shall meet the following safety standards:

(1) All PWSFs shall comply with tornado design standards as contained in the Washington Building Code or EIA-TIA 222 (latest version), whichever is stricter.

(2) Roof mounts on buildings shall have railings to protect workers.

(3) All transmission cables and cable trays deployed horizontally above the ground between a mount and a structure, or between mounts, shall be at least eight (8) feet above the ground at all points.

(4) All construction of PWSFs shall be in compliance with the National Electrical Code.

§ 154.509 FALL ZONE; SETBACK REQUIREMENTS

(A) Fall Zone: No PWSF shall be located any closer to a habitable structure or outdoor area where people congregate than its fall zone. For purposes of this section, the fall zone shall be one hundred ten percent (110%) of the height of the PWSF. This provision shall apply only to Tier Three applications.

(B) Setback

(1) All PWSFs including mounts and equipment shelters shall comply with the minimum building and landscape/screening setback requirements of the applicable zoning district as set forth in the City of Washington Zoning Code; provided, however, that the following setbacks apply to the height of the tower above ground level or, if the tower is attached to a building, the height from the point of attachment:

(a) At a preferred site, no tower shall be set back a distance less than its height, unless the applicant provides an affidavit from a professional engineer that the tower is designed to break at a point no lower than the midpoint of the tower, in which case the tower shall be set back a distance not less than half its height.

(b) At any site except a preferred site, no tower shall be set back a distance less than its height.

(c) No tower shall be set back a distance less than its height from the nearest overhead electrical power line which serves more than one dwelling or place of business.

(2) Structural elements such as peripheral anchors, guy wires, or other supporting devices shall be located no closer than ten (10) feet from any property line.

(3) The antenna array for an attached PWSF is exempt from the setback requirements of this Division and from the setback requirements for the zoning district in which

they are located, provided that no such antenna array shall extend more than five (5) feet horizontally from the attachment structure at the point of attachment.

(4) On parcels with a principal building housing a principal use, all components of the PWSF shall be located behind the rear building line.

§ 154.510 FEES

The City shall charge reasonable fees to evaluate applications. Such fees shall include, but shall not be limited to, the following:

(A) Application Fee. The basic application fee shall be one thousand dollars ($1,000.00).

(B) Special Fee. The City may retain independent technical consultants and experts as it deems necessary to properly evaluate applications for individual PWSFs. The special fee shall include, but shall not be limited to, the hourly rate of the independent technical consultant or expert the City deems necessary to properly evaluate applications for PWSFs.

(C) Any other fee imposed under the provisions of the Code of Ordinances.

§ 154.511 ADDITIONAL TIER THREE APPLICATION REQUIREMENTS

(A) In addition to the application requirements listed in Section 154.507, under a Tier Three application, the applicant must demonstrate that no existing tower or other structure can accommodate the applicant's proposed PWSF by providing a written statement from an Illinois licensed engineer certifying that the applicant will be prohibited from providing personal wireless services unless the proposed PWSF is constructed. The application must also demonstrate that the fees, costs, or contractual provisions imposed by the owner of the structure in order to share an existing tower or other mount or to adapt an existing tower or other mount for sharing are unreasonable, based on market information provided with the application. Costs exceeding new tower development are presumed to be unreasonable. In addition, Tier Three applications shall contain the following information:

(1) A report from a qualified Illinois licensed professional engineer including:

(a) Written findings evidencing compliance with each provision of this Division as well as the applicable zoning regulations; and

(b) Description of the tower height and design, including a cross section in elevation; and

(c) Height above ground level for all potential mounting positions for co-located antennae and the minimum separation distances between antennae; and

(d) Description of the tower's capacity, including the number and type of antennae that it can accommodate; and

(e) Documentation of the steps the applicant will take to avoid interference with established public safety telecommunications; and

(f) Engineer's stamp and registration number; and (g) Other information as necessary to evaluate the request.

(2) Architectural drawings depicting the constructed tower with camouflaging treatment set in the surrounding area. These drawings shall include at least one perspective from each of the north, south, east and west.

(3) An overhead map of the City showing the subject tower's location as well as the location of each of the applicant's existing and planned future tower sites.

(4) An agreement committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. For purposes of this requirement, the applicant shall sign an agreement available at the office of the City Planner. A copy of this agreement shall be presented for recording by the Tazewell County Recorder of Deeds.

(5) A certificate of liability insurance demonstrating minimum liability coverage of $1,000,000 per accident.

(6) Before the issuance of a building permit, the following supplemental information shall be provided:

(a) A statement demonstrating that the proposed tower complies with regulations administered by the Federal Aviation Administration; and

(b) A statement demonstrating that the proposed tower complies with the emission standards promulgated by the Federal Communications Commission; and

(c) Report from a qualified Illinois licensed professional engineer that demonstrates the tower's compliance with all other applicable structural and electrical standards.

(B) Each Tier Three application for a PWSF shall also contain at least two alternative proposals for the PWSF proposed in the application. The alternatives need not be totally different from the proposed PWSF; however, the alternatives should contain measurable differences, such as:

(1) Height: An alternative can be identical to the proposed PWSF except to be for a shorter height.

(2) Number: An alternative could be for two or more PWSFs that are shorter than the proposed PWSF.

(3) Location: An alternative could be located on a different property than the proposed PWSF.

(4) Siting: An alternative could be in a different place on the same property as the proposed PWSF.

(5) Design: An alternative could be of the same height, location, and siting as the proposed PWSF, but be designed to appear differently.

(C) Submittal Requirements for Alternatives. The materials submitted for each alternative should show only the differences between each of the alternatives and the proposed PWSF.

(D) Comparison of Proposed PWSF and Alternatives. The City of Washington City Planner shall compare the proposed PWSF to the alternatives on the basis of the standards of Sections 154.508 and 154.125. The City Planner shall submit each application and the alternatives to the Planning and Zoning Commission for review. The Planning and Zoning Commission shall consider the alternatives along with the proposed PWSF.

§ 154.512 MODIFICATIONS

All modifications to PWSFs must be reviewed and approved by the City.

(A) Types of Modification: A modification of a PWSF is any of the following:

(1) Change of ownership of the PWSF or of the subject property.

(2) Change in technology used for the PWSF, such as an "overlay."

(3) Addition or replacement of any equipment in the PWSF, excluding direct, like-for-like substitutions.

(4) Change in design of the PWSF.

(5) Addition to any PWSF for the purposes of co-location.

(B) Applicants for modifications shall submit an application to the City for a modified PWSF. The application shall be reviewed in the same manner as any application for a PWSF.

§ 154.513 REGISTRY; ABANDONMENT

(A) Registry. Each carrier maintaining at least one PWSF shall file the following information with the City by December 31 on an annual basis:

(1) Owner/lessee/intermediary/agent and carrier(s) at each PWSF site in the City.

(2) Location(s) by address and parcel number.

(3) Co-location status and capability, including if a former co-location has been removed.

(4) A certificate of liability insurance demonstrating minimum liability coverage of $1,000,000 per accident.

(B) Abandonment and Removal. Any PWSF that is not operated for a continuous period of eighteen (18) months shall be considered abandoned, and the owner of such PWSF and the owner of the property upon which the PWSF is located shall remove same within ninety (90) days of notice from the City of Washington City Planner that the PWSF is abandoned. If such PWSF is not removed within said ninety (90) days, the City of Washington may have the PWSF removed at the PWSF owner's or the property owner's expense.

§ 154.514 RADIO FREQUENCY RADIATION EMISSIONS

(A) A statement certifying that, as proposed, the entire combined facility will comply with the current FCC rules and guidelines concerning human exposure to radio frequency radiation emissions shall be provided at the time of building permit application or when a request is made by the City.

(B) No Contravention of FCC Guidelines: A PWSF that meets the FCC guidelines shall not be conditioned or denied on the basis of radio frequency impacts.

§ 154.515 COMMERCIAL COMMUNICATIONS TOWERS

(A) It shall be unlawful to erect, construct, place, re-erect, replace or repair any Commercial Communications Tower without first making application to the City of Washington and securing a permit to do so.

(B) All applications to erect, construct, place, re-erect, replace or repair a Commercial Communications Tower shall be treated as Tier Three applications under Section 154.507 and shall be subject to all the rules and regulations outlined in this Division.

§ 154.516 LIGHTING; SECURITY

(A) Lighting. A PWSF shall not be artificially lighted, except for:

(1) Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and

(2) Such lighting of the PWSF as may be required by the FCC, Federal Aviation Administration (FAA), or other applicable authority installed in a manner to minimize impacts on adjacent residences. "Dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA guidelines.

(B) Security Barriers. A security barrier shall be required around the perimeter of the mount(s) or equipment structure, and any anchor points. In the case of a roof-mounted PWSF, the security barrier need only be around the antenna. The security barrier shall be maintained by the operator of the PWSF or mount for the life of the installation. No security barrier is needed around side-mounted PWSFs.

§ 154.517 SIGNS/IDENTIFICATION PLAQUES

No signage shall be permitted on any PWSF other than that required for public safety purposes or by the FCC or FAA, except that each PWSF shall have a weather-proof plaque not exceeding two square feet mounted at eye level identifying the carrier, frequency, and date of permit approval.

§ 154.518 SCREENING; LANDSCAPING

(A) Natural Vegetation. Existing natural vegetation shall be undisturbed to the greatest extent practicable.

(B) Landscaping. Landscaping and Screening requirements of disturbed areas of the PWSF site and security barriers shall be required as follows, per Section 154.401 through 154.410 of the Zoning Code:

(1) Wireless communication facilities shall be landscaped and maintained with a buffer of plant materials that screens the view of the tower compound from adjacent streets and/or residential properties. The tower compound buffer shall be outside of the fence when the tower compound is fenced. The standard tower compound buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the fence surrounding the tower base and the equipment shelter. The amount of landscaping points required for a tower compound buffer shall be determined by multiplying the number of feet on perimeter of the PWSF premises by one and one-half (1.5). One hundred percent (100%) of the landscaping requirements shall apply to all towers where the tower base or the equipment shelter is visible from any adjacent street or where the tower is located within 200 feet of a residential district. Fifty percent (50%) shall apply to all others.

(2) Determination of required points that must be achieved through landscaping for a tower compound buffer shall be based on the overall length of the tower compound sides to be screened as measured along the outer boundary of the tower compound buffer.

(3) One-half (1/2) of the points for the tower compound buffer landscaping must be achieved by utilizing plants from the shade tree classification and one-half (1/2) must be from the evergreen tree classification.

(C) Waiver by City Planner. The above standards may be waived by the City Planner where the tower base or equipment shelter is not visible from adjoining properties with CE, R-lA, R-1 or R-2 zoning or where a site is located within areas designated for industrial

land use by the City of Washington Comprehensive Plan or where topography or other features achieve the same degree of screening as the required buffer.

§ 154.519 ACCESS; PARKING

(A) Parking. Areas sufficient for the temporary off-street parking of at least one vehicle shall be provided for each tower, self-supporting antenna and self-supporting antenna array. The type and configuration of parking may be approved by the City Planner.

(B) Private Access. A copy of any road maintenance agreement shall be provided to the City of Washington for any site accessed by private easement.

§ 154.520 AIRCRAFT HAZARD

(A) Airport Impact Zoning. For Tier Two or Tier Three applications, a statement certifying that, as proposed, the PWSF complies with the Peoria Regional Airport impact regulations shall be provided prior to special use permit approval.

(B) FAA Acknowledgement. For Tier Two or Tier Three applications, the applicant shall provide acknowledgment from the FAA that the proposed PWSF does not exceed obstruction standards.

§ 154.521 REVIEW OF PERMIT

Permits issued under the terms of this Division may be reviewed by the City of Washington City Planner every five (5) years from the date of issuance for compliance with this ordinance and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities, are being violated.

§ 154.522 INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS

(A) No new or existing PWSF shall interfere with public safety telecommunications. All applications for new PWSFs shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

(B) An intermodulation study shall also be submitted prior to the introduction of new services or new frequencies, or changes in existing service. The City of Washington shall be notified by the service provider at least ten (10) days prior to the introduction of new

services or new frequencies, or changes in existing service, and the service provider shall allow the City to monitor interference levels during the testing process for the intermodulation study.

(C) The City of Washington reserves the right to retain its own expert to study potential interference impacts. The cost of such an expert shall be paid by the applicant under the provisions of § 154.510 (B) of this Division.

§ 154.523 CONFLICT; SEVERABILITY CLAUSE

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, 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 Chapter or any part thereof. It is hereby declared to be the legislative intent of the City Council that this Chapter would have been adopted had such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase, or any part thereof, not then been included.

(Ord. 2274, passed 2-5-01)

HISTORIC PRESERVATION

154.601 TITLE

This Chapter shall be known as and may be cited as the City Historic Preservation Code.

§154.602 PURPOSE

The purpose of the Historic Preservation Code is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and welfare of the people of the City of Washington by:

(A) Providing a mechanism to identify and preserve the historic and architectural characteristics of Washington which represent elements of the City's cultural, social, economic, political and architectural history;

(B) Promoting civic pride in the beauty and noble accomplishments of the past as represented in Washington's landmarks and historic districts;

(C) Stabilizing and improving the economic vitality and value of Washington's landmarks and historic areas;

(D) Protecting and enhancing the attractiveness of the City so as to draw buyers, visitors, and shoppers, thereby supporting business, commerce, industry, and providing economic benefit to the City;

(E) Fostering and encouraging preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

§154.603 DEFINITIONS

Unless specifically defined below, words or phrases in this ordinance shall be interpreted giving them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

(A) Alteration - Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to the erection, construction, reconstruction, or removal of any structure.

(B) Area - A specific geographic division of the City of Washington.

(C) Addition - Any act or process which changes one or more of the "exterior architectural features" of a structure designated for preservation by adding to, joining with or increasing the size or capacity of the structure.

(D) Building - Any structure created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the land.

(E) Certificate of Appropriateness (COA) - A certificate from the Historic Preservation Commission authorizing plans for alterations, construction, removal or demolition of a landmark or site within a designated historic district.

(F) Commission - Washington Historic Preservation Commission.

(G) Commissioners - Voting members of the Washington Historic Preservation Commission.

(H) Construction - The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

(I) Council - The City Council of the City of Washington.

(J) Demolition - Any act or process that destroys in part or in whole a landmark or site within a historic district.

(K) Design Guideline - A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

(L) Exterior Architectural Features - The architectural and general composition of the exterior of a structure, including, but not limited to the kind, color, and the texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

(M) Historic District - An area designated as a "historic district" by ordinance of the City Council, and which contains within definable geographic boundaries, one or more landmarks and which has within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

(N) Landmark - Any building, structure or site which has been designated as a "landmark" by ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City of Washington.

(O) Owner of Record - The person, corporation, or other legal entity listed as owner or owners on the records of the Tazewell County Recorder of Deeds.

(P) Rehabilitation - The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

(Q) Removal - Any relocation of a structure on its site or to another site.

(R) Repair - Any change that does not require a building permit or that is not construction, relocation or alteration.

(S) Structure - Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, swimming pools, satellite dishes, solar panels and wind generation.

(T) Structural Change - Any change or repair in the supporting members of a building, structure, roof or exterior walls which would expand the building in height, width or bulk of the building.

§154.604 APPLICATIONS FOR LANDMARK AND HISTORIC DISTRICT DESIGNATION AND DECERTIFICATION

(A) Only the owner of property that is proposed to be designated as a Landmark or proposed to be located within a proposed Historic District, a Commission member, or member of the City Council may file an application for the designation or decertification of a Landmark or a Historic District. All applications shall be filed with the Planning and Development Director, or his or her designee, on such forms as shall be prescribed from time to time by the Commission. The application shall be accompanied by such plans or data prescribed by the Commission. The application shall contain a statement, in writing, by the applicant, and adequate evidence showing, that the proposed designation conforms to the standards contained in this subchapter.

(B) At a minimum, the application shall include the following:

(1) For a Landmark:

(a) The name and mailing address of the property owner;

(b) The legal description and common street address of the property;

(c) A written statement describing the property and setting forth reasons in support of the proposed designation or decertification;

(d) Documentation that the property owner has been notified or consents to the application for designation or decertification;

(e) A list of significant exterior architectural features that should be protected;

(f) An overall site plan and photographs of the landmark;

(g) Any other information deemed necessary by the Commission, including but not limited to, plans, drawings, elevations and specifications.

(2) For a Historic District:

(a) The names and mailing addresses of all of the property owners within the proposed area;

(b) A map delineating the boundaries of the area to be designated or decertified;

(c) A written statement describing the area and properties within the historic district and setting forth reasons in support of the proposed designation or decertification;

(d) Documentation that the property owners have been notified or signed the application for designation or decertification;

(e) A list and photographs of significant exterior architectural features of all properties in the district that should be protected;

(f) The application shall be signed by no less than fifty-one (51) percent of the all of the owners of each parcel of property within the area proposed to be designated or decertified;

(g) Any other information deemed necessary by the Commission, including but not limited to, plans, drawings, elevations and specifications.

(C) All applications, whether for landmark or district designation or decertification, shall be accompanied by payment of a one hundred dollar ($100.00) filing fee.

§154.605 STANDARDS FOR LANDMARK DESIGNATION

No Landmark designation shall be recommended by the Commission unless the Commission finds that the property, structure, or area possesses the integrity of design, workmanship, materials, location, and setting that meets one or more of the following criteria:

(A) Significant value as part of the historic, heritage or cultural characteristics of the community, county, state or nation;

(B) Identification with a person or persons who significantly contributed to the development of the community, county, state or country;

(C) Representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction or use of indigenous materials;

(D) Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or country;

(E) Unique location or singular physical characteristics that make it an established or familiar visual feature;

(F) Character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;

(G) An area that has yielded or may be likely to yield, information important in history or prehistory.

§154.606 STANDARDS FOR HISTORIC DISTRICT DESIGNATION

No Historic District designation shall be recommended by the Commission unless the Commission finds that the proposed Historic District meets the following criteria:

(A) The proposed Historic District contains one or more Landmarks and contains such other buildings, places or areas within its definable geographic boundaries which, while not of such historic significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located in the proposed Historic District;

(B) The proposed Historic District contains a significant number of structures meeting any one or more of the standards for designation of a Landmark under §154.605 above;

(C) The proposed Historic District demonstrates a sense of time and place unique to the City of Washington, and/or;

(D) The proposed Historic District exemplifies or reflects the cultural, social, economic, political or architectural history of the nation, the state, or the community.

§154.607 LANDMARK AND HISTORIC DISTRICT DESIGNATION PROCEDURES

(A) The applicant shall prepare and submit ten (10) copies of the Application and supporting materials for the designation or decertification of a Landmark or Historic District.

(B) The application and supporting materials must be submitted to the Planning and Development Director no later than the fifteenth (15th) day of the month prior to the meeting at which the Commission will review and recommend action on the designation or decertification.

(C) The Commission shall recommend or not recommend the application for designation or decertification within forty-five (45) days of the date of the application or the filing by the applicant of last item of required supporting data, whichever date is later, unless such time is extended by the mutual consent of the applicant and the Commission.

(D) Upon receipt of a proper application, supporting documentation, and statement referred to above, the Commission shall hold at least one (1) public hearing on the proposed designation or decertification. Not more than thirty (30) days, and not less than fifteen (15) days, in advance of the hearing, notice of the time, place and date of the hearing shall be published in a newspaper of general circulation in the City. The notice shall state the location of the property or area proposed to be designated and a statement summarizing how the proposed Landmark or Historic District meets the standards set forth in this subchapter.

