

CITY CODE  
of  
**ASSUMPTION**  
ILLINOIS  
  
**1994**

Code current through:  
Ord. 786, passed 6-2-2022

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## **PREFACE**

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This code of the City of Assumption, as supplemented, contains ordinances up to and including ordinance 786, passed June 2, 2022. Ordinances of the City adopted after said ordinance supersede the provisions of this code to the extent that they are in conflict or inconsistent therewith. Consult the City office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers  
Cincinnati, Ohio

June 2022



**ORDINANCE NO. 480**  
**AN ORDINANCE ADOPTING**  
**THE CITY CODE OF ASSUMPTION, ILLINOIS**

BE IT ORDAINED by the Mayor and City Council of the City of Assumption, Illinois, an Illinois Municipal Corporation:

Section 1: From and after the date of passage of this Ordinance, the City Code of the City of Assumption, Illinois prepared by Sterling Codifiers, Inc., containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the governing body of the City, shall be accepted in all courts without question as the Official Code and Law of the City as enacted by the Mayor and City Council.

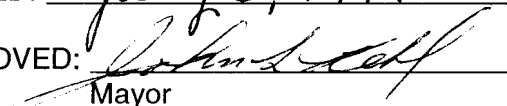
Section 2: There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the Official City Code is identified by the proper catchline and is inserted in the proper place in each of the official copies, three (3) copies of which shall be maintained in the office of the City Clerk, certified as to correctness and available for inspection at any and all times that said office is regularly open.

Section 3: All ordinances of a general nature included in this Official City Code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said Official City Code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the City Code. Such ordinances are not intended to be included in the Official City Code.

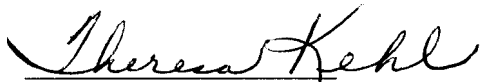
Section 4: It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

Section 5: All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 6: This Ordinance and the Code adopted by the same shall be in full force and effect from and after its passage and approval in accordance with law, as printed and published in book form by order of the Mayor and City Council.

INTRODUCED: July 6, 1994  
PASSED: July 6, 1994  
APPROVED:   
Mayor

ATTEST:

  
City Clerk

RECORDED: July 6, 1994  
PUBLISHED: July 6, 1994

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## CHAPTER 1

## OFFICIAL CITY CODE

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- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alteration
- 1-1-5: Jurisdiction !2R!

## 1-1-1: TITLE:

Upon the adoption by the City Council, this "Revised Code of Ordinances" is hereby declared to be and shall hereafter constitute the Official City Code. The "Revised Code of Ordinances" shall be known and cited as the City Code, and it is hereby published by authority of the City Council and shall be kept up-to-date as provided in Section 1-1-3 of this Chapter under the direction of the City Attorney, acting for said City Council. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal document. (RC 1982 §1-1-1)

## 1-1-2: ACCEPTANCE:

The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1. (RC 1982 §1-1-2)

## 1-1-3: AMENDMENTS:

Any ordinance amending this City Code shall set forth the article, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be semi-annually forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code on a semi-annual basis. (RC 1982 §1-1-3)

**1-1-4: CODE ALTERATION:**

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

B. Any