(E) In addition to the public notice herein provided, written notice of the date, time, place, and purpose of the public hearing shall be given to the owner(s) of record of the property which is proposed to be designated as a Landmark or to be included within a Historic District, and to the applicant. This additional notice will be mailed, by first class mail, postage prepaid, or delivered by the City Clerk to the address of record of the owner(s) of the property and to the address as shown on the application of the applicant.

(F) At the public hearing, the Commission shall receive public comment and review and evaluate the application according to the Standards established by ordinance.

(G) The Commission shall make specific findings of fact with regard to the Standards provided in this subchapter, and a written recommendation on each application shall be made to the City Council within the time required for a determination of the Commission, as hereinabove provided. Following the public hearing, the Secretary of the Commission shall prepare the Commission's findings of fact, evaluation, recommendation and all supporting documentation received at the public hearing and shall submit same to the City Council.

(H) All action of the Commission to recommend or not recommend the designation of a Landmark or Historic District shall be made by a resolution passed by the affirmative vote of a majority of the Commissioners then in attendance.

(I) The owner(s) of record of the property proposed to be designated as a Landmark or included within a proposed Historic District shall be notified promptly of the recommendation of the Commission by the Secretary of the Commission.

§154.608 AUTHORIZATION OF LANDMARK OR HISTORIC DISTRICT DESIGNATION

(A) The affirmative vote of a majority of the City Council then in attendance shall be required for granting of a Landmark or Historic District designation.

(B) Upon the granting of a Landmark designation, a notice of Landmark designation will be mailed to the property owner, filed with the Planning and Development Director, filed with the City Clerk's office, and recorded with the Tazewell County Recorder of Deeds. Upon the granting of a Historic District designation, a notice of Historic District designation will be mailed to all of the property owners located within the Historic District, filed with the Planning and Development Director, filed with the City Clerk's office, and recorded with the Tazewell County Recorder of Deeds against each lot, block and parcel of real estate located within the Historic District.

(C) Upon a denial of a Landmark designation or a Historic District designation, no new application for the designation of the subject property or any of the properties within the area proposed to be designated as a Historic District may be filed, nor will any such application be considered by the Commission, for a period of ninety (90) days.

§154.609 CERTIFICATE OF APPROPRIATENESS

(A) A Certificate of Appropriateness (COA) issued by the Commission shall be required before a building permit or demolition permit is issued for any Landmark or any building, structure, or site or part thereof in a Historic District. A COA shall also be required before any Landmark or any building, structure or site or part thereof in a Historic District is altered, extended, or repaired in such a manner as to produce a major change in the exterior architectural features of such building or structure. For purposes of this Section, the term "major change" shall include, but is not limited to, the following:

(1) Any change by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair that requires the issuance of a Building Permit under the Code of Ordinances;

(2) Any new construction and demolition in whole or in part requiring a permit from the City of Washington;

(3) Moving or relocating a building;

(4) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as identified and specified in the ordinance designating the Landmark or Historic District.

(B) Notwithstanding Paragraph (A) above, a COA shall not be made required where the applicant shows to the Commission that a failure to grant the permit will cause an imminent threat to life, health, or property.

(C) No COA shall be required for the following activities:

(1) Change in exterior paint scheme;

(2) Installation of, or change in, storm doors, storm windows, screens, window air conditioners, or television antennas;

(3) Ordinary repair and maintenance of existing exterior architectural features which does not change the basic structural appearance of same;

(4) Installation and repair to walks, patios, or driveways;

(5) Installation of outside storage and mechanical equipment that cannot be seen from the street;

(6) Installation, removal, or change in landscaping.

§154.610 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

(A) Every application for a building permit or demolition permit issued for any Landmark or any building, structure, or site or part thereof in a designated Historic District, including plans and specifications, if any, shall be promptly forwarded to the Commission. In those instances where a COA is required but a building and/or demolition permit is not, a separate application for COA shall be submitted to the Commission.

(B) The application for issuance of a COA must include:

(1) Street address of the property involved.

(2) Legal description of the property involved.

(3) Brief description of the present improvements situated on the property.

(4) A detailed description of the construction, alteration, demolition, or use proposed together with any architectural drawings or sketches if those services have been utilized by the applicant and if not, a sufficient description of the construction, alteration, demolition, and use to enable the Commission to determine what final appearance and use of the real estate will be.

(5) Owner's name and address;

(6) Applicant's name and address;

(7) Contractor's name, if different than owner.

(8) Architect's name and address, if any.

(C) The applicant shall prepare and submit ten (10) copies of the Application for a COA and supporting materials to the Planning and Development Director. The Planning and Development Director shall forward the Application and supporting materials to the Commission within five (5) working days after receipt.

§154.611 STANDARDS FOR CERTIFICATES OF APPROPRIATENESS

(A) No COA shall be issued by the Commission unless the Commission finds that the following criteria, as developed by the Secretary of the Interior's "Standards for Rehabilitation", are met:

(1) The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment;

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;

(5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;

(7) The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible;

(8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment;

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the Landmark and/or the Historic District would be unimpaired.

(Am. Ord. 2865, passed 12-7-09)

(B) Design guidelines for applying the Standards for issuance of a COA shall at a minimum, consider the following architectural criteria:

(1) Height - the height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district;

(2) Proportions of windows and doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark;

(3) Relationship of Building Masses and Spaces - The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible;

(4) Roof Shape - The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark;

(5) Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark;

(6) Scale - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district;

(7) Directional Expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district

should be compatible with the dominant horizontal or vertical expression of surrounding structures;

(8) The direction expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character;

(9) Architectural Details - Architectural details including types of materials, colors, and textures should be treated so as to make the landmark compatible with its original architectural style and character of a landmark or historic district;

(10) New structures in a Historic District shall be compatible with the architectural styles and design in the Historic District.

§154.612 CERTIFICATE OF APPROPRIATENESS PROCEDURES

(A) The applicant shall prepare and submit ten (10) copies of the Application and supporting materials for the designation or decertification of a Landmark or Historic District.

(B) The application for a COA and supporting materials must be submitted to the Planning and Development Director no later than the fifteenth (15th) day of the month prior to the meeting at which the Commission will review and act on the application for a COA.

(C) The Commission shall issue or deny the COA at its next regularly scheduled meeting after the timely filing of the application, or at any properly called special meeting of the Commission for that purpose, unless such time is extended by the mutual consent of the applicant and the Commission.

(D) The affirmative vote of the majority of the members of the Commission then in attendance shall be required for granting of an application for a COA.

(E) The Commission shall make specific findings of fact with regard to the Standards provided in this subchapter, and a written approval or denial on each application shall be made by the Commission. Following the meeting, the Secretary of the Commission shall prepare the Commission's findings of fact, evaluation, and determination and shall personally deliver or mail a copy thereof to the applicant, by first class mail, postage prepaid, to the address of the applicant stated on the application within five (5) business days after the meeting of the Commission.

(F) In the event that the Commission grants the application for a COA, the Planning and Development Director shall issue a signed COA to the applicant.

(G) A COA issued by the Planning and Development Director shall be effective from and after the fourteenth (14th) day after the meeting of the Commission at which the application therefore was granted.

(H) In the event that the Commission denies an application for a COA, the Commission shall, in addition to submitting the information provided above, submit to the applicant the reasons for the Commission's denial.

(1) Within fourteen (14) days of receipt of the notification of denial, the applicant may resubmit an amended application for a COA that takes into consideration the recommendations of the Commission. If an amended application is not submitted within said fourteen (14)-day period, the decision of the Commission shall become final.

(2) Within fourteen (14) days of the filing of an amended application for a COA with the Planning and Development Director, the Commission shall meet and either issue the COA or schedule a new meeting for the appeal as set forth below.

(3) The process for the appeal of the denial of an amended application for a COA shall be as follows:

(a) The Commission shall designate a time and place for the hearing of the appeal and give written notice thereof to the applicant by mailing notice of the meeting, by first class mail, postage prepaid, not less than ten (10) days prior to the date of the meeting to the address of the applicant as stated in the application for the COA.

(b) At the hearing, the Commission and the applicant shall have the right to introduce evidence and cross examine witnesses. The Secretary of the Commission shall make and keep an audio recording, video recording or written transcript of the meeting.

(c) Within five (5) days after the date of the hearing, the Commission shall issue a written decision on the amended application, and notify the Planning and Development Director and the applicant thereof, unless the time is extended by mutual agreement between the Commission and the applicant.

(d) In the event of a denial of the amended application by the Commission, the applicant may appeal the decision to the City Council, whose decision in this matter shall be final subject only to judicial review as provided by

law. The applicant shall provide the Secretary of the Commission a notice of any such appeal.

(I) A COA shall permit only such changes as are specified in the COA. Any modifications of the plans, as approved by the Commission in the COA, will not be permitted.

(J) Any work or change authorized by a COA but not substantially started within (90) days of the issuance of the COA shall require a new COA. Once works has started under the COA, such work not completed within one (1) year of starting construction shall require a new COA.

§154.613 CERTIFICATE OF ECONOMIC HARDSHIP

(A) Notwithstanding any of the provisions of this subchapter to the contrary, the Commission may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.

(B) An applicant for a Certificate of Economic Hardship must submit one or more of the following in order to assist the Commission in making its determination on the application:

(1) The amount paid for the property, the date of purchase and the party from whom purchased (including a description of the relationship, if any, between the owner and the person from whom the property was purchased);

(2) The assessed value of the land and improvements thereon according to the two most recent assessments;

(3) Real estate taxes for the previous two years;

(4) Remaining balance on the mortgage, if any, and the annual debt service, if any, for the previous two years;

(5) All appraisals obtained within the previous two years by the owner or applicant in connection with this purchase, financing or ownership of the property;

(6) Any listing of the property for sale or rent, price asked and offers received, if any;

(7) Any consideration by the owner as to profitable adaptive uses for the property;

(8) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the

previous two years, and annual cash flow before and after debt service, if any during the same period;

(9) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other;

(10) Any other information, including the income-tax bracket of the owner, applicant, or principal investors in the property, reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.

(C) If the Commission finds that without approval of the proposed work for which a COA has been denied, the property owner cannot obtain a reasonable economic return therefrom, then for a period not to exceed ninety (90) days, the Commission shall investigate the plans and make recommendations to the City Council to allow for a reasonably beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to:

(1) A relaxation of the provisions of this subchapter; and/or

(2) Building code modifications; and/or

(3) Changes in zoning regulations.

(D) If, by the end of the ninety (90) day period referred to above, the Commission has found that without approval of the proposed work for which a COA has been denied, the property cannot be put to a reasonable beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a Certificate of Economic Hardship approving the proposed work. If the Commission finds the property can be put to a reasonable beneficial use or the owner can obtain a reasonable economic return therefrom, the Commission shall deny the application for a Certificate of Economic Hardship.

(E) The Certificate of Economic Hardship shall be effective from and after the fourteenth (14th) day after the meeting of the Commission at which the Certificate of Economic Hardship was granted.

§154.614 APPEALS

(A) When a Certificate of Appropriateness or a Certificate of Economic Hardship is approved or denied, the applicant, the owner of any property within the approved Historic District that includes the property within its boundaries, or any property owner within two

hundred fifty (250) feet from any boundary of the subject property, within fourteen (14) days, may appeal the determination and decision of the Commission to the City Council.

(B) The Commission shall submit the record of its proceedings, and a copy of its decision to the City Council. No new matters not included in the record before the Commission may be considered by the Council.

(C) By affirmative vote of the City Council then in attendance at the meeting thereof, the City Council may affirm, reverse, and/or remand for further proceedings, the decision of the Commission.

(D) The Secretary of the Commission shall notify the applicant and the Planning and Development Director within seven (7) days of the Council's decision, and shall take such action as shall be necessary as a result of the decision of the City Council within fourteen (14) days thereof.

§154.615 NATURAL DESTRUCTION OR DEMOLITION

In the case of partial or complete natural destruction or demolition of a site within a Historic District or of a Landmark, the owner must obtain a Certificate of Appropriateness from the Commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

(A) The exterior design of the structure prior to damage, and

(B) The character of the Historic District.

§154.620 SQUARE BUILDING DESIGN GUIDELINES

(A) Purpose. The purpose of the Square Building Design Guidelines is to provide a set of architectural guidelines to preserve the character of the historic buildings in the downtown square and to guide property owners and the Historic Preservation Commission (HPC) in future alterations, changes, construction, and demolition around the Square.

(B) Applicability. The Square Building Design Guidelines shall apply to all properties applying for a Certificate of Appropriateness (COA) with the following addresses:

101-105 Zinser Place
126 N. Main Street
122 N. Main Street
120 N. Main Street

116-118 N. Main Street
112-114 N. Main Street
108-110 N. Main Street
104 N. Main Street
100 N. Main Street
100 S. Main Street
110 S. Main Street
112 S. Main Street
116-120 S. Main Street
106-110 Washington Square
112-118 Washington Square
128 Washington Square
140 Washington Square and 106 Walnut Street
114 Walnut Street A-D
135 Washington Square
127 Washington Square
123 Washington Square
121 and 121 ½ Washington Square
117 and 117 ½ Washington Square
115 and 115 ½ Washington Square
109 Washington Square
105 Washington Square
101-103 N. Main Street

(C) Review. The HPC shall review any applications for a COA for the addresses noted in §154.620 (B) regardless of whether a historic district is approved.

(D) Architectural Elements:

(1) Height: The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.

(a) For small alterations and construction projects including, but not limited to, the repair of a building, a rear addition, or the addition of an attached side building, the height shall match the height of the existing structure as closely as possible.

(b) Infill buildings follow the same logic and shall be compatible with their surrounding structures. These new buildings are not to differ from the surrounding structures by more than one story.

(c) In general, the north, east, and south sides of the Square support the alteration and construction of two-story structures. These structures differ slightly in height depending on the use, but their facades directed toward the interior of the Square all display two-stories with windows on both stories.

(d) On the west side of the Square, buildings on the north side generally display this same two-story characteristic. On the south side of the west side of the Square, buildings generally support a one-story exterior façade, with interior space for a possible second story. While these buildings may only display one story to the exterior viewer, there is significant architectural detailing above many of the entryways, almost reaching the height of a second story.

(e) The architectural style of the notable historic structures in the Square is of the Italianate style, best displayed by the architectural features on the north side of the Square. While new construction and infill will not be required to be designed in an Italianate style, similar features and style is encouraged where possible.

(2) Proportions of Windows and Doors: The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark.

(a) In repair or new additions to a building, it is important to let the existing structure inform the characteristics of the new portion. If the new structure faces the Square, it is important to include doors and windows, consistent with the spacing already established.

(b) The windows on the second story of a building are many times slightly smaller in height, but should continue to reflect the style (in size, opening, and architectural detailing around the window) of the first story windows. While these are many times less ornate in detailing, the repetition of size and style brings more cohesion to the overall design of the Square, reinforcing the historic character.

(c) For infill construction, the design should be informed by its neighboring buildings. While the new building does not necessarily need to replicate the exact style and massing of its neighboring structures, it does need to consider the positioning and size of the door as well as the windows on the

front façade. Ultimately, the goal of proportioning windows and doors on infill construction is to make the transition look as seamless as possible between the historic structures and the new building.

(3) Relationship of Building Masses and Spaces: The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.

(a) Along the Square, the facades are continuous, especially on the north, south, and west sides. The east side has fewer buildings and does not experience the aesthetic of no space between buildings and their storefronts. However, it is still important to keep in mind that the buildings on the east side to the north and south of Walnut Street also do not provide spacing between their building facades. This continuous façade, whether through two storefronts or ten storefronts, is characteristic of the Washington Square commercial downtown.

(b) Open space throughout the Square is maintained through the variety of passageways to and through the Square, including the entrance to the public parking lot on the northeast corner of the Square.

(c) Important to keep in mind is that the relationship between neighboring buildings is extremely important, as well as the size of the spaces that create the passageways through the Square. Currently the passageways serve as a secondary element to the historic structures. However, they are extremely important for the functionality of the Square. As a secondary element, the spacing should be kept relatively small in size compared to the structures in order to bring more attention to the historic structures.

(4) Roof: The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark. The roof helps determine the building style and is an important component of the historic appearance.

(a) The historic roof shaped should be retained. Most roof forms in Washington are flat. However, a slight pitch to a newly constructed roof is permitted to assist with drainage, as long as said roof is not extremely visible from the public right of way and does not take away from the historic building style and appearance.

(b) If at all possible, the existing materials of the roof should be maintained and retained.

(c) Roof related architectural detailing and features such as parapet walls, cornices, brackets and chimneys should be retained.

(d) Any new roof elements such as balconies, satellite dishes, and skylights should not be visible from the street. These elements are more appropriately placed at the rear of the structure.

(e) Maintain historic roof materials such as slate and sheet metal where they are visible from the street.

(f) If the replacement of the roof with modern materials is the most viable option, the public visibility of this roof should be limited.

(5) Landscaping: Landscaping should be compatible with the architectural character and appearance of the landmark. Streetscape elements should compliment the historic character of the Square and make it a safe and aesthetically appealing place for residents and visitors.

(a) Flowerboxes on a storefront façade should utilize live plants and should be historic in nature. Boxes made of wood are encouraged. Flowerboxes should be well maintained, both in the maintenance of the plants themselves but in the upkeep (painting and repair) of the boxes.

(b) Planters in front of a store are permitted but should not obstruct sidewalk traffic. These should be placed close to the façade of the structure as the City has its own planters that will be placed closer to the edge of the sidewalk.

(6) Scale: The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

(7) Directional Expression and Storefronts: Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The direction expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

(a) Historic storefronts should be retained, maintained and repaired if needed;

historic storefronts should not be covered or concealed. These historic storefronts are extremely important to the historic character of downtown Washington and should be preserved when at all possible.

(b) Historic information regarding the appearance of the storefront should guide the restoration or rebuilding of historic storefronts. Such materials can be found in the Washington Historical Society or in the Planning and Development department in City Hall.

(c) If a storefront has deteriorated, components should be restored to their original appearance. While historic materials are not required, materials of similar appearance (such as color, texture, pattern, etc.) should be used where at all possible.

(d) Historic examples should also guide storefronts that have been missing and are being replaced. While each storefront is unique, these storefronts being replaced should be complementary to their neighboring storefronts in scale, style, and proportion.

(8) Architectural Details: Architectural details including types of materials, colors, and textures should be treated so as to make the landmark compatible with its original architectural style and character of a landmark or historic district.

(a) The architectural details of a historic building help define its character and should therefore be retained, maintained and repaired to match the original features as closely as possible.

(b) Historic architectural details should not be covered or removed.

(c) When repair is necessary, safe methods of cleaning and repair should be used to ensure that the features will not be damaged and will retain their historic character.

(d) Architectural details should not be added to a storefront where there is no historical evidence to support their previous existence. The addition of architectural details should be supported by historic materials showing evidence of the original storefront.

(e) For new infill construction and development, architectural details should match the overall style of the structure and the character of the Square. The details should not be over-utilized but should replicate important

features such as decorative window cornices, front pilasters, and glass transoms on the storefront displays.

(9) New Construction: New structures in a Historic District shall be compatible with the architectural styles and design in said districts. New construction is welcomed as long as it reflects the existing historic character of the commercial district. The characteristics, architectural detailing, size, and proportions of new structures and additions should be harmonious with the existing structures. Ultimately, new construction should not take the focus off the historic structures. The purpose of this section is to present guidelines for new elements to the district and to encourage design and quality that reflects the historic character of the surrounding district.

(a) Infill Buildings: Where historic buildings have been lost or if there are vacant lots that are considering the addition of new construction, additional buildings may be considered if they add to the streetscape, promote economic development, and reflect the historic style of the surrounding buildings.

(i) New construction should utilize existing setbacks established by adjoining buildings. Most buildings in Washington utilize zero-lot-line conditions (no front or side setbacks).

(ii) The back of the building, while not as important as the front façade, should generally match the adjoining buildings in building setback.

(iii) New construction should be oriented toward the Square.

(iv) The height and width of the new building should be compatible with the adjacent buildings. In Washington, with a continuous façade in most parts of the downtown area, this means that the width should occupy the entire opening, if a building is to be located between two existing structures. The height should be one or two stories, depending on the side of the Square that the new construction is taking place.

(v) The roof form should reflect the roof forms of neighboring structures, most often a flat roof.

(vi) The new construction should be contemporary but should also

reflect the design of historic structures.

(vii) If new construction is proposed to fill an area that historically is composed of multiple footprints, the front façade should have the appearance of traditional building widths rather than one large structure.

(viii) Parking should be located to the rear of the building. Parking is also encouraged in marked on-street parking spaces in the Square.

(b) Rear Additions: Rear and lateral additions are the most common recommendation for the location of an addition. These additions give additional space for property owners while still maintaining the historic character of the original façade by remaining invisible from the front façade.

(i) Additions on the roof should not be visible from the street.

(ii) Additions should not damage the existing historic structure or remove any architectural details important to the structure.

(iii) The roof form of the existing structure should be replicated on the rooftop addition, most likely a flat roof in Washington.

(c) Roofline Additions: Rooftop additions provide further space for their owners, who can expand going up. These additions should not be visible from the street and should use materials and design that are reflective of the historic character of the building.

(i) Additions on the roof should not be visible from the street.

(ii) Additions should not damage the existing historic structure or remove any architectural details important to the structure.

(iii) The roof form of the existing structure should be replicated on the rooftop addition, most likely a flat roof in Washington.

(d) Decks: As important modern features, decks may be added with care to protect and not to detract from the existing historic structure. Decks are not allowed on the front façades of structures, and are recommended to be built at the rear or side of the structure, as long as they are not visible from the street.

(i) The recommended location for decks is on the rear elevation of the structure.

(ii) If property owners wish to build a deck on a side elevation of their structure or on the roof of their structure, they must screen the deck so as to not be visible from the street. Depending on the location of the deck, this can be done through the use of plants, fences, or parapet walls.

(iii) Decks should be constructed of wood or metal and can be stained or painted with colors compatible to their building's character.

(iv) Decks must receive a building permit for new construction to ensure the safety of the structure before they are to be built.

(e) Ramps: To meet current Americans with Disabilities Act requirements, buildings that do not have street grade entrances must provide an alternative, more accessible entrance when a building undergoes a significant renovation or when public sidewalk improvements are completed.

(i) When at all possible, ramps should be placed on the rear elevations instead of main facades if space is available.

(ii) Ramps should be constructed of concrete or wood and should be simple in design. If a ramp is to be stained or painted, it should be complementary to the building it is being added to.

(E) Additional Architectural Elements

(1) Awnings: Awnings are a common historical feature in downtown Washington, and were used by many shopkeepers on their storefronts to provide shelter as well

as heat and cool the building. While they are mainly decorative features now, they still remain an important aesthetic component to historic storefronts in downtown Washington.

(a) The addition of awnings to a storefront is appropriate if they are traditional in design, materials and placement. The color and design of the awning should complement the building and its color palette, always taking care to avoid harsh and bright colors.

(b) Awnings are typically installed directly over windows and entryways and can be one large feature or multiple small features. They can be installed on storefronts and upper façade windows.

(c) A variety of styles is possible but most awnings in Washington are fixed or retractable and are of the shed style, all appropriate for the area.

(d) It is preferred that awnings are made of canvas or a polyester blend rather than vinyl, metal, or wood.

(e) When installing awnings, it is important to not damage architectural features on a storefront, and to ensure that no features such as transom windows are not covered by permanent fixed awnings.

(2) Brickwork/Masonry: The historic downtown Washington commercial area is characterized by a variety of brick buildings, which need proper care and maintenance to continue to look presentable. The keys to maintaining brick surfaces, which can last indefinitely, is to keep water out and apply a soft mortar where repairs are needed. Abrasive cleaning of brick should not occur.

(a) Repair rather than replacing masonry materials unless it is impossible to do so.

(b) Masonry should be cleaned only when necessary to halt deterioration and with low pressure water and soft bristle brushes. Sandblasting or high-pressure water should only be used as a last resort, once the property owner has shown proof of trying other removal processes. To maintain the historic character of facades, sandblasting is discouraged especially on facades visible from the right of way.

(c) Original brick surfaces should not be covered with materials uncharacteristic of the building such as stucco, plaster, siding, etc. Brick should also not be painted unless it was historically painted.

(d) If the exterior brick surfaces are already painted and it is a stable paint layer, repainting the exterior is appropriate.

(e) New masonry added to a site should be similar in appearance, color, and texture to the historic brick.

(3) Building Material: The maintenance of the existing materials is most important on the existing buildings in downtown Washington. The majority of the buildings in the Square are brick or masonry, but some have been covered over the years with material such as siding. The restoration and maintenance of the original building material is most important.

(a) When replacing the exterior façade building material, it is important to be guided by the historic material of that structure. For instance, structures that are historically brick should continue to use brick, rather than switch to vinyl siding. While the material does not have to be exact, it should be replaced in-kind.

(b) It is appropriate to remove any façade materials that have covered the original façade, but it is inappropriate to use materials such as stucco or siding to cover a façade.

(4) Doors and Entrances: Doors are an important visual element to storefronts and should maintain their historic character through maintenance, restoration and repair. Upon renovation of the structure, doors that are not the original or that are severely deteriorated should be replaced with doors that match the historic character and style.

(a) Historic doors should be retained and maintained when possible.

(b) Primary entrances should meet Americans with Disabilities Act requirements, or an alternative entrance should be provided and maintained at the same standard.

(c) The replacement of deteriorated and damaged doors should be done so with doors similar in character, style and material. These new doors should not detract from the character of the building.

(d) Raw aluminum and other silver-colored metal doors are not permitted.

(e) All original features of original doors such as stained glass, beveled glass, or leaded glass should not be removed or replaced unless it is impossible to repair.

(f) Recessed entrances should be maintained in the proper form, unless an original recessed entrance has been removed.

(g) Doors and entrances should not be added to places on the building where they were not original.

(h) Residential-style doors shall not be used in the commercial district.

(i) Screen doors are permitted if they are complementary to the style of the building and have wood or aluminum frames. They must also be full view and not block the original door. Storm doors must also be full view and painted or finished to be as inconspicuous as possible. Security doors are only permitted in doors not visible from the street.

(5) Fire Escapes and Staircases: Fire escapes are an important safety feature on buildings and are required by code for escape from upper floors. Because these are modern additions to buildings, it is important to keep them at the rear or side of the building and to be as invisible from the street as possible.

(a) Fire escapes or other staircases should be located on the rear or lateral elevations of a building so they are not visible from the street.

(b) The installation of fire escapes should not damage architectural features.

(c) Fire escapes may be open or enclosed.

(6) Gutters and Downspouts: Gutters and downspouts are important to maintain the integrity of the exterior materials by protecting buildings from water damage.

(a) Gutters should be used and maintained.

(b) Existing boxed or built-in gutters should be retained and repaired.

(c) When new gutters are needed, gutters that are half-round in design are most appropriate.

(7) Lighting: Historic light fixtures are important architectural elements in a commercial downtown area such as the Washington Square. These lights should be retained and maintained when possible, and new light fixtures should be unobtrusive.

(a) Historic light fixtures should be retained and maintained when possible. Damaged or deteriorated fixtures should be maintained using methods that allow them to retain their historic appearance.

(b) If light fixtures are beyond repair, property owners should replace them with lights similar in style, size, and color.

(c) If light fixtures are desired where there were no historic fixtures, the fixtures should be unobtrusive, conceal the light source, and point light toward the building.

(d) Upon installing light fixtures, new or original, the building should not be damaged in any way.

(8) Paint: The colors chosen for structures throughout the Square should reflect a similar palette to create cohesion and enhance the historic character of the Square. The regulation of paint color is solely to restrict paint that is extremely uncharacteristic of the history of the Square.

(a) Paint color and selection should fit within the general color palette.

(b) Paint color should keep with the building's style and period of construction.

(c) Elements of the structure that have historically been left without paint should not be painted. This may include materials such as wood, masonry, and concrete, depending on the building, which is being considered. Historic roofing materials should also be left unpainted.

(d) Breathable paints such as latex and acrylic latex paints should be used to ensure that vapor can escape.

(e) While sandblasting and high-pressure water blasting to remove paint are not ideal, if alternative methods for paint removal are not cost-efficient or cannot be accomplished, sandblasting or high-pressure water blasting could be used. Open flames and torches should not be used to remove paint from historic siding.

(f) Paint colors chosen for structures throughout the Square should complement existing colors, especially those of neighboring buildings. Neons and bright colors on facades should be avoided as to preserve the cohesiveness of the buildings. Most commonly, the color categories of grays, browns, dark reds, beiges, blues, and blacks have been used. The Historic Preservation Commission is available to offer assistance in choosing colors if desired.

(g) Murals must also be approved by the Historic Preservation Commission. A design must be included with the COA application and should enhance the character of the Square.

(9) Signs: Commercial buildings traditionally display a variety of signs with different designs and placement, and should be given a large amount of flexibility in their use. Signage should be kept in the historic design and style as much as possible, and should be an appropriate size for each storefront. Signs must receive a COA unless there is routine maintenance that must be performed on the sign.

(a) Historic signs should be preserved, maintained, and repaired when possible.

(b) New signs should be created from traditional materials such as wood, glass, or copper.

(c) Signs should be proportionate to the storefront and should not be extremely oversized.

(d) Buildings should not have more than two (2) signs, excluding signs that are painted directly onto windows.

(e) Signs should coordinate with the colors of the building.

(f) Letters in a sign should not exceed eighteen (18) inches in height or cover over sixty percent (60%) of the total sign area.

(g) Signs are most often located on the upper façade walls, are hanging or mounted inside windows or project from the face of the building, typically above doors or windows. Sandwich board signs are also allowed and can be placed on the sidewalk in front of the business during business hours provided they do not impede pedestrian movement or vehicular visibility. These sandwich board signs shall not exceed a total size of six (6) square feet.

(h) When installing signs, it should be done carefully as to not damage historic materials. Anchors should be placed in mortar rather than masonry.

(i) Lighting for signs is appropriate but should be concealed.

(j) Neon signs, unless originals or replicas should not be used along the Square, especially for permanent signage.

(k) Electronic message boards are not prohibited but should be controlled as to not become a hazard for traffic in the Square or to other business owners.

(10) Windows: Windows are an important feature of a façade and should be preserved, maintained, and repaired. Original windows should not be concealed or replaced and when replacements are necessary, they should match the original in size, materials, and number of lights.

(a) Historic windows and their existing openings should be retained and maintained. They should not be covered or painted.

(b) Damaged or deteriorated windows should be replaced with windows of the same previous size and shape to maintain the historic appearance. If energy-efficient materials and windows are desired, they should be as close to the original materials as possible.

(c) For original windows, replacement of individual sashes or panes rather than a full window is recommended. If the majority of a window is damaged, replacing the full window is appropriate.

(d) New windows should match the style of existing windows on the structure and should not alter the opening on the façade. When possible, new windows should be made of wood.

(e) Shutters may be added to the façade if historically appropriate. Shutters should be painted wood that matches the size of the full window.

(f) Screen and storm windows should fit within the existing window frames and should match the window they are covering. Storm windows should be full-view design.

(g) Portable, seasonal air conditioners will not be regulated, but whenever possible should be placed where they are not easily viewed from the street.

(h) In order to prevent the need to replace full original windows, routine maintenance is recommended which includes replacing broken glass, muntins, molding and glazing; scraping, priming, repainting of sashes and frames; and repairing and replacing hardware.

(11) Parking Lots: Parking lots are a necessary part of modern downtown areas but should be designed as to make the lots more aesthetically appealing through the use of landscape screening. Property owners are also encouraged to utilize the parking spaces throughout the Square and the parking lot at the northeast corner of the Square for their customers.

(a) Whenever possible, parking lots should be located behind historic buildings, out of pedestrian view, and not along the main streets.

(b) Shared parking lots are ideal so that space will not be wasted and the parking lot will be more full more often.

(c) Parking and pedestrian areas should be clearly designated.

(F) Administrative Certificates of Appropriateness: Administrative Certificates of Appropriateness describes exterior elements and changes that are likely to occur more frequently than large construction projects. These minor exterior changes, while they need approval, do not need to go through the formal COA process that comes before the Historic Preservation Commission (HPC). Instead, the property owner may fill out a COA form and speak with the Planning and Development Director, who will then sign off on the project. The Planning and Development Director should present any approved fast-track applications to the HPC at the next meeting.

(1) Storm Doors: Many property owners are opting to install storm doors to protect their primary doors from weather. These doors are appropriate when they do not detract from the historic character of the door and building as a whole.

(a) Storm doors should be full view and should primarily be glass.

(b) Storm door material should be aluminum or plastic and should be simple in design.

(c) Storm doors should not detract from the historic character of the building. They should also not block the detailing on the door in any way.

(d) Storm doors should be painted or stained to blend with the rest of the building so that they are as invisible as possible.

(2) Temporary Signs and Banners: Temporary signs and banners are appropriate on the Square and are most often used for special events, many times being displayed in storefront windows. Such temporary signs should not be displayed for more than thirty (30) days.

(3) Painting within the general color palette, with the exception of murals.

(4) Ordinary repair and maintenance of existing exterior architectural features which does not change the basic structural appearance of same.

(5) Installation of outside storage and mechanical equipment that cannot be seen from the street.

(6) Installation, removal, or change in the landscape.

(G) The City of Washington's Commitment to Preservation: The City of Washington is committed to preserving the Square and its structures as a defining element of the City. These efforts will be led by the Planning and Development Director and the Historic Preservation Commission. Additionally, the City is committed to maintaining the Square in the ways it is able to, as seen below.

(1) Landscaping: Landscaping should be compatible with the architectural character and appearance of the landmark. Streetscape elements should complement the historic character of the Square and make it a safe and aesthetically appealing place for residents and visitors.

(a) Streetscape elements such as benches and planters should enhance the Washington commercial area.

(b) While these elements are modern in nature and support modern commercial activity, they should complement the historic character of the Square, especially the historic buildings.

(c) Landscaping should not damage historic buildings or conceal any historic elements or architectural details.

(d) In addition to ensuring that historic elements are not concealed through landscaping, the canopies should be limited and planters should be given priority.

(e) Outdoor furniture is to be provided by the City and should be uniform in appearance. The City will also provide and maintain trash receptacles. Any outdoor furniture and other elements that are placed along the sidewalks should not impede traffic flow.

(f) Historically, the center of the Square has been the location for the majority of the landscaping and other furniture. While the fountain has replaced the historic bandstand, the center of the Square remains an important place for historic landmarkers, furniture, and vegetation. This area should continue to receive attention to maintain its attractive qualities, while ensuring that it does not become overgrown or create any safety issues.

(g) Crosswalk markings and other pedestrian infrastructure shall be maintained by the City to ensure the safety of the pedestrians and the downtown area.

(h) The use of period lighting should be continued along the sidewalks throughout the historic downtown. The lighting shall be carefully placed to ensure illumination in all areas for pedestrian safety.

(Ord. 3172, passed 4-4-16)

§154.699 FEES AND PENALTIES

(A) The City Council, upon recommendation from the Commission, may establish an appropriate system of processing fees and bonds to fulfill the provisions of this subchapter.

(B) Any person who undertakes or causes an alteration, construction, demolition, or removal of any Landmark or property within a Historic District without a COA shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000). Every day such violation shall continue to exist shall constitute a separate violation.

(C) In addition to any other remedies and penalties provided in this subchapter, the City Attorney is authorized and directed to file institute, at the direction of the corporate authorities in the name of the City, civil actions for temporary restraining orders, temporary injunctions, permanent injunctions, or for damages, against any person, firm or entity violating this subchapter. In any such action, in addition to any other remedy or damages, the City shall be entitled to recover its reasonable attorneys' fees and court costs, whether such attorneys' fees are incurred for preparation, negotiation, trial, appellate, or otherwise.

(Ord. 2750, passed 10-1-07)

WIND ENERGY CODE

§ 154.700 SHORT TITLE

This chapter shall be known as the "Wind Energy Code" of the City of Washington, Illinois, and may be so cited and pleaded and shall be referred to herein as the "Code."

§ 154.701 PURPOSE

The purpose of this Code is to regulate the construction and operation of wind energy conversion systems within the city and within the one and one-half (1½) mile radius surrounding the zoning jurisdiction of the city in order to protect the health, safety, and welfare of the public; provided, however, that this Code is not intended to apply within any area under the subdivision jurisdiction of another city or village.

§ 154.702 DEFINITIONS

For the purpose of this chapter, the following definitions are adopted:

APPLICANT. The person or entity filing an application under this Code.

EXTRATERRITORIAL WIND ENERGY SYSTEM OR EXTRATERRITORIALWIND ENERGY CONVERSION SYSTEM. Any Wind Energy Conversion System (WECS) which is or may be located within the extraterritorial jurisdiction.

EXTRATERRITORIAL JURISDICTION. Any area which is:

(1) Located outside of the corporate limits of the city; and
(2) Located within one and one-half (1½) miles of the zoning jurisdiction of the city; and
(3) Is not located within the subdivision jurisdiction of another city or village.

FACILITY OWNER. Any person or entity having an equity interest in a WECS.

NONPARTICIPATING LANDOWNER. Any landowner except those on whose property all or a portion of a WECS is located pursuant to an agreement with the facility owner or operator of that WECS.

OCCUPIED BUILDING. A residence, school, hospital, church, public library, or any other building that is occupied or in use when an application to site or construct a WECS is submitted.

OPERATOR. Any person or entity responsible for the day-to-day operation and maintenance of a WECS.

REGISTERED ENGINEER. Any professional engineer licensed by the State of Illinois.

ROAD PERMITS. Any permits required under Chapter 15 of the Illinois Vehicle Code.

SMALL WIND ENERGY CONVERSION SYSTEM OR SMALL WECS. Any wind energy conversion system consisting of a single wind turbine having a maximum generating capacity of one hundred (100) kw, which is intended to generate energy for an individual property primarily for the purpose of reducing energy consumption on that property.

TURBINE HEIGHT. The distance measured from the surface of the foundation supporting a wind turbine to the highest point of the wind turbine rotor plane. In the case of a wind turbine mounted on a building or other similar structure, the turbine height means the distance between the lowest elevation of the above grade foundation of the supporting structure and the highest point of the wind turbine rotor plane. The height of a vertical axis wind turbine shall be measured to the highest elevation of the turbine.

WIND ENERGY CONVERSION SYSTEM OR WECS. An electric generating facility, whose main purpose is to supply electricity, consisting of one (1) or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WIND FARM. Any wind energy conversion system other than a small wind energy conversion system as defined in this Code.

WIND TURBINE. A device that converts wind energy into electricity through the use of either a horizontal or vertical axis wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

ZONING CODE. Chapter 154 of the Washington City Code.

§ 154.703 PERMIT REQUIRED

(A) No WECS shall be constructed, modified, or located within the corporate limits of the city unless a special use authorizing the placement of the WECS has been approved pursuant to both the Zoning Code and this Wind Energy Code and unless a building permit has been issued to the facility owner or operator approving construction of the system.

(B) No extraterritorial WECS shall be constructed, modified, or located within the extraterritorial jurisdiction unless a building permit authorizing the placement of the WECS has been approved as provided in this Wind Energy Code and unless a building permit has been issued to the facility owner or operator approving construction of the system.

(C) An application to locate a wind farm within the corporate limits of the city or within the extraterritorial jurisdiction shall be accompanied by a fee in the amount of one thousand dollars ($1,000.00) for each wind turbine which will comprise the wind farm. If a special use or a building permit authorizing siting of the wind farm is approved, a building permit shall be issued without additional cost.

(D) Any application to locate a small WECS within the city or within the extraterritorial jurisdiction shall be accompanied by a fee in the amount of two hundred fifty dollars ($250.00). If a special use or a building permit authorizing siting of the small WECS is approved, a building permit shall be issued without additional cost.

(E) Any physical modification to an existing and permitted WECS that materially alters the size, type, or number of wind turbines or other equipment shall require a modification of the special use under this Code. Like-kind replacements of existing wind turbines shall not require a modification of the special use.

§ 154.704 APPLICATION TO SITE AND CONSTRUCT WECS

(A) An application for a special use and a building permit to site and construct a WECS shall demonstrate that the proposed facility will comply with this Code.

(B) An application to site and construct a wind farm shall contain the following:

(1) A narrative describing the proposed wind farm, including an overview of the project; the project location; the approximate generating capacity of the wind farm; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers and a description of ancillary facilities.

(2) Evidence satisfactory to the city of an agreement between any participating landowner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the participating landowner to apply for necessary permits for construction and operation of the wind farm on the property of the participating landowner.

(3) The property tax identification number and owner of record of any property on which any portion of the proposed wind farm will be located, and the property tax identification number and owner of record of all properties adjacent to any property on which any portion of the wind farm will be located.

(4) A site plan prepared and sealed by a registered engineer showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind farm to the substations(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.

(5) Documents related to decommissioning as required by this Code.

(6) Any other documents required by this Code.

(7) Evidence of compliance with any applicable regulations promulgated by the Federal Aviation Administration.

(8) Other studies, reports, certifications, or approvals as may be reasonably requested by the city to ensure compliance with this Code.

(C) An application to site and construct a small WECS shall contain the following:

(1) A description of the proposed wind turbine including, without limitation, all specifications, the manufacturer, the generating capacity and a description of any ancillary facilities.

(2) A site plan showing the planned location of the wind turbine including property lines, setback lines, the location of all wiring or other electrical components, and the location of all structures within the site of the proposed small WECS or within any setback established by this Code.

(D) Within thirty (30) days after receipt of an application for a special use or a building permit, the city will determine whether the application is complete and advise the applicant accordingly.

(E) Throughout the permitting process, the applicant shall promptly notify the city of any changes to or inaccuracies in the information contained in the application.

(F) Changes to a pending application that do not materially alter the initial site plan or the nature or scope of the WECS may be adopted without an additional public hearing.

§ 154.705 DESIGN AND INSTALLATION

(A) The design of the WECS shall conform to applicable industry standards, including those of the American National Standards Institute. The applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

(B) The WECS shall comply with all applicable provisions of the Washington City Code, including, without limitation, the Washington Building Code.

(C) Each wind turbine shall be equipped with a redundant braking system which includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

(D) All electrical components of the WECS shall conform to applicable local, state, and national codes, including without limitation, any regulations adopted by reference under the provisions of the Washington City Code.

(E) Wind turbines shall be a nonobtrusive color such as white, off-white, or gray.

(F) A WECS shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

(G) Wind turbines shall not display advertising.

(H) Wind turbines shall display the identification of the turbine manufacturer, facility owner, and operator, which identification shall be legible from a distance not to exceed twenty-five (25) feet.

(I) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

(J) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(K) Visible, reflective, colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet above the surrounding grade.

(L) Wind turbines shall not be climbable up to fifteen (15) feet above ground surface.

(M) All access doors to wind turbines and electrical equipment and gates to related fences, if any, shall be locked to prevent entry by unauthorized persons.

(N) Wind turbines shall comply with all applicable regulations promulgated by the Federal Aviation Administration.

§ 154.706 SETBACKS AND OTHER LIMITATION ON LOCATION

(A) Wind turbines shall be set back from the property lines of the zoning lot upon which they are located, public roads, third party transmission lines, and communication towers a distance not less than the normal setback requirements for the zoning classification to which the zoning lot is assigned or 1.1 times the turbine height, whichever is greater. The setback distance shall be measured from the center of the wind turbine base to the property lines. Property lines that are shared with other properties included in the same WECS development may forgo this requirement, provided written acceptance of this waiver is obtained from all affected property owners prior to the public hearing.

(B) Wind turbines shall be set back at least seven hundred fifty (750) feet from any adjoining property's dwelling unit.

(C) No zoning lot upon which a wind turbine is located may be resubdivided in a manner which would result in the creation of one (1) or more additional zoning lots with any property line closer to such wind turbine than the minimum established by this section."

§154.707 USE OF PUBLIC ROADS

(A) The applicant for special use or a building permit for a wind farm, which will require road permits for delivery of materials, equipment or parts, shall identify all state and local public roads to be used within the city or within the extraterritorial jurisdiction to transport equipment and parts for construction, operation, or maintenance of the wind farm.

(B) The Public Works Director or a qualified third party engineer hired by the city but compensated by the applicant, shall document road conditions prior to construction of a wind farm which will require road permits. The engineer shall document road conditions again approximately thirty (30) days after construction is complete or as weather permits.

(C) Any road damage caused by the applicant or its contractors shall be promptly repaired at the applicant's expense to the satisfaction of the Public Works Director or a qualified third party engineer. Any deterioration in roadways used by the applicant in connection with the construction of a wind farm shall be rebuttably presumed to have been caused by the applicant or its contractors.

(D) The applicant for a wind farm which will require road permits shall demonstrate that it has financial capacity to promptly repair damaged roads. As a condition to approval of the siting or construction of a wind farm, the city may require security in the form of a performance bond, letter of credit, or cash escrow under terms and conditions acceptable to the city in the amount of twenty thousand dollars ($20,000.00) for each wind turbine.

§ 154.708 MIGRATORY BIRDS

An avian study shall be conducted by a qualified third party professional, such as an ornithologist or wildlife biologist, to determine if there is any potential impact the WECS project may present to migratory birds. The study must provide assurance that the WECS project does not significantly negatively impact the path of migratory birds. The results of the study shall be made available at the official public hearing.

§ 154.709 LOCAL EMERGENCY SERVICES

(A) The applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer fire department(s).

(B) Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the WECS.

§ 154.710 NOISE AND SHADOW FLICKER

(A) Audible sound from a WECS shall not exceed noise levels established by the Illinois Pollution Control Agency rules and regulations, as measured at the property line of a nonparticipating landowner's property. Methods for measuring and reporting acoustic emissions from wind turbines and the WECS shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 – 1989 titled "Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I First Tier" or the most recently updated version of such standards. The applicant shall certify that the applicant's facility is in compliance with the same.

(B) The facility owner and operator shall make reasonable efforts to minimize shadow flicker at the location of any occupied building on a nonparticipating landowner's property.

§ 154.711 SIGNAL INTERFERENCE

(A) Both the facility owner and operator shall be responsible for any disruption or loss of radio, telephone, television, or similar signals caused by the WECS, and shall mitigate any such harm caused by the WECS.

(B) Every WECS project must be inspected annually by an authorized factory representative to certify that it is in good working condition and not a hazard to the public.

§ 154.712 LIABILITY INSURANCE

The facility owner and operator of a wind farm shall maintain a current comprehensive general liability policy covering bodily injury and property damage resulting from the construction, operation, maintenance or repairs of a WECS with limits of at least five million ($5,000,000.00) per occurrence and five million ($5,000,000.00) in the aggregate. Current certificates of insurance shall at all times be on file with the City Clerk.

§ 154.713 DECOMMISSIONING

(A) The facility owner and operator shall, at their expense, complete decommissioning of the WECS, or individual wind turbines, within (12) twelve months after the end of the useful

life of the WECS or individual wind turbines. A WECS or an individual wind turbine is presumed to be at the end of its useful life if no electricity is generated by the WECS or the individual wind turbine for a continuous period of twelve (12) months.

(B) Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.

(C) Disturbed earth shall be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(D) The applicant for the siting and construction of a wind farm shall at the cost of the applicant retain an independent and certified professional engineer to estimate the total cost of decommissioning the wind farm ("decommissioning costs") without regard to salvage value of the equipment, and the cost of decommissioning net of salvage value of the equipment ("net decommissioning costs"). Said estimates shall be submitted to the city with the application to site and construct a wind farm. Such estimates shall be updated by the facility owner and operator every fifth year after approval of siting.

(E) The facility owner or operator of a wind farm shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided that at no point shall decommissioning funds be less than twenty-five (25) percent of decommissioning costs.

(F) Decommissioning funds shall be delivered to the city in the form of a performance bond, surety bond, irrevocable letter of credit, corporate guarantee, or other form of financial assurance acceptable to the city.

(G) If the facility owner or operator fails to complete decommissioning within the period or under the conditions prescribed by the Code, then the participating landowner shall have three (3) months thereafter to complete decommissioning.

(H) If neither the facility owner, operator, nor the participating landowner complete decommissioning within the periods prescribed by this Code, then the city may take such measures as necessary to complete decommissioning including expenditure of the decommissioning funds.

(I) The city shall release the decommissioning funds when the facility owner or operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

(J) The City is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.

§ 154.714 PERMIT FOR EXTRATERRITORIAL WECS

An application to site and consult an extraterritorial WECS shall be considered by the city in the same manner as if the applicant had submitted an application for the placement of a WECS within the corporate limits of the city. The applicant, facility owner, operator and any participating landowner with respect to any approved application for an extraterritorial WECS shall be subject to the terms and conditions of this Code and any approving ordinance or resolution in the same fashion and to the same extent as if the WECS were located within the corporate limits of the city.

§ 154.715 PUBLIC INQUIRIES AND COMPLAINTS

(A) The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

(B) The facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

§ 154.716 REMEDIES

(A) It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this Code, or any special use approved under the zoning code, or to cause another to violate or fail to comply, or to take any action which is contrary to the terms of this Code or any special use approved under the zoning code. The general penalty provisions of the Washington City Code shall apply with respect to violations of this Code.

(B) The city may institute civil enforcement proceedings or resort to any other remedy at law or in equity to ensure compliance with the Code or any special use issued under authority of the zoning code.

(Ord. 2951, passed 10-3-11)

§ 154.999 PENALTY

(A) Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter for which another penalty is not provided, shall be guilty of an ordinance violation and shall

be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. 1536, passed 11-2-87)

(B) Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of §§ 154.185 through 154.195. Upon due investigation the City Attorney may determine that a violation of the minimum standards of §§ 154.185 through 154.195 exist. The City Attorney shall notify the owner in writing of such violation.

(1) If such owner fails after ten (10) day's notice to correct the violation:

(a) The city may make application to the Circuit Court for an injunction requiring conformance with §§ 154.185 through 154.195 or make such other order as the court deems necessary to secure compliance with §§ 154.185 through 154.195.

(b) Any person who violates §§ 154.185 through 154.195 shall upon conviction thereof be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00).

(c) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(2) The City Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(3) Nothing herein shall prevent the city from taking any other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(C) Additional Remedies to Violations. In case any buildings or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this zoning code, the proper authorities of the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance or use; to restrain, correct or abate such violation; to prevent any illegal act, conduct, business or use in or about such premises.

(D) All documented violations may be enforced by using short or standard form complaints. The short form complaint should provide for a reply by the violator, admitting his/her guilt and specifying a fine. At any time during, prior to or after seeking fines, the City may file for injunctive relief. The above fines shall not be construed to limit the authority of any judge in the exercise of his/her contempt powers.

(Ord. 1692, passed 10-7-91; Am. Ord. 2055, passed 12-16-96)

APPENDIX

APPLICATION FORM; ZONING PETITION

CITY OF WASHINGTON
ZONING PETITION

Petition for (check appropriate item(s)):

_____ Zoning Amendment

_____ Special Use

_____ Variance

_____ Appeal

Petitioner Name: _____

Address: _____

Phone: _____

Name of owners of Property: _____

A copy of the deed or mortgage conveying the property to the owners must be attached hereto; said deed or mortgage to contain an accurate legal description of the property.

A statement must be attached to this petition stating in detail the intended use of the property.

The specific use requested is _____ and the current zoning classification is _____. Also indicate the zoning classification of all adjacent properties.

Attach a drawing describing with reasonable accuracy the location of the property in question and all adjoining properties, residences, fences and other structures that might be affected by the zoning or special use. Lot size, building sizes, distance of structure from lot lines, and location of parking lots and driveways are also needed.

In the case of Special Use request, a statement must be attached reciting facts as to why the Special Use is needed, both in the neighborhood and the community, and any impact the Special

Use will have on the use of neighboring property, on traffic patterns, and on the capacity of City facilities, such as watermains and sewer mains to serve the area.

It shall be the responsibility of the petitioner to contact the chairman of the Planning and Zoning Commission at least forty eight (48) hours prior to the public hearing to determine if the Commission will need additional information. Failure to contact the chairman may result in the Planning and Zoning Commission deferring action until the following month's meeting.

Dated _____, 2____.

Signature of owners

Signature of occupants
(who are not owners)

_____ FEES PAID

_____ SITE PLAN SUBMITTED

_____ FLOOR PLAN SUBMITTED

CHAPTER 160

BUILDING CODE

160.001 Title
160.002 Purpose
160.003 Adoption of International Building Code & Commentary, 2006 Edition (IBC), International Residential Code & Commentary, 2006 Edition (IRC), International Mechanical Code, 2006 Edition (IMC), the National Electrical Code (NEC), the Illinois Plumbing Code, and the National Fire Protection Association (NFPA) 101 Life Safety Code, 2006 Edition, by reference
160.003A License required for electricians
160.004 Applicability
160.005 Insertions, additions, changes, and deletions to IBC, IRC and NEC
160.006 Additional requirements
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160.008 Enforcement
160.009 Refundable inspection fees
160.010 Key lock box system

§ 160.001 TITLE

This chapter shall be known and may be cited as the Washington Building Code.

(Ord. 1898, passed 3-6-95)

§ 160.002 PURPOSE

The purpose of the Washington Building Code, and the adoption of each component part thereof, is to establish widely accepted and enforceable standards for the construction of new buildings and structures, building and structure additions, and the structural alteration of existing buildings and structures. It has been contended by builders and contractors that construction methods and practices presently occurring in the City comply with the Washington Building Code. As a result, builders and contractors may be largely unaffected by the enactment of the Washington Building Code, and that the provisions hereof will serve principally to codify existing construction practices. In recognition of this, attempts have been made to make the inspection and compliance procedures as unintrusive as possible.

(Ord. 1898, passed 3-6-95)

§ 160.003 ADOPTION OF INTERNATIONAL BUILDING CODE & COMMENTARY, 2012 EDITION (IBC), INTERNATIONAL RESIDENTIAL CODE & COMMENTARY, 2012 EDITION (IRC), INTERNATIONAL MECHANICAL CODE, 2012 EDITION (IMC), THE NATIONAL ELECTRICAL CODE (NEC), THE ILLINOIS PLUMBING CODE, AND THE NATIONAL FIRE

PROTECTION ASSOCIATION (NFPA) 101 LIFE SAFETY CODE, 2006 EDITION, BY REFERENCE

The International Building Code & Commentary, International Residential Code & Commentary, International Mechanical Code, the National Electrical Code, the Illinois Plumbing Code, and the NFPA 101 Life Safety Code, are adopted by reference as the Washington Building Code, in their entirety, excepting therefrom those insertions, additions, changes, and deletions hereinafter described in § 160.005.

(Ord. 1898, passed 3-6-95; Am. Ord. 1967, passed 12-4-95; Am. Ord. 2326, passed 8-20-01; Am. Ord. 2538, passed 6-7-04; Am. Ord. 2817, passed 1-5-09; Am. Ord. 2895, passed 7-19-10; Am. Ord. 3063, passed 12-16-13; Am. Ord. 3069, passed 3-3-14; Am. Ord. 3144, passed 8-3-15)

§ 160.003A LICENSE REQUIRED FOR ELECTRICIANS

(A) No electrician shall install any electrical equipment, systems, components, or materials in connection with a building permit without first having obtained a certificate of registration to do so from the City of Washington, Tazewell County, Illinois.

(B) A certificate of registration is not required for residential work provided the work is being done solely by the owner of the subject property and the owner is going to reside in the subject property for a minimum of six (6) months. All electrical equipment must be installed in compliance with the National Electric Code.

(C) In order to obtain a certificate of registration to install electrical equipment as provided above, an electrician shall submit evidence of the following to the city building official:

(1) A current license issued by any of the following communities:

(a) Peoria, Illinois;

(b) Bloomington, Illinois;

(c) Normal, Illinois;

(d) Decatur, Illinois;

(e) Pekin, Illinois;

(f) Ottawa, Illinois;

(g) Urbana, Illinois;

(h) Galesburg, Illinois;

(i) Springfield, Illinois;

(h) any other Illinois testing community upon verification by the city building official; or

(2) Evidence of the successful completion of a test administered by any of the communities listed in subdivision (1) of this paragraph (C), or a national fire protection association test pertaining to the National Electric Code and knowledge thereof.

(D) Upon presentation by an electrician of satisfactory evidence of either of the items listed in paragraph (C) (1) or paragraph (C) (2) above, the city building official shall issue a commercial electrical certificate of registration to such an electrician. Such certificate of registration shall be in full force and effect from and after the date of its issuance.

(Ord. 1971, passed 12-18-95; Am. Ord. 2538, passed 6-7-04; Am. Ord. 2895, passed 7-19-10 Am. Ord. 3144, passed 8-3-15)

§ 160.004 APPLICABILITY

(A) International Building and International Residential Code and International Mechanical Code.

(1) The IBC shall apply to the design, new construction, structural alteration, interior alteration, and addition of and to all buildings and structures, as provided in the IBC, and their accessory structures, as defined in the IRC Code.

(2) The IRC shall apply to the design, new construction, structural alteration and addition of and to detached one- and two-family dwellings and one-family townhouses as provided in the IRC, and their accessory structures, as defined in the IRC.

(3) The IMC shall apply to the design, new construction, structural alteration, interior alteration, and addition of and to all buildings and structures, as provide in the IMC.

(B) Illinois Plumbing Code.

(1) The Illinois Plumbing Code shall apply to the design and installation of all plumbing fixtures, materials, and plumbing systems in connection with new construction, structural alteration, and addition of and to all buildings and structures, as defined in the Illinois Plumbing Code.

(C) National Electrical Code.

(1) The National Electrical Code shall apply to the design and installation of all electrical fixtures, materials and electrical systems in connection with new construction, structural alteration, and addition of and to all buildings and structures, as defined in the National Electrical Code.

(D) NFPA 101 Life Safety Code.

(1) The NFPA Life Safety Code shall apply to the design, new construction, structural alteration and addition of and to all buildings and structures, excluding one- and two-family dwellings and public schools, as defined in the NFPA 101 Life Safety Code.

(Ord. 1898, passed 3-6-95; Am. Ord. 2070, passed 5-19-97; Am. Ord. 2326, passed 8-20-01; Am. Ord. 2817, passed 1-5-09; Am. Ord. 2895, passed 7-19-10)

§ 160.005 INSERTIONS, ADDITIONS, CHANGES, AND DELETIONS TO INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE AND NATIONAL ELECTRIC CODE

(A) International Building Code insertions, additions, changes, and deletions.

(1) Section 101.1. Insert as "Name of jurisdiction" the following: "City of Washington."

(2) Section 105.1. Delete Section 105.1 in its entirety and insert the following: "Building permit requirements are contained in Section 154.236 of the Code of Ordinances of the City of Washington, entitled "Permits".

(3) Section 107. Insert the following as part of Section 106.1: "The Construction documents shall be drawn to scale and show the size and depth of the footing/foundation; the dimensioned floor plan, the plan elevations, the electrical plan, and the plumbing plan. Construction documents for new construction, structural alteration, or addition of and to buildings or structures for commercial and industrial use must be reviewed and sealed by a registered design professional.

(4) Section 107.2.5. Delete Section 107.2.5 in its entirety and insert the following as Section 107.2.5: "There shall also be a site plan, which shall comply with the requirements of Section 154.236(A)(2) of the Code of Ordinances of the City of Washington."

(5) Section 110.3. Delete Section 110.3 in its entirety and insert the following as Section 110.3: "Inspections shall focus solely upon work which is the subject of the Building Permit. It is the owner's responsibility to notify the City, or have the City notified, during normal business hours, at least one (1) business day (twenty four (24) hours) in advance of the time the following phases of construction shall be completed:

(a) Prior to pouring footings and after completion of foundation prior to backfill;

(b) Upon completion of underground parking;

(c) Prior to covering over the framing and roughed-in electrical and plumbing; and

(d) Upon completion of the building or structure and before the issuance of the certificate of occupancy.

The City may inspect the property at any time and from time to time. Upon proper notification as above provided, the City shall inspect the construction in a timely manner. If the owner shall have notified the City in a timely manner as provided above as to each applicable phase of construction, an inspection is not required prior to the owner or contractor progressing with construction."

(6) Section 114.4. Delete Section 114.4 in its entirety and insert the following as Section 114.4: “Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code official, shall be subject to the penalties and provisions of Section 154. 999 of the Code of Ordinances of the City of Washington. Each day that a violation continues after due notice has been given shall be deemed a separate offense.”

(7) Chapter 27. Chapter 27 - Electrical is hereby deleted in its entirety.

(8) Chapter 29. Chapter 29 - Plumbing Systems is hereby deleted in its entirety.

(9) Chapter 31. Chapter 31 - Special Construction. Delete Section 3106 Marquees. Delete Section 3107 Signs. Delete Section 3108 Radio & Television Towers.

(10) Chapter 34. Chapter 34 - Existing Structures. Section 3412.2. Insert as "Date to be inserted by the jurisdiction" the following: "March 6, 1995."

(B) International Residential Code insertions, additions, changes, and deletions.

(1) Section R101.1. Insert as "Name of Jurisdiction" the following: "City of Washington."

(2) Section R105.1. Delete Section R105.1 in its entirety and insert the following: "Building permit requirements are contained in Section 154.236 of the Code of Ordinances of the City of Washington, entitled "Permits."

(3) Section R105.2. Delete exemptions 1 and 2.

(4) Section 106.1. Insert the following as part of Section 106.1: "The construction documents shall be drawn to scale and show the size and depth of the footing/foundation; the dimensioned floor plan, the plan elevations, the electrical plan, the plumbing plan."

(5) Section R106.2. Delete Section R106.2 in its entirety and insert the following as Section R106.2: "There shall also be a site plan, which shall comply with the requirements of Section 154.236(A)(2) of the Code of Ordinances of the City of Washington."

(6) Section R108.3. Delete Section R108.3 in its entirety and insert the following as Section R108.3: "The fees charged for plan examination, building permits, and inspection shall be those stated and provided in Section 154. 236(A)(6) of the Code of Ordinances of the City of Washington."

(7) Delete Section R-109.1 in its entirety and insert the following as Section R-109.1: "Inspections shall focus solely upon work which is the subject of the Building Permit. It is the owner's responsibility to notify the City, or have the City notified, during normal business hours, at least one (1) business day (twenty-four (24) hours) in advance of the time the following three (3) phases of construction shall be completed:

(a) Prior to pouring footings and after completion of foundation prior to backfill;

(b) Upon completion of underground plumbing;

(c) Prior to covering over the framing and roughed-in electrical and plumbing; and

(d) Upon completion of the building or structure and before the issuance of the certificate of occupancy.

The City may inspect the property at any time and from time to time. Upon proper notification as above provided, the City shall inspect the construction in a timely manner. If the owner shall have notified the City in a timely manner as provided above as to each applicable phase of construction, an inspection is not required prior to the owner or contractor progressing with construction."

(8) Section R113.4. Delete Section R113.4 in its entirety and insert the following as Section R113.4: “In addition to any other remedies herein provided, the penalties and provisions contained in Section 154.999 of the Code of Ordinances of the City of Washington shall apply to any person, firm, or corporation violating any of the provisions of this code. Each day that a violation is committed, continues, or is permitted shall be deemed a separate offense.”

(9) Amend Section 313.2 One- and two-family dwelling automatic fire systems to read as follows:

Section R313.2. One- and two-family dwelling fire systems. An automatic residential fire-sprinkler system shall not be required to be installed in one- and two-family dwellings. If one is installed, however, it shall comply with the relevant code sections of the International Residential Code.

(10) Part IV – Energy Conservation. Part IV – Energy Conservation is deleted in its entirety.

(11) Part VII - Plumbing. Part VII - Plumbing is deleted in its entirety.

(12) Part VIII - Electrical. Part VIII - Electrical is deleted in its entirety.

(13) Appendix G to the IRC, 2012 edition entitled “Swimming Pools, Spas, and Hot Tubs.”

(14) Appendix H to the IRC, 2012 edition entitled "Patio Covers."

(C) National Electric Code insertions, additions, changes, and deletions.

(1) Amend NEC Table 310.106(A) "Minimum Size of Conductors to require Copper minimum conductor size – 12 gage and Aluminum or Copper-Clad Aluminum minimum conductor size – 10 gage."

(Ord. 1898, passed 3-6-95; Am. Ord. 2047, passed 10-21-96; Am. Ord. 2050, passed 11-18-96; Am. Ord. 2183, passed 4-19-99; Am. Ord. 2326, passed 8-20-01; Am. Ord. 1538, passed 6-7-04; Am. Ord. 2538, passed 6-7-04; Am. Ord. 2895, passed 7-19-10; Am. Ord. 3065, passed 1-21-14; Am. Ord. 3144, passed 8-3-15)

§ 160.006 ADDITIONAL REQUIREMENTS

(A) Other federal and state statutes:

(1) To the extent applicable, if at all, owners, builders, and contractors shall comply with and conform to the laws of the United States of America and the State of Illinois applicable to construction and construction standards.

(Ord. 1898, passed 3-6-95)

§ 160.007 DEFINITIONS

(A) **CODE OFFICIAL** or **BUILDING OFFICAL**: as used in the IBC, IRC, IMC, National Electrical Code, Illinois Plumbing Code, or NFPA 101 Life Safety Code shall mean the City Administrator or his duly authorized agent or designee.

(Ord. 1898, passed 3-6-95; Am. Ord. 2326, passed 8-20-01; Am. Ord. 2895, passed 7-19-10)

§ 160.008 ENFORCEMENT

(A) The City Administrator or his duly authorized agent or designee is authorized and directed to enforce all provisions of this Chapter 160.

(Ord. 1898, passed 3-6-95)

§ 160.009 REFUNDABLE INSPECTION FEES

(A) Prior to the issuance of a building permit, the owner and/or contractor must deposit with the City a refundable inspection fee, the amount of which shall be equal to one hundred dollars ($100.00) for each City inspection that is required by City ordinance for the

particular construction project. The maximum fee shall be four hundred dollars ($400.00), consisting of the following:

Water/Sewer Inspection Fee	$100.00
Footing/Foundation Fee	100.00
Framing Inspection Fee	100.00
Final Inspection Fee	100.00
Total	$400.00

(B) All of the inspection fees shall be refundable. In order for any inspection fee to be refundable, the owner and/or contractor must make a timely request for the inspection at the required time or stage of construction. Failure to request any inspection at the required time or stage of construction will, result in that inspection fee becoming non-refundable and forfeited. In addition, if more than one re-inspection of the initial noted corrections is required, the inspection fee for that phase will be forfeited. If final inspection is not made prior to occupancy, the entire $400 will be forfeited.

(C) No occupancy of a structure shall take place until a Certificate of Occupancy has been issued. In cases where there are no life safety issues that would endanger the occupants of the structure or the public, the City may issue a Temporary Certificate of Occupancy that is valid for 30 days. A temporary Certificate of Occupancy will only be issued if there are extenuating circumstances that have not allowed construction to be completed. The contractor must deposit with the City a refundable fee of one thousand dollars ($1,000.00). The Building Inspector shall be provided access into the structure in order to complete the inspection. If a final inspection is not approved within 30 days, the entire one thousand dollars ($1,000.00) will be forfeited.

(Ord. 2205, passed 10-18-99; Am. Ord. 2326, passed 8-20-01; Am. Ord. 2538, passed – 6-7-04; Am. Ord. 2895, passed 7-19-10)

§ 160.010 KEY LOCK BOX SYSTEM

(A) Identification of Structures Required to Comply. The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required or permitted by the Fire Chief of the Fire Department, or its successor organization:

(1) commercial and industrial structures protected by an automatic alarm system or automatic suppression system, or commercial and industrial structures that are secured in a manner that restricts access during an emergency; and

(2) multi-family residential structures having more than 4 residential units that have restricted access through locked doors and have a common corridor for access to the living units; and

(3) governmental structures and nursing care facilities.

(B) Contents of Key Lock Box. The key lock box must contain the keys for the exterior doors, the keys for all the interior doors within the structure, a card containing the emergency contact people and telephone numbers for the structure, and a scaled floor plan of the structure. In lieu of having the interior keys at the exterior locations, a second key lock box may be located within the main lobby of the structure to hold the interior keys. All keys within the key lock box shall be labeled for easy identification either by the tenant name or indexed to the floor plan of the structure and must be kept current.

(C) Certain Structures Need Not Comply. All structures in existence on July 1, 2004, and all such structures not in existence on July 1, 2004, but for which a building permit was issued prior to July 1, 2004, shall not be subject to the provisions of this Section, with the exception of multi-family residential structures having more than 4 residential units that have restricted access through locked doors and have a common corridor for access to the living units.

(D) New Construction. All structures required to be equipped with a key lock box as provided above, for which a building permit is issued on or after July 1, 2004, must have a key lock box installed and operational prior to the issuance of a Certificate of Occupancy by the City.

(E) Substantial Improvements to Existing Structures. If any structure required to be equipped with a key lock box as provided above is substantially improved on or after July 1, 2004, such a substantially improved structure must have a key lock box installed and operational prior to the issuance of a Certificate of Occupancy by the City. A substantial improvement to an existing structure, for purposes of this Section shall mean an improvement to or involving the exterior of the structure and costing not less than $25,000.

(F) Type of Key Lock Box System. The Fire Chief will designate the type of key lock box system to be used and implemented within the City, and will have the authority to require all structures that are described in paragraph 1, above, to use the designated system.

(G) Rules and Regulations. The Fire Chief is authorized to implement rules and regulations for the use of the lock box system by the Fire Department.

(H) Penalty. Any person who violates the provision of this Ordinance shall be fined not more than $750.00 for each offense; each day on which a violation occurs or continues will constitute a separate offense.

(Ord. 2535, passed 6-7-04)

TABLES OF SPECIAL ORDINANCES

I. ANNEXATIONS

II. VARIANCES

III. ZONING MAP CHANGES

IV. STREET NAME CHANGES

V. SPECIAL USES

VI. VACATIONS

○ ○ ○ ○ ○ ○ ○

TABLE I

ANNEXATIONS

ORDINANCE NO.	DATE	DESCRIPTION
620	7-3-45	West of Edgemere Addition, Bondurant Street
624	7-2-46	South of Spring Street
628	1-7-47	South and west of Court Drive
630-A	11-4-47	Route 24 east (Walnut Street)
632	12-2-47	Waughop Subdivision
634	2-3-48	Rolling Acres
635	2-3-48	North Lawndale Avenue
637	5-4-48	Eldridge Addition
642	9-7-48	Lynn Street Addition
646	10-12-48	Corner North Wilmor and West Jefferson
648	2-49	Joos Addition, South Elm Street
656	1-3-50	Moss, South Main
697	10-6-53	Wick, South Elm Street
698	-53	South Main and Oakland Avenue
702	4-6-54	South Main and South Elm Streets
712	11-2-54	Devonshire
719	5-12-55	Moyer, South Elm Street

ORDINANCE NO.	DATE	DESCRIPTION
739	9-5-56	Oakwood
740	2-5-57	Attig, South Elm Street
750	1-7-58	Thieme, South Elm Street
757	12-2-58	Willhardt, (Devonshire)
765	8-4-59	High school athletic field
769	11-3-59	Smith, South Main
770	11-3-59	Berry, West Jefferson
789	12-6-60	Bennett, South Main
803	1-2-62	Porter, South Main
813	6-5-62	Phipps, Stalter, South Main Street
823	8-6-63	Tract VII of real estate annexed to the city
826	8-19-63	Christian Church, North Main Street
831	6-29-64	Vohland, North Main Street
832	8-4-64	Business area west
834	10-6-64	Muller, Peoria Street
835	11-4-64	Ebert, Larson, Kimpling, Hess, Peoria Street
851	1-4-66	Hess Subdivision, Peoria Street, and Wilmor Road
859	5-3-66	Kern Road and South Wilmor Road area
860	5-3-66	Devonshire

ORDINANCE NO.	DATE	DESCRIPTION
863	7-26-66	South of Oakwood Circle
870	1-10-67	Vogelsang, Moehl, Willhardt, Cruger Road
871	2-7-67	Zwetz, Hagan, Birkett, Dallas Road
872	3-7-67	Hackman, Route 24 East
873	3-7-67	Sommer, North Lawndale
883	4-17-67	Keil, South Cummings Lane and Route 24
904	1-2-68	Glendale Cemetery
905	1-2-68	T. P. and W. right-of-way south of Court Drive
907	1-2-68	Property of South Wilmor Road
908	1-2-68	Property of South Wilmor Road
912	1-15-68	T. P. and W. right-of-way, North Lawndale
913	3-4-68	Pfeffinger, South Elm
914	3-4-68	Sewer plant No. 1
927	5-6-68	Devonshire to Cruger Road
934	7-1-68	Muller, Route 24 and Route 8
937	8-5-68	Morris, Woodland Trail
938	8-5-68	Morris, Kern Road
939	8-5-68	Essig, South Cummings Lane
940	8-5-68	Keil, North Cummings Lane

ORDINANCE NO.	DATE	DESCRIPTION
942	8-19-68	Holtzman, Route 24 and Route 8
943	8-19-68	Heyl, South Cummings Lane
944	8-19-68	Cummings, South Cummings Lane
953	12-2-68	T. P. and W. right-of-way north of Washington Knolls
954	1-6-69	Holtzman, Reeser farm Route 24 and Route 8
957	4-7-69	Couri, Route 24 and Route 8
978	11-17-69	Cilco Substation Route 24 west
988	5-18-70	Westwood subdivision
991	7-6-70	Hillcrest Subdivision
992	7-6-70	Felker's Subdivision
993	7-6-70	Beverly Manor Subdivision
1003	10-5-70	Washington West Subdivision
1004	10-5-70	Beverly Manor north of Route 8
1008	11-16-70	Sewer plant No. 1 extension
1023	6-7-71	Faith Lutheran and General Telephone, School Street and Route 8
1024	6-7-71	Church of Christ of North Wilmore Road
1029	6-21-71	Wilmor and New Castle Roads
1033	7-6-71	Cilco substation, North Wilmor Road

ORDINANCE NO.	DATE	DESCRIPTION
1048	3-6-72	Sands, 2095 Washington Road
1057	5-15-72	Park District, Route 8
1058	5-15-72	Sewer plant No. 2
1059	6-5-72	Muller, Legion Road
1072	10-2-72	Beverly Farms
1075	10-16-72	Pine Lakes Country Estates, Section 1
1089	3-19-73	Pine Lakes Country Estates, Section 11
1107	7-16-73	Rolling Meadows Subdivision
1112	9-4-73	Schmoeger, Route 8 and Legion Road
1113	9-4-73	Cemetery (Memorial)
1120	1-21-74	Debolt, North Wilmor Road
1125	5-6-74	Oakwood Heights, 60 acres
1125	5-6-74	Eilers Court, Dearlove Lake
1135	10-21-74	Westlake Acres Subdivision
1147	1-6-75	Berry, Guth Road
1152	4-7-75	Pine Lakes Country Estates
1154	4-21-75	Zulian-Harris, Route 24 west
1172	11-3-75	Rolling Meadows sewer plant
1175	3-15-76	Woodward South Cummings Lane

ORDINANCE NO.	DATE	DESCRIPTION
1194	8-16-76	Couri, Corey
1197	10-18-76	Foley, South Cummings Lane
1201	11-15-76	Johnson, South School Street
1207	3-21-77	Wiegand, South School Street
1225	9-20-77	Nichols, Jefferson Est. Section 1
1237	7-3-78	Jacobs, Colonial Manor Subdivision
1257	1-15-79	Rolling Meadows Nursery (2278 Washington Road)
1260	3-5-79	Sunnyland Shopping Center
1301	5-19-80	Plaza Lanes (1500 Washington Road)
1319	10-20-80	McDonalds (1400 Washington Road)
1348	11-16-81	Tilton property 904 North Main
1349	11-16-81	Schertz property 903 North Main
1398	2-6-84	Lytle property 925 North Main
1443	3-4-85	Stewart Oil Station, 2279 Washington Road
1579	3-6-89	Lot 4C of Sublot 4 of Lot 50A, being part of the Southeast Quarter of Section 23, Township 26 North, Range 3 West
1623	4-16-90	Portions of the Northeast and Northwest Quarters of Section 24, Township 26 North, Range 3 West
1714	4-6-92	Portion of Southeast Quarter of Northeast Quarter of Section 14, Township 26 North, Range 3 West; also a portion of North Main Street

ORDINANCE NO.	DATE	DESCRIPTION
1722	5-4-92	Part of Lot E of Sublot A of Lot 51 and a portion of the right-of-way of Main Street(State Aid Route 3) (1114 S. Main Street)
1728	6-1-92	Railroad right-of-way purchased by owners of and adjacent to 1012 E. Adams Street
1734	6-15-92	Railroad right-of-way purchased by owner of and adjacent to 1206 Miller Street
1739	7-6-92	Property located at 607 Woodland Trail; property located at corner of Amanda and Glen Streets
1755	11-16-92	Property owned by Grace Bible Church located at 1109 South Main Street
1761	12-7-92	Property located at 1102 South Main Street
1778	3-1-93	Property owned by Joe Alan Tiller located at1105 South Main Street
1779	3-1-93	Property owned by William M. Ebert and Winifred J. Ebert located at 1100 South Main Street
1782	3-15-93	Property owned by Robert J. Roy and Pearl Kathleen Roy located at 809 South Elm Street
1789	5-24-93	Property owned by Timothy J. Gee located at the southwest corner of the intersection, of School Street and Illinois Route 8
1800	7-6-93	Property owned by Deborah R. Jackson located at 113 Legion Road, a portion of which is owned by Wayne Jackson located at 125 Legion Road, and a portion of which is owned by Paul Anderson located at 131 Legion Road
1801	7-6-93	Property owned by Oscar D. Willhardt located at 908 North Main Street

ORDINANCE NO.	DATE	DESCRIPTION
1802	7-6-93	Property owned by Ed O. Brose and Mytrle Brose located at 101 Ernest Street and the remainder being the Zion Evangelical Lutheran Church cemetery lot located at 105 Ernest Street
1803	7-6-93	Property owned by the city and located at the west end of West Jefferson Street
1810	9-20-93	Property owned by Christian Homes, Inc. located adjacent to Christian Homes, Inc. on Wilmor Road
1837	5-16-94	Property owned by Dean R. Essig, Constance D. Essig, Kevin M. Teeven and Deborah A. Carr located at 421 South Cummings Lane
1850	6-20-94	Property owned by Monroe J. Presley and Joan E. Presley located at 805 South Elm Street
1860	8-15-94	Property owned by Berry Development Properties, Inc.
1884	11-7-94	Property owned by Robert L. Summer, as trustee, known as 1305 Kern Road
1894	12-5-94	Property owned by Shirley Brown located on North Cummings Lane, containing approximately 21 acres
1903	3-20-95	Property owned by Shirley Brown located on North Cummings Lane, containing approximately 124.057 acres
1904	3-20-95	Property owned by Frederick G. Joos located on North Cummings Lane
1906	3-20-96	Property purchased by Berry Development Group, Inc., pursuant to an agreement for warranty deed dated July 10, 1993, located on North Cummings Lane

ORDINANCE NO.	DATE	DESCRIPTION
1911	4-17-95	Property owned by Shirley J. Hess located on North Cummings Lane
1932	7-3-95	Property owned by Walter D. Kuykendall and Dorothy R. Kuykendall known as 1412 and 1500 Washington Road
1943	8-21-95	Property owned by Rickard B. Miller, Pauline J. Miller, Leonard W. Hesselein, and Helen Hesselein known as 118 Muller Road
1946	8-21-95	Property owned by Anamarie Morris, James M. Morris and Roy D. Morris known as 906 and 908 South Main Street
1955	9-18-95	Property owned by Karl Stone and Betty Stone known as 501 North School Street
1962	11-20-95	Property owned by Oak Creek Enterprises, Inc. located on North Cummings Lane
1992	5-6-96	Property owned by William Brogan and Mara Brogan and Gary Brogan and Ellen Brogan located at 2211 Washington Road
1996	6-3-96	Property owned by Ronald R. Bradley and Judith K. Bradley located at 1004 South Main Street
1997	6-3-96	Property owned by Douglas W. Piper and Vickie R. Piper located at 1104 South Main Street
1998	6-3-96	Property owned by James A. Reilly and Rosemarie Reilly known as 1106 South Main Street
2000	6-17-96	Property owned by Todd Gibson and Robin R. Gibson located at 916 South Main Street
2001	6-17-96	Property owned by Merton H. Koch and Dorothy Koch located at 1000 South Main Street

ORDINANCE NO.	DATE	DESCRIPTION
2002	6-17-96	Property owned by Emanuel Leinweber and Gertrude Leinweber located at 121 West Guth Road
2008	7-15-96	Property owned by Donald Mallinson and Janet Mallinson located at 902 South Main Street
2012	7-15-96	Property owned by Royal F. Gustafson located at 153 West Guth Road
2014	7-15-96	Property owned by Gilbert O. Grebner and Teresa M. Grebner located at 177 West Guth Road
2016	7-15-96	Property owned by Earl B. Crawford and Shirley A. Crawford located at 233 West Guth Road
2018	7-15-96	Property owned by Nellie H. Brown located at 269 West Guth Road
2028	8-5-96	Property owned by Greg A Smith and Stacy E. Smith located at 613 Woodland Trail, and also located at 1114 Trails End
2029	8-19-96	Property owned by Donald A. Clark and Ida R. Clark located at 1117 Trails End
2032	8-19-96	Property owned by Ronald H. Theobald and Kimberly S. Theobald known as 1501 Kern Road
2036	9-16-96	Property owned by Donald F. Burroughs and Wanda M. Burroughs located at part of 1867 Washington Road
2039	10-7-96	Property owned by Dennis R. Riehl and Evelyn M. Riehl located at 914 South Main Street
2093	10-20-97	Property owned by Hazel L. Heilman located at 205 North Cummings Lane

ORDINANCE NO.	DATE	DESCRIPTION
2131	6-15-98	Property owned by Barbara A. Spurgeon, Eva Marcussen, Edward K. Speck, Ellen M. Tabor and Amy L. Dorsset located at 1300 North Cummings.
2143	9-21-98	Certain territory contiguous to the city owned by David P. Lott and Linda C. Lott located at 136 West Guth Road.
2161	12-7-98	Certain territory contiguous to the city owned by Greg A. Smith and Stacy E. Smith located at 609 Woodland Trail.
2163	12-7-98	Certain territory contiguous to the city owned by Audrey J. Sauder located 611 Woodland Trail.
2178	3-15-99	Certain territory contiguous to the city owned by Dean R. Essig, Constance D. Essig, Deborah A. Anderson and Kevin M. Teeven located generally near South Cummings Lane.
2190	7-6-99	Certain territory contiguous to the city owned by the Washington Area Community Center, Inc. located of North Wilmor Road.
2197	9-7-99	Certain territory contiguous to the city owned by Barbara F. Brubaker, Benjamin F. Brubaker, and Ada Brubaker located at 1829 Washington Road.
2245	8-21-00	Certain territory contiguous to the city owned by Richard O. Heinz and Patrick Nichting located east of 2224 Washington Road.
2262	12-11-00	Certain territory contiguous to the city owned by Richard O. Heinz and Patrick Nichting located east of 2224 Washington Road. (Same property as Ord. 2245 – process redone due to technicality)

ORDINANCE NO.	DATE	DESCRIPTION
2265	12-18-00	Certain territory contiguous to the city, commonly known as Washington Estates.
2297	6-18-01	Certain territory contiguous to the city, owned by Glenn W. and Carol A. Harkins generally located south and west of 1120 N. Main Street.
2320	8-20-01	Certain territory contiguous to the city, owned by S. Main Street Subdivision, located at rear of 1104 S. Main Street; owned by Jeff I. and Leslie Worthington, located at 1604 Kern Road; owned by Samuel M. and Joan M. Prina, located at 421 S. Cummings Lane; owned by Jon K. and Kimberly K. Tuttle Salmon, located at 503 S. Cummings Lane; owned by Peter M. and Kelli N. Nichols, located at 515 S. Cummings Lane; owned by Christopher M. Tomlinson, located at 519 S. Cummings Lane; owned by ESTECAR, Inc., located adjacent to 519 S. Cummings Lane; owned by Jerime L. and Jamie L. Gendron, located at 208 N. Summit Drive; owned by Daniel F. and Shirely I. Curley, located at 1007 Walnut Street; owned by First National Bank & Trust Co. of Pekin, Christian Homes, Inc. or Washington Church of Christ, located between the property owned by Christian Homes, Inc. and Washington Church of Christ fronting on Newcastle Road.
2322	8-20-01	Certain territory contiguous to the city, owned by the City of Washington (west of Rolling Meadows North and north of Shellbark r-o-w).
2323	8-20-01	Certain territory contiguous to the city, owned by Carl W. and Martha J. Muller located at the northerly portion of 1103 Walnut Street.
2325	8-20-01	Certain territory contiguous to the city, owned by Central Grade School District 51.

ORDINANCE NO.	DATE	DESCRIPTION
2340	11-19-01	Certain territory contiguous to the city, owned by Tri-County Homes, Inc. & Tilman L. Bachman, Sr. and Doris M. Bachman located north of Washington Estates and west of Dallas Rd.
2343	12-3-01	Certain territory contiguous to the city, owned by James N. Volk & Judith A. Volk located at 107 Inglewood Drive.
2367	3-18-02	Certain territory contiguous to the city, owned by Daniel H. Mattson & Marsha K. Mattson located at and commonly known as Jennifer Lane.
2397	8-19-02	Certain territory contiguous to the city, owned by Donald E. Pritchard located at and commonly known as the northerly portion of 1116 South School Street.
2473	9-15-03	Certain territory contiguous to the city, owned by Glenn W. Harkins & Carol A. Harkins located south of Cruger Rd. & adjacent to the east side of Devonshire Estates Ninth Addition Section 6.
2475	9-15-03	Certain territory contiguous to the city, owned by Nelda J. Sauder and The Christian Church of Washington located on the west side of N. Main St.
2625	7-5-05	Certain territory contiguous to the city, located at 1009 Dallas Rd.
2644	11-7-05	Certain territory contiguous to the city, owned by Glenn W. Harkins and Carol A. Harkins, located south of Cruger Rd and adjacent to the east side of Devonshire Estates Section 2.
2649	11-21-05	Certain territory contiguous to the city, owned by the city, located east of Diebel Road and South of the TP & W Railroad right-of-way.
2667	4-3-06	Certain territory contiguous to the city, owned by Paul E. Leary & Janet M. Leary located at 1910 Inglewood.

ORDINANCE NO.	DATE	DESCRIPTION
2729	5-21-07	Certain territory contiguous to the city, owned by Mark & Chery Thompson located west of Ernest Street and north of the TP&W Railroad.
2847	8-17-09	Certain territory contiguous to the city, owned by Jeffrey J. Fuerst and Kristine J. Fuerst located at 1974 Inglewood Drive
2867	12-7-09	Certain territory contiguous to the city, owned by Ralph Eugene Denning located at 1109 Dallas Road
2974	4-2-12	Certain territory contiguous to the city, owned by Baurer Family Land Trust located at 1503 Washington Road
3004	9-17-12	Certain territory contiguous to the city, owned by Caterpillar, Inc. located near 1726 Oak Ridge
3011	11-19-12	Certain territory contiguous to the city, owned by the City of Washington located near 700 Woodland Trail
3050	9-3-13	Certain territory contiguous to the city, owned by Champion Holiness Missions, Inc. located at 1014 Dallas Road
3055	11-4-13	Certain territory contiguous to the city, owned by the City of Washington, located near the intersection of US Route 24 and Nofsinger Road
3091	8-18-14	Certain territory contiguous to the city, owned by Charles Leonard, located at 1116 Dallas Road and owned by Richard & Mary Hayse, located at 1118 Dallas Road
3129	6-1-15	Certain territory contiguous to the city, owned by F-5, Inc., located at 2598 Centennial Drive
3160	12-14-15	Certain territory contiguous to the city, owned by James D. & Julie M. Ashton, located near 1326 Lori Ln.

TABLE II

VARIANCES

ORDINANCE NO.	DATE	DESCRIPTION
818	5-5-63	A variance in the restrictions of the zoning ordinance as applied to Lots 8, 9, and 10, Hess Subdivision
884	5-2-67	A variance in the restrictions of the zoning ordinance as applied to Lots 7 and 9 in Block1 in Holland, Dorsey, Wathen and Robinson's Addition.
972	7-7-69	A variance in the restrictions of the zoning ordinance as applied to Lot 7 in Block 1 of Holland, Dorsey, Wathen and Robinson's Addition.
1796	6-7-93	A variance at the property located at the southwest corner of the intersection of IL Route 8 and School Street, to allow a 10’ rear yard setback.
2006	7-1-96	A variance from the terms of the zoning ordinance to the property located at 217½ Monroe Street, to allow for the construction of an accessory storage structure in excess of the maximum square footage requirements.
2095	10-20-97	A variance at the property located immediately behind 406 North Main Street, to allow the construction of a single family dwelling with less than 700 square feet of living space on the ground floor.

ORDINANCE NO.	DATE	DESCRIPTION
2138	8-1-98	A variance at the property located at 607 S. Main Street, to allow for the construction of a recreational vehicle cover and accessory building size.
2139	8-17-98	A variance at the property located at 704 Eldridge, to allow an accessory building size variance.
2142	9-8-98	A variance at the property located at 125 Legion Road, to allow an accessory building size variance.
2224	2-6-00	A variance at the property located at 612 North Main Street for a two-foot side yard variance and a building size variance.
2233	4-17-00	A variance at the property located at 212 S. Main St. for construction of an accessory structure exceeding the permitted sq. footage.
2248	9-18-00	A variance at the property located at 610 Parr Hue Lane for the construction of a single-family dwelling on a lot with less than 6,500 square feet.
2302	6-18-01	A variance at the property located at 517 Greystone to place a fence in the sight triangle.
2307	7-2-01	Two variances at the property located at the northwest corner of Peoria Street and N. Wilmor Road to allow for the construction of a pharmacy. Allows the reduction of the transitional buffer yard separating a residential use from the required 20’ to 12’ and allows a reduction of the street side landscaping setback from the required 10’ to 4’.

2318	7-16-01	A variance at the property located at 1012 N. Main St. to allow an accessory structure size variance.
2332	10-1-01	A variance at the property located at 711 W. Jefferson Street to allow an accessory structure size variance and an aggregate square footage of all accessory structures variance.
2333	10-1-01	A variance at the property located at 1112-1114 Glenn St. to allow the division of the single lot into two lots, each containing a duplex.
2350	12-17-01	A variance at the property located at 203 N. Main Street to allow a reduction in lot size below 6,500 square feet.
2427	12-16-02	A variance at the property located at 209 S. Cedar Street to allow an accessory structure size variance.
2451	5-19-03	A variance at the property located at 410 N. Main Street to allow an accessory structure size variance.
2452	5-19-03	A variance at the property located at 208 N. Summit Drive to allow a variance of the aggregate size of all accessory structures.
2465	9-2-03	A variance at the property located on N. Wilmor Rd. to allow a variance of the building height.
2578	12-6-04	A variance at the property located at 1100 N. Main Street to allow for landscape requirement variances (District 52 Middle School)
2588	2-7-05	A variance at the property located at 401 E. Adams, for the construction of an addition to residence in Flood Hazard Area

2677	6-19-06	A variance at the property located at 1110 Newcastle Road, to allow for a building height variance
2678	6-19-06	A variance at the property located at 200 S. Main Street to allow for a building height variance
2688	9-5-06	A variance at the property located at 212 McGinley Street to allow for the construction of an accessory structure that will exceed the maximum ground floor area of all accessory structures on a single lot
2784	6-16-08	A variance from terms of Zoning Code to property located at 100 Good Neighbor Place (Grand Victorian of Washington, LLC) to allow variance in building height
2799	9-15-08	A variance at the property located at 721 W. Jefferson Street for the construction of an accessory structure exceeding the permitted height limitations
3026	4-8-13	A variance at the property located at 1887 Linsley Street for the construction of an accessory structure exceeding the permitted height limitations
3076	4-21-14	A variance at the property located at 405 S. Cummings Lane for the construction of an accessory structure exceeding the permitted height limitations

TABLE III

ZONING MAP CHANGES

ORDINANCE NO.	DATE	DESCRIPTION
839	1-5-65	Real estate annexed to city except Lot 1 in Hess Subdivision, are zoned C-2
843	7-7-65	Real estate annexed to the city zoned R-1
847-2	12-2-65	Property located on Peoria St. rezoned C-2
856	3-14-66	Devonshire, seventh addition, R-1 to R-2
887	6-6-67	Real estate annexed to the city zoned R-1
887	6-6-67	Real estate annexed to the city zoned C-2
887	6-6-67	Real estate annexed to the city zoned R-2
887	6-6-67	Real estate annexed to the city zoned C-2
887	6-6-67	Real estate annexed to the city zoned Ag-1
887	6-6-67	Real estate annexed to the city zoned C-3
887	6-6-67	Real estate annexed to the city zoned I-1
887	6-6-67	Real estate annexed to the city zoned I-1
887	6-6-67	Real estate annexed to the city zoned Ag-1
887	6-6-67	Real estate annexed to the city zoned Ag-1
887	6-6-67	Real estate annexed to the city zoned R-1
887	6-6-67	Real estate annexed to the city zoned Ag-1

ORDINANCE NO.	DATE	DESCRIPTION
887	6-6-67	Real estate annexed to the city zoned R-2
887	6-6-67	Real estate annexed to the city zoned R-1
892	8-7-67	Real estate annexed to the city zoned C-2
892	8-7-67	Real estate annexed to the city zoned I-1
892	8-7-67	Real estate annexed to the city zoned C-2
894	8-7-67	Real estate annexed to the city zoned Ag-1
898	9-5-67	Real estate annexed to the city zoned R-2
926	4-15-68	Real estate annexed to the city zoned R-1
926	4-15-68	Real estate annexed to the city zoned Ag-1
926	4-15-68	Real estate annexed to the city zoned R-1
926	4-15-68	Real estate annexed to the city zoned R-1
926	4-15-68	Real estate annexed to the city zoned R-1
926	4-15-68	Real estate annexed to the city zoned R-1
926	4-15-68	Real estate annexed to the city zoned Ag-1
926	4-15-68	Real estate annexed to the city zoned R-1
926	4-15-68	Real estate annexed to the city zoned Ag-1
936	7-15-68	Real estate annexed to the city zoned R-1
950	11-18-68	502 North Main, R-1 to R-2
951	11-18-68	Real estate annexed to the city 938, 939, 940, 942, 943, 944, zoned Ag-1

ORDINANCE NO.	DATE	DESCRIPTION
955	2-17-69	Music Store, Monroe St., R-1 to C-2
956	3-3-69	Real estate annexed to the city zoned Ag-1, Holtzman, Resser
958	4-21-69	Corner North Main and Monroe, R-1 to C-2
970	6-16-69	Classifying property annexed to the city (Couri, Routes 24 and 8) zoned C-2
981	1-19-70	Real estate annexed to the city zoned R-1, Vohland, Christian Church
989	6-1-70	Lots 4, 5, and 7, Hess Subdivision (Convenient Food Mart) C-2 to C-3
996	8-3-70	Peoria Street (Strubhar) C-2 to C-3
1005	10-19-70	Real estate annexed to the city Washington West Subdivision, north 600 feet zoned C-2, balance zoned R-2
1008	4-19-71	Real estate annexed to the city zoned C-3, Nichols Subdivision
1009	11-16-70	605-607 E. Jefferson R-1 to R-2
1015	4-5-71	Corner Peoria Street and Muller Road C-2 to C-3
1019	5-2-71	Real estate annexed to the city zoned Ag-1(with special use), Animal Hospital
1022	5-17-71	Cilco Subdivision, West Jefferson zoned I-1(with special use)

ORDINANCE NO.	DATE	DESCRIPTION
1025	6-7-71	Real estate annexed to the city zoned Ag-1, Cilco Subdivision, Route 24 West
1026	6-7-71	Real estate annexed to the city zoned R-1, Westwood Subdivision
1027	6-7-71	Real estate annexed to the city zoned R-1, Hillcrest Subdivision
1028	6-7-71	Real estate annexed to the city zoned Ag-1 (with special use), Sewer Plant 1
1046	2-7-72	Real estate annexed to the city zoned R-1, Beverly Manor, South
1046	2-7-72	Real estate annexed to the city zoned C-2, Beverly Manor, Lots 1 through 31
1046	2-7-72	Real estate annexed to the city zoned C-2, Beverly Manor North of Route 8
1049	2-6-72	2095 Washington Road zoned I-1
1064	8-7-72	1877 Washington Road zoned C-2
1076	10-2-72	Real estate annexed to the city zoned R-CE, Pine Lakes Country Estates, Section 1
1077	10-16-72	Real estate annexed to the city zoned R-1, Faith Lutheran Church
1078	10-16-72	Real estate annexed to the city zoned C-1, General Telephone Sub. north of Route 8
1082	12-18-72	Real estate annexed to the city zoned Ag-1, (with special use) Sewer Plant 2

ORDINANCE NO.	DATE	DESCRIPTION
1083	12-18-72	Real estate annexed to the city zoned R-1, Church of Christ on North Wilmor Road
1084	12-18-72	Real estate annexed to the city zoned R-1, Schmoeger Park Route 8
1085	12-18-72	Real estate annexed to the city zoned R-1, Beverly Farms
1086	12-18-72	Real estate annexed to the city zoned R-1, Muller, Legion Road
1087	1-2-73	Classifying property annexed to the city zoned C-1 (with special use)
1090	3-19-73	111 Washington St. zoned C-2
1091	3-19-73	Washington West Subdivision part R-2 to C-2 and part C-2 to R-2
1092	3-19-73	Roller rink Ag-1 to C-3 (with special use)
1093	4-16-73	410 Walnut Street R-1 to R-2
1100	6-4-73	Washington Park Pool R-1 to R-2
1104	7-2-73	Classifying property annexed to the city zoned R-CE, Pine Lakes Country Estates, Section II
1105	7-2-73	East of skate rink to C-3
1106	7-2-73	East to skate rink to C-3
1107	7-16-73	Classifying property annexed to the city zoned R-1, Rolling Meadows North and South Subdivision
1112	9-4-73	Classifying property annexed to the city, zoned Ag-1 Schmoeger Route 8 and Legion Road

ORDINANCE NO.	DATE	DESCRIPTION
1122	3-4-74	Lot 141, Beverly Manor zoned C-2
1123	4-1-74	Keil farm at southwest corner of Cummings Lane and Route 24 part R-1, part C-2, and part C-1
1124	5-6-74	Morris Manor Subdivision zoned part R-2, part C-2, part I-1
1125	5-6-74	Classifying property annexed to the city zoned R-1, Eilers Ct., Dearlove Lake
1130	7-15-74	420 North Lawndale (rear) Ag-1 to R-1
1147	1-6-75	Classifying property annexed to the city, zoned R-1, part of Berry property (strip)
1147	1-6-75	Classifying property annexed to the city, zoned R-2, apartments (Jennifer Lane)
1153	4-21-75	Classifying property annexed to the city, zoned R-CE, Pine Lakes Country Estates, Section II
1154	4-21-75	Classifying property annexed to the city, zoned R-1, Zulian, Harris
1158	6-16-75	Hillcrest Subdivision 3 Ag-1 to R-1
1159	7-7-75	Morris Manor Subdivision I-1 to R-2
1163	9-2-75	140 S. Main R-2 to C-2
1164	9-2-75	Washington Nursing Home property R-1 to R-2
1167	9-15-75	Southeast corner of Cummings Lane and Route 24 R-1 to C-2
1171	10-6-75	Classifying property annexed to the city, zoned R-1, Westlake Acres Subdivision

ORDINANCE NO.	DATE	DESCRIPTION
1177	4-5-76	Woodward property annexed to the city, zoned R-2, South Cummings
1198	10-18-76	Real estate annexed to the city Rolling Meadows Sewer Plant -Ag-1 (special use)
1214	5-2-77	Brentwood Subdivision Section 1 Ag-1 to R-1
1215	5-2-77	508 N. Main
1226	9-20-77	Real estate annexed to the city Nichols property, Jefferson Estates, Section I zoned C-3
1238	7-3-78	Real estate annexed to the city Jacobs property, Colonial Manor Subdivision, Exhibit A zoned R-2, Exhibit B zoned R-1, Exhibit C zoned C-3, Exhibit D zoned C-3, Exhibit E zoned C-3.
1239	7-3-78	Real estate behind John Bearce Ford, Inc. garage property as C-3
1240	7-17-78	Couri property zoned R-2
1248	11-6-78	Real estate located at Route 24 and Cummings lane, part as C-2, part as R-2 and part as R-1
1249	11-6-78	North Cummings Lane Ag-1 with special use
1258	1-15-79	Real estate annexed to the city 2278 Washington Road zoned C-3
1261	3-5-79	Real estate annexed to the city Sunnyland Shopping Plaza zoned C-2
1269	4-16-79	Property located between Kern Road and T.P. and W. railroad from Ag-1 to R-1 and R-2
1272	5-7-79	Morris Manor Section 1 from C-2 to I-1

ORDINANCE NO.	DATE	DESCRIPTION
1298	2-4-80	Lot 11, Hess Subdivision from R-1 to C-2
1321	12-15-80	Couri property from R-2 to C-2
1322	12-15-80	Real estate annexed to the city 1400 Washington Road zoned C-2
1323	12-15-80	Real estate annexed to the city 1500 Washington Road zoned C-2
1335	6-15-81	Lot 1 in Anthony Addition from R-1 to C-1, 110 South Wood
1352	1-4-82	Real estate annexed to the city 903 North Main zoned R-1
1353	1-4-82	Real estate annexed to the city 904 North Main zoned R-1
1371	1-3-83	Lot 50, Del Mar Addition, I-1 to R-1
1373	2-21-83	Lots 18 and 19, Firethorn Subdivision from R-2 to R-1
1374	3-7-83	Rezoning Tract I of Holtzman property from Ag-1 to R-2 and Tract V from Ag-1 to C-2
1377	5-16-83	Rezoning property 134-136 North Main from R-1 to R-2
1410	5-7-84	Rezoning Couri property from C-2 to R-1
1410	5-7-84	Real estate annexed to the city 925 North Main zoned R-1
1442	3-4-85	Rezoning property 910 Walnut Street from C-3 to C-3 with special use

ORDINANCE NO.	DATE	DESCRIPTION
1444	3-4-85	Rezoning property 2279 Washington Road Stewart Oil from R-1 to C-3
1444	3-4-85	Real estate annexed to the city Stewart Oil Station, 2279 Washington Road zoned C-3
1480	1-20-86	Rezoning portion of property North Cumming Lane, Metzger Mini-Storage from R-2 to C-2
1481	1-20-86	Rezoning portion of property on North Cummings Lane, Metzger Mini-Storage from R-2 to C-3
1494	7-7-86	Rezoning property 312 Muller Road from I-1 to I-1 with a special use. (Comet Supply)
1504	11-3-86	Rezoning property on Woodlawn Trail to R-1
1504	11-3-86	Real estate annexed to the city Woodlawn Trail property. (Osborn, Hipp, Rosenburg, Hamilton, Ruder) zoned R-1
1574	2-6-89	Lots, 10, 11, and 12 in Block 3 in Smith's Addition from R-1 to C-2
1575	2-20-89	Property beginning at a point 385 feet north of a bolt in the pavement, placed at the one half section line between Sections 13 and 14 in Township 26 North, Range 3 West; then north 110 feet; then west 240 feet; then south 110 feet; then east 240 feet to the place of beginning, all lying in said section 14 to R-1.
1580	3-20-89	Lot 4C of Sublot 4 of Lot 50A to R-1
1670	5-20-91	Zoning approximately 60 acres lying directly west of intersections of Routes 8 and 24 to I-1
1677	7-1-91	Zoning 1889 Washington Road to C-2

ORDINANCE NO.	DATE	DESCRIPTION
1684	9-3-91	Rezoning 105 N. High Street from R-1 to C-2
1685	9-3-91	Rezoning 1873 Washington Road from R-1 to C-2
1689	9-3-91	Zoning 300 N. Cummings Lane to I-1
1695	10-21-91	Zoning property on west side of the 100 and 200 blocks of Legion Road to CE-1
1708	2-3-92	Rezoning 1884 Washington Road from I-1 to C-2
1715	4-6-92	Zoning part of Southeast Quarter of Northeast Quarter of Section 14, Township 26 North, Range 3 West to C-2; also zoning a portion of North Main Street to C-2
1723	5-4-92	Zoning Lot E of Sublot A of Lot 51 and a portion of the right-of-way of Main Street (State Aid Route 3) to R-1 (1114 S. Main Street).
1729	6-1-92	Zoning railroad right-of-way purchased by owners of property at 1012 E. Adams Street to R-1
1730	6-1-92	Rezoning 13.073 acres south of State Route 8 between Legion Road and Ernest Street from AG to C-2
1731	6-1-92	Rezoning 27.282 acres fronting on Ernest Street from AG to CE-1.
1733	6-15-92	Rezoning 12.697 acres at end of Hillcrest Drive from AG to R-1.
1735	6-15-92	Zoning railroad right-of-way purchased by owner of property located at 1206 Miller Street to R-2.
1736	6-15-92	Rezoning .93 acres located on Wilmor Road from AG to R-1.

ORDINANCE NO.	DATE	DESCRIPTION
1737	7-6-92	Rezoning 4.092 acres located at intersection of Kern Road and Woodland Trail from R-1 to R-2
1740	7-6-92	Zoning 607 Woodland Trail to R-1; zoning property at corner of Amanda and Glen Streets to R-1
1747	8-17-92	Rezoning property on east side of South Cummings Lane from R-2 to R-1 and CE-1
1748	9-8-92	Rezoning 1.802 acres owned by Frederick G. Joos and located on Cruger Road from AG to I-1
1811	9-20-93	Rezoning the property owned by Christian Homes, Inc., located adjacent to Washington Christian Village on Wilmor Rd. as R-2 Multi Family.
1821	2-7-94	Rezoning the property located at the intersection of Route 24 and Centennial Drive from Agricultural to C-3.
1826	3-28-94	Rezoning 64 acres located at the northeast corner of Cummings Lane and Cruger Road owned by Shirley Brown from AG to C-3.
1861	9-6-94	Rezoning the property located at 200 Seaton Lane, approximately 78 acres, owned by John F. Nethery and Lois M. Nethery from I-1 to AG.
1866	9-6-94	Rezoning 3.81 acres bounded by Greenfield Drive, Parkview Drive and Kern Road, owned by Berry Development Properties, Inc., from County Residential to R-2.
1885	11-7-94	Rezoning 8.03 acres located at 1305 Kern Road owned by Robert L. Summer, as trustee, to R-2.
1888	11-21-94	Rezoning the property located at Lynn Street, owned by Donald Kammermann and Debra Kammermann from I-1 to R-1.

ORDINANCE NO.	DATE	DESCRIPTION
1895	12-5-94	Rezoning 21.802 acres located on the west side of North Cummings Lane owned by Shirley Brown from AG to I-1.
1905	3-20-95	Rezoning approximately 29.36 acres located on North Cummings Lane owned by Frederick G. Joos from AG to R-1.
1907	3-20-95	Rezoning approximately 43 acres located on North Cummings Lane being purchased by Berry Development Group, Inc., pursuant to an agreement for warranty deed dated July10, 1993, from AG to R-1.
1912	4-17-95	Rezoning approximately 36 acres located on North Cummings Lane owned by Shirley Hess from AG to C-3.
1924	6-19-95	Rezoning the property located at 904 School Street, owned by Thomas L. Johnson and Barbara K. Johnson to C-2.
1933	7-3-95	Rezoning the property located at 1412 and1500 Washington Road owned by Walter D. Kuykendall and Dorothy R. Kuykendall to C-2.
1939	8-7-95	Rezoning the Kara Steeplechase Estates, Section Two and Section Three to R-lA.
1944	8-21-95	Rezoning the property located at 118 Muller Road owned by Richard B. Miller, Pauline J. Miller, Leonard W. Hesselein, and Helen Hesselein to I-1 and R-2.
1947	8-21-95	Rezoning the property located at 906 and 908 South Main Street, owned by Anamarie Morris, James M. Morris, and Roy D. Morris to R-1.

ORDINANCE NO.	DATE	DESCRIPTION
1951	9-5-95	Rezoning 7.690 acres owned by Frederick G. Joos and located on Cruger Road from AG to I-1.
1956	9-18-95	Rezoning the property located at 501 North School Street, owned by Karl Stone and Betty Stone to AG.
1963	11-20-95	Rezoning approximately 163 acres located off Nofsinger Road owned by Oak Creek Enterprises, Inc. from County Residential to R-1.
1993	5-6-96	Rezoning the property located at 2211 Washington Road, owned by William Brogan and Mara Brogan and Gary Brogan and Ellen Brogan to C-2.
2009	7-15-96	Rezoning the property located at 902 South Main Street, owned by Donald Mallinson and Janet Mallinson to AG-1 with restrictions.
2021	8-5-96	Rezoning the west end of Lexington Drive owned by Farm Trust No. 13, Randall Jacobs Trustee from C-3, R-2 and R-1 to R- 1A for single family use.
2040	10-7-96	Rezoning the property located at 914 South Main Street, owned by Dennis R. Riehl and Evelyn M. Riehl, to AG-1 with restrictions.
2057	2-3-97	Rezoning the vacant property located near the intersection of Business Route 24 and Route 8, owned by Stephen Couri (Meijer, Inc.), from I-1 to C-3.
2058	2-3-97	Rezoning the vacant property located on East Walnut Street directly across Walnut Street from 811 East Walnut Street, owned by Ben Tire Dist. Ltd., from I-1 to C-3.

ORDINANCE NO.	DATE	DESCRIPTION
2078	6-16-97	Rezoning the property located at 110 Peoria Street, owned by Lindy's Red Fox Food Marts, Inc., an Illinois corporation, from C-2 to C-3.
2094	10-20-97	Rezoning 37.02 acres located at 205 N. Cummings Lane, owned by Hazel L. Heilman, to C-3.
2108	3-2-98	Rezoning the property located at 1107 Peoria Street, owned by Richard Ingold, from C-2 to C-3.
2119	4-20-98	Rezoning the property located at 1869 Washington Road, owned by William M. Schell and Sally J. Schell, to R-1 to C-2.
2132	6-15-98	Rezoning 15.603 acres located at 1300 North Cummings Lane, owned by Barbara A. Spurgeon, Eva Marcussen, Edward K. Speck, Ellen M. Tabor and Amy L. Dorssett to C-1, C-2 with limited uses, and C-2.
2185	5-3-99	Rezoning the property located at 2506 Centennial Drive, owned by Edmond A. Trad And Jacqueline K. Darnall, to R-2.
2207	11-1-99	Rezoning the property located at 101 Briar Lane, owned by Timothy Gee, from R-1 to C-1.
2211	11-15-99	Rezoning the property located at 1829 Washington Road, owned by Barbara M. Brubaker, to R-1, R-2, C-1, and C-3.
2226	2-6-00	Rezoning the property located at 301 Walnut Street owned by the Washington District Library from R-1 to C-1

ORDINANCE NO.	DATE	DESCRIPTION
2246	6-21-00	Rezoning the property located immediately east of 2224 Washington Road to C-1
2263	12-11-00	Rezoning the property located immediately east of 2224 Washington Road to C-1 (Same property as Ord. 2246 – process redone due to technicality)
2266	12-18-00	Rezoning a part of Kara Steeplechase Estates, Section Three to R-1A
2267	12-18-00	Rezoning 9.974 acres located immediately north of 300 North Cummings Lane, owned by IVP, Inc. to I-1
2290	5-21-01	Rezoning 1.746 acres located at the northeast corner of Roberts Subdivision, north of Cruger Road and adjacent to U.S. Route 24, owned by Shirley Brown to C-3
2298	6-18-01	Rezoning the property located south and west of 1120 N. Main Street, owned by Glenn W. and Carol A. Harkins to R-1
2304	7-2-01	Rezoning the property located at 104 S. Elm Street, owned by First United Methodist Church to C-1
2306	7-2-01	Rezoning the property located on Wilmor Road, owned by CILCO and Samuel D. Schneider Declaration of Trust to C-2
2321	8-20-01	Rezoning the property located on W. Cruger Road, owned by Curtis Tiezzi, Bryan Tiezzi, Craig Tiezzi, and Stuart Tiezzi from AG-1 to R-1A
2324	8-20-01	Rezoning the property located at 902 Walnut Street, owned by Evelyn Turvill and Casey's General Stores, Inc. from I-1 to C-3

ORDINANCE NO.	DATE	DESCRIPTION
2341	11-19-01	Rezoning the property located north of Washington Estates and west of Dallas Rd., owned by Tri-County Homes, Inc. and Tilman L. Bachman, Sr. and Doris M. Bachman to R-1
2352	1-7-02	Rezoning the property located at 1520 Washington Rd., the rear of 1269 Peoria St., the rear of 1279-99 Peoria St., and 1310 Washington Rd., owned by Robert C. Schierer to C-2
2376	5-6-02	Rezoning the property located at 101 Briar Lane, owned by Timothy Gee from C-1 to R-1 and a portion from C-1 to C-3
2380	5-20-02	Rezoning five parcels located in Washington Estates, owned by Anthony R. & Melody K. Berry from R-1A to R-2 (424 & 426 Hawk St., 1426 & 1428 Flossmoor, 1422 & 1424 Flossmoor, 1418 & 1420 Flossmoor, and 1414 & 1416 Flossmoor)
2381	5-20-02	Rezoning the property located north of W. Cruger Road and east of Roberts Commercial Subdivision (7.537 acres), owned by Shirley M. Brown from R-1A to C-3
2414	11-4-02	Rezoning the property located at 1300 Washington Road, owned by Tractor Supply Company from R-1A to C-2
2416	11-18-02	Rezoning the property located on North Wilmor Road, owned by Washington Area Community Center from R1-A to R-1
2422	12-16-02	Rezoning the property located at the northwest corner of W. Cruger Rd. and N. Cummings Ln., owned by Shirley Hess from C-3 to I-1

Ordinance No.	Date	Description
2428	12-16-02	Rezoning the properties located at 1304, 1308, 1312, 1316, 1402 and 1605 W. Jefferson Street, 1300, 1305, 1310, 1400, 1405, 1410, 1500, and 1505 Eagle Avenue, and 405 Hawk Street from R1-A to R-2
2430	2-3-03	Rezoning the properties located at 1409, 1411, 1415, 1417, 1423, 1501, 1502, 1503, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, and 1515 Flossmoor Avenue from R1-A to R-2
2436	3-3-03	Rezoning property located at the northeast corner of Washington Road and McClugage Road from AG-1 and R-2 to C-3
2443	4-7-03	Rezoning property located at 1880 Washington Road, owned by Mary Kimpling, from I-1 to C-3
2447	5-5-03	Rezoning property located at 107 Legion Road, owned by the City of Washington, from AG-1 to C-3
2480	10-6-03	Rezoning property located at 208 N. Wood Street, owned by Robert H. Ahlgren & Betty J. Ahlgren from I-1 to C-2
2488	11-3-03	Rezoning property located on W. Cruger Road (8-acres), owned by Glenn W. Harkins and Carol A. Harkins, from R-1A to R-1
2503	1-5-04	Rezoning property located at the northwest corner of Cruger Road and N. Cummings Lane, owned by Shirley J. Hess, from I-1 to C-3
2504	1-5-04	Rezoning property located at the southwest corner of Cruger Road and N. Cummings Lane, owned by Gary Moehle, Trustee, from AG-1 to C-2, R-2 and R-1

Ordinance No.	Date	Description
2509	2-2-04	Rezoning 2206 Washington Road, owned by Faith Evangelical Lutheran Church, from R-1 to R-2
2516	3-15-04	Rezoning 91-acres located at the southwest corner of W. Cruger Road and N. Cummings Lane, owned by Mallard Crossing, L.L.C. to C-2, R-2 and R-1
2534	6-7-04	Rezoning 65-acres located north of US Route 24 and east of N. Cummings Lane, under contract by Anthony Berry / A & M Properties, L.L.C. from R-1A to R-1 and R-2
2556	9-7-04	Rezoning the property located on 104 South Elm Street, owned by First United Methodist Church to from C-1 to C-2
2557	9-7-04	Rezoning the property located at the southwest corner of U.S. Route 24 and Nofsinger Road, owned by Shirley M. Brown, from R-1A to R-2 and C-3
2609	5-2-05	Rezoning the property located at or near 920 Dallas Road, owned by Paul D. & Mary F. Coovert from AG-1 to R-1
2645	11-7-05	Rezoning a 4.749 acre tract at the southwest corner of N. Main Street and Cruger Road, owned by Glenn W. Harkins and Carol A. Harkins from R-1A to R-1.
2658	1-3-06	Rezoning 4.26 acres located in Meadow Valley Center on Legion Road, owned by Tazreal Company, from CE to C-2
2660	2-6-06	Rezoning the property located at 132 N. Main Street, owned by Robert M. Schlink and Patricia A. Schlink from R-1 to C-1

Ordinance No.	Date	Description
2687	8-7-06	Rezoning several separate properties located on, near, or adjacent to S. Main Street from current zoning classifications to R-1A: 121 S. Main; 123 S. Main; 125 S. Main; 127 S. Main; 107 Catherine; 106 Catherine; 201 S. Main; 205 S. Main; 209 S. Main; 107 E. Holland; 212 S. Main; 101 W. Holland; 107 W. Holland; 110 E. Holland; 301 S. Main; 309 S. Main; 311 S. Main; 401 S. Main; 106 W. Holland; 310 S. Main; 400 S. Main; & 404 S. Main.
2690	9-18-06	Rezoning the property located at 724 N. Cummings Lane, owned by Gary D. Miller, Trustee from AG-1 to I-1
2692	9-18-06	Rezoning Lot 5 of Mallard Crossing Commercial Park at 1860 W. Cruger Road, owned by Mallard Crossing, L.L.C. from C-2 to C-3
2694	10-2-06	Rezoning a 26.4 acre tract at the intersection of McClugage Road & Freedom Parkway, owned by Kingsbury Properties, LLC from AG-1 & R-2 to C-3
2703	11-6-06	Rezoning the property located at 1423 and 1425 Savile Lane, owned by Anthony Berry/A & M Properties, L.L.C., from R-1 to R-2
2704	11-20-06	Rezoning the property located at 812 Dallas Road, owned by Curtis J. Mack and Kelly J. Mack, from AG-1 to R-1
2717	2-5-07	Rezoning the property located at 1840 W. Cruger Road, Mallard Crossing Commercial Park, Lot 6, owned by Mallard Crossing, LLC, from C-2 to C-3

Ordinance No.	Date	Description
2800	10-6-08	Rezoning the property located north of Constitution Street, south of Mallard Crossing Subdivision, and west of Washington Estates from C-3 to R-2
2851	9-8-09	Rezoning part of 900 Walnut Street from I-1 to C-3
2860	11-2-09	Rezoning the property located at 132 N. Main Street from C-1 to R-1
2885	5-3-10	Rezoning a part of the property located at 500 School Street from R-1 to C-3
2931	5-2-11	Rezoning Lots 5 & 6 of Mallard Crossing Commercial Park from C-3 to R-2
2989	5-21-12	Rezoning a lot on the north side of IL Route 8 from C-2 to C-3 (just east of I Do Events)
3005	10-1-12	Rezoning part of 900 Walnut Street from I-1 to C-3
3024	3-4-13	Rezoning 121 Zinser Place and the adjacent parking lot from I-1 to C-2
3036	5-20-13	Rezoning 1896 Washington Road from I-1 to C-3
3054	10-21-13	Rezoning 2136 Washington Road from C-2 to C-3
3080	6-2-14	Rezoning 104 S. Market Street from C-2 to R-1
3110	1-5-15	Rezoning 1867 Constitution Street from C-3 to I-1
3118	2-2-15	Rezoning 2119 Washington Road from R-1 to C-2
3140	7-6-15	Rezoning 2598 Centennial Drive from R-1A to CE
3155	11-2-15	Rezoning Northeastern Intersection of US Route 24 and Nofsinger Road from R-1A to C-3
3197	9-6-16	Rezoning part of 900 Walnut Street from I-1 to C-3

TABLE IV

STREET NAME CHANGES

ORDINANCE NUMBER	DATE	PRESENT STREET NAME	NEW STREET NAME
1617	1-2-90	Brook Crest Drive	Brookcrest Drive
		Canterbury Court	Canterbury Drive
		North Hampton Road	Hampton Road
		Highview Road	Centennial Drive
		East Jefferson Street (1000 block)	Walnut Street
		Knoll Crest Drive	Knollcrest Drive
		East Lexington Drive	Lexington Drive
		Parr-Hue Lane	Parr Hue Lane
		Ridge Crest Drive	Ridgecrest Drive
		Wood Crest Drive	Woodcrest Drive
1635	7-2-90	Arlington	Johnstown
		Garfield Street (200 and 300 blocks)	Tyler
		Garfield Street (500 block only)	Taft
		North Georgetown Road	Mount Vernon
		Grant Street (off South Market Street)	Penny Lane

ORDINANCE NUMBER	DATE	PRESENT STREET NAME	NEW STREET NAME
1635	7-2-90	Green Street (off Kern Road)	Amanda Lane
		Maple Lane	Trail's End
		McKinley Street	Harding
		Sherwood Court	Kennedy
		Spring Court	Pond
		North Wagner Lane	Esken
		Washington Court	Colonial Court
		Washington Street (100-400 blocks)	Zinser Place
		Washington Street (500 and 600 blocks)	Michael Court
2950	10-3-11	E. Adams Street (rear of Mennonite Church westward to N. Main Street)	Calvary Way
3136	7-6-15	Holborn	Holborn Court
3183	5-2-16	Lincoln Avenue	Lincoln Street
3221	2-20-17	Alley west of N. Main (between Zinser Place & Peoria Street)	Herbst Lane

TABLE V

SPECIAL USES

ORD. NO.	DATE	DESCRIPTION
1019	5-2-1971	Granting a special use to allow a veterinary clinic on the property located at 643 School Street
1249	11-6-1978	Granting a special use to allow a landscaping nursery on the property located at 724 N Cummings Lane
1442	3-4-1985	Granting a special use to allow a veterinary clinic on the property located at 910 Walnut Street
1494	7-7-1986	Granting a special use to allow above ground storage of combustible and flammable materials on the property located at 312 Muller Rd
1519	4-20-1987	Granting a special use to allow for the boarding of horses on the property located at 811 N Main St owned by Iona Heyl
1542	3-21-1988	Granting a special use to allow an outdoor satellite dish antennae on property located at 100 N Main St – Rite Satellite
1696	10-21-1991	Granting a special use to allow the operation of a tavern and limited restaurant on property located at 313 Muller Rd
1732	6-1-1992	Granting a special us to allow an accessory commercial use in a residential district on property located at 107 Monroe – Russell's Cycle World
1750	9-21-1992	Granting a special use to allow mini-storage buildings on property located at 1700 W Cruger – Fred Joos

ORD. NO.	DATE	DESCRIPTION
1760	12-7-1992	Granting a special use to allow an accessory commercial use on property located at 102 Monroe – Russell's Cycle World
1764	12-21-1992	Granting a special use to allow a 300' cellular telephone tower on property located at 1404 Cruger Road (AG property) – Ben & Joyce Underwood
1784	4-5-1993	Granting a special use to allow mini-storage buildings on property located at 1700 W Cruger Rd – Fred Joos
1792	5-24-1993	Granting a special use to allow for mini-storage buildings on property located at the SW corner of Rt 8 and School Street intersection
1816	11-1-1993	Granting a special use to allow for a CPA office on property located at 103 Hillcrest – Sujean Reilly
1938	8-7-1995	Granting a special use to allow a 180' cellular telephone tower on property located at 1700 W Cruger Rd (AG property) – Fred Joos
1948	8-21-1995	Granting a special use to allow a general accounting office and a tutoring facility on property located at 906 & 908 S Main St – Anamarie Morris
1949	8-21-1995	Granting a special use to allow up to 2 horses on property located at 906 & 908 S Main St – Anamarie Morris
1982	3-4-1996	Granting a special use to allow for a commercial daycare on property located at 205 Muller Rd (I-1) – Lew Nauman
2004	6-17-1996	Granting a special use to allow a wholesale and retail mail order business on property located at 208 N. Wood St – Robert Ahlgren

ORD. NO.	DATE	DESCRIPTION
2056	1-6-97	Granting a special use to allow an excavation and concrete construction business to be operated and owned by Joseph L. Evans and Marilyn J. Evans located at 405 and 407 Muller Road.
2092	10-20-97	Granting a special use to allow a commercial child day care facility on the property owned by Joseph Mahony located at 209 Muller Road.
2101	1-5-98	Granting a special use to allow a commercial electrical, heating, and air conditioning contracting business on the property owned by William Master located at 1120 Kern Road.
2179	4-5-99	Granting a special use to allow an excavation business to be operated and owned by Scott Weaver located at 105 W. Jefferson Street.
2223	1-8-00	Granting a special use to allow inside mini-warehousing and storage on the property owned by Dale Schaeffer located at 501 Walnut Street.
2291	5-21-01	Granting a special use to allow a day care center of the property owned by Shirley M. Brown, located at 1625 W. Cruger Road.
2305	7-2-01	Granting a special use to allow an adult day care at 104 S. Elm Street.
2308	7-2-01	Granting a special use to allow relocation of and use of CILCO gas regulator, located on Wilmor Road.
2423	12-16-02	Granting a special use to allow a truck yard and terminal at the northwest corner of W. Cruger Rd. and N. Cummings Ln. zoned I-1

ORD. NO.	DATE	DESCRIPTION
2429	1-21-03	Granting a special use to allow a contracting, plumbing, heating, air conditioning, masonry, painting, refrigeration, and roofing business at 1120 Kern Road
2481	10-6-03	Granting a special use to allow a vehicle rental business at 905 Peoria Street
2508	2-2-04	Granting a special use to allow a mini-storage facility at 1120 Kern Road and 318 Muller Road
2510	2-2-04	Granting a special use to allow a child day care facility at 2206 Washington Road
2526	5-3-04	Granting a special use to allow the Washington Fire Department and Rescue Squad, Inc., to operate a training facility at Sewer Treatment Plant No. 2
2543	7-6-04	Granting a special use to allow a dwelling unit in an I-1 District at 105 W. Jefferson Street.
2549	8-2-04	Granting a special use to allow commercial warehousing and storage on the property owned by Eldon Wehnes, and Arlan Wehnes located at 312 Peoria Street, zoned I-1
2550	8-2-04	Granting a special use to allow commercial mini-warehousing and storage on the property owned by Gym Corner, Ltd., located at 208 Muller Road, zoned I-1
2606	4-18-05	Granting a special use to allow a club and lodge on the property owned by Robert C. Schierer, located at 1275 Peoria Street, zoned C-2
2610	5-2-05	Granting a special use to allow a health and beauty salon on the property owned by Gym Corner, Ltd. located at 208 Muller Road, zoned I-1

Ord. No.	Date	Description
2659	1-3-06	Granting a special use to allow a child day care facility at Legion Road, Meadow Valley Farms Subdivsion
2675	6-5-06	Granting a special use to allow a child day care facility at 1221 Independence Court
2676	6-5-06	Granting a special use to allow an outdoor playground area at 101 Harvey Street
2683	7-3-06	Granting a special use to allow a child day care facility at 1402 and 1404 Washington Road
2691	9-18-06	Granting a special use to allow a bank office building in an I-1 District at 724 N. Cummings Lane
2705	11-20-06	Granting a special use to allow a specialty shop at 132 N. Main Street
2706	11-20-06	Granting a special use to allow an automobile performance upgrade facility at 123 Muller Road
2730	5-21-07	Granting a special use to allow aprivate hourse stable at 800 Ernest Street
2741	7-2-07	Granting a special use to allow an assisted living facility in St. Clare Crossing Subdivision, St. Clare Court
2754	10-15-07	Granting a special use to allow a building addition to the Washington Veterinary Clinic at 643 School Street
2783	6-2-08	Granting a special use to allow the construction of a commercial storage facility at 704 Catherine Street
2789	7-21-08	Granting a special use to allow the construction of self-storage buildings at 882 School Street

Ord. No.	Date	Description
2834	6-1-09	Granting a special use to allow outside vehicle storage and other outside storage at 405-407 Muller Road
2930	5-2-11	Granting a special use to allow a Washington Fire Department training facility in a C-3 zoning district
2973	4-2-12	Granting a special use to allow a private horse stable at 800 Ernest Street
3006	10-1-12	Granting a special use to allow an assisted living and memory care facility on Independence Court
3111	1-5-15	Granting a special use to allow a trucking company to operate at 1867 Constitution Street
3168	3-7-16	Granting a special use to allow a body art establishment and art studio at 305 & 315-329 Zinser Place
3184	5-2-16	Granting a special use to allow a church to operate at 2 Washington Plaza
3193	8-1-16	Granting a special use to allow a daycare facility to operate at 26 Washington Plaza

TABLE VI

VACATIONS

ORD. NO.	DATE	DESCRIPTION
513	12-1-31	Vacating alley between Lots 1-4 inclusive and 5-8 inclusive in Hollands Second Addition
532	3-3-36	Vacating Lincoln Street between Blocks 5 and 6 in Hollands Second Addition
536	12-1-36	Vacating alley running north and south in Block 15, Holland, Dorsey, Wathen and Robinsons Addition
538	3-2-37	Vacating alley between lots 1 to 7 inclusive, Block 1, Holland, Dorsey, Wathen and Robinsons Addition and Lots 3 to 7 inclusive in Block 5 in Smiths Addition
539	4-6-37	Vacating alley running east and west between Lots 1, 2, 3 inclusive and Lots 5, 6, 7 inclusive, Block 6, Hollands Addition
562	5-2-39	Vacating alley running east and west between Lots 1, 2, 3, 4, 5, and 6 and lots 7, 8, 9, 10, 11, and 12, Block 10 Highland Park Addition
568	10-3-39	Vacating alley between Lots 8 and 9 on the west and Lot 10 on the east in Van Meters Addition
569	1-2-40	Vacating a portion of Hilldale Avenue
573	3-5-40	Vacating the alley running east and west between Lots 9, 10, and 11 on the north and Lot 8 on the south, Block 6, Holland, Dorsey, Wathan & Robinsons Addition

583	8-6-40	Vacating Garfield Street from Monroe Street north to Jackson Street between Blocks 12 and 13, Highland Park Addition, from Jackson Street north to the alley and between Blocks 18 and 19 in Highland Park
590	12-3-40	Vacating east half of the alley between Lots 7 on the south and Lots 4, 5, and 6 on the north, Block 6, Holland, Dorsey, Wathen & Robinsons Addition
600	9-2-41	Vacating alley between Lots 3 and 4, Eldridges Second Addition
602	2-3-42	Vacating part of alley running east and west between Lots 2 and 3, Block 5, Dorseys Addition
607	10-6-42	Vacating alley between Lots 1 and 2 in Cranes Addition
611	6-1-43	Vacating alley Smith's Addition, Block 1
614	12-7-43	Vacating part of Monroe Street
615	3-6-44	Vacating alley Lindleys Addition, west side of Lot 7
626-A	10-4-46	Vacating alley Highland Park Addition, Block 14
641	7-7-48	Vacating alley Goodwin & Woods Addition, Block 3
658	--	Vacating alley Eldridge's First Addition, Block 3
677	7-1-52	Vacating alley Highland Park, Block 8
682	1-6-53	Vacating a street in George W. Cress' Addition
683	2-3-53	Vacating alley running east/west through middle of Block 8, Highland Park Addition
700	12-1-53	Vacating alley in Holland's Addition, Block 2

713	11-2-54	Vacating alley in Goodwin & Wood's Addition, Block 3
718	5-5-55	Vacating part of alley in Sample's Addition between Lots 21 and 22
729	12-6-55	Vacating part of alley in the Original Town, Block 3
752	4-1-58	Vacating part of Monroe Street in Highland Park Addition
753	5-6-58	Vacating alley in George W. Cress' Addition between Block A and Lot 12
760	4-7-59	Vacating alley in George W. Cress' Addition between Lots 3 and 4
791	1-3-61	Vacating portions of alleys in Holland, Dorsey, Wathen & Robinson's Addition, Block 3
841	2-2-65	Vacating part of alley in Goodwin & Wood's Addition, Block 1
846	7-7-65	Vacating alley in Eldridge's Addition, Block 6, between Lots 16 & 17
855	3-1-66	Vacating part of alley in Goodwin & Wood's Addition, Block 1
861	5-3-66	Vacating alleys in Eldridge's Second Addition between Lots 4, 5, 6, 7 and Lot 10
882	4-4-67	Vacating part of alley in Holland, Dorsey, Wathen & Robinson's Addition, Block 1
903	12-18-67	Vacating alley in Eldridges Addition, Block 6, between Lots 16 & 17
933	7-1-68	Vacating alley in Tinney's Addition, Lot 3

971	6-16-69	Vacating a portion of Newcastle Road that is shown on Devonshire Estates Section I and II running north and south
1040	10-6-71	Vacating unused road, Holtzman, corner Route 8 and Route 24.
1080	12-18-72	Vacating alley in Smith's Addition, Block 4.
1099	6-4-73	Vacating alley in Crain's Addition.
1169	10-6-75	Vacating portion of Wagner Street in Beverly Manor Subdivision.
1291	11-19-79	Vacating part of Glen Street and Weaver Street.
1295	12-28-79	Vacating part of an alley in Highland Park Addition.
1306	5-19-80	Vacating portion of W. Jefferson Street.
1408	5-7-84	Vacating easement previously retained by the City, Ordinance 729.
1422	7-2-84	Vacating easement near First United Methodist Church.
1423	7-2-84	Vacating a portion of alley near First United Methodist Church.
1641	9-4-90	Vacating easement previously retained by the City, 10' utility easement on rear of one acre parcel behind Miller Welding.
1660	2-18-91	Correcting Ordinance 590 approved December 3, 1940, vacating an east-west alley between S. Spruce and S. Church Streets.
1753	10-19-92	Vacating part of an alley between Redbud Drive and N. Lawndale Avenue.
2046	10-21-96	Vacating a part of Vohland Street.

2105	2-2-98	Vacating part of an alley located north of Monroe Street and west of North Main Street.
2115	3-16-98	Vacating alley located east of Elm Street and south of Walnut Street (Presbyterian Church)
2157	11-16-98	Vacating utility easement in LaHood's Subdivision
2279	4-2-01	Vacating part of an alley located north of Adams Street located in block five of Highland Park Addition.
2342	11-19-01	Vacating utility and access agreement in Joos' Walnut Grove Estates, Section One
2391	7-1-02	Vacating part of Brookshire Drive in Brentwood Estates, Section One
2559	9-20-04	Vacating a part of Michael Court, located south of Jefferson Street
2793	8-18-08	Vacating parts of alleys located north of Walnut Street and east of N. Elm Street contiguous to the Library property
2798	9-2-08	Vacating a part of an alley located north of Adams Street contiguous to the Calvary Mennonite Church
2873	12-21-09	Vacating a part of a permanent easement located on the Elizabeth J. Stringfellow property at 310 Madison Street
2912	11-15-10	Vacating a part of an alley located approximately 100 feet south of Walnut Street and west of Cedar Street
2943	6-20-11	Vacating a portion of an alley located between 112 and 114 Zinser Place and a portion between 112 Zinser Place and 105 N. Market Street

2949	10-3-11	Vacating a part of E. Adams Street located directly behind Calvary Evangelical Mennonite Church on E. Jefferson Street
3040	6-17-13	Vacating an alley located in Block 3 of Eldridge's First Addition *(This was not officially vacated under ordinance 658 as there was no indication of any action taken in the minutes.)*
3057	12-16-13	Vacating an alley and creating a new alley located in Block 6 of Eldridge's First Addition Subdivision (South St. and Eldridge St.)
3095	10-20-14	Vacating right-of-way along W. Cruger Road, south of Lot 1 in Moehl Manor
3207	10-17-16	Vacating Park Boulevard lying adjacent to and south of Lots 1-17 in George A Heyl's 1st Addition

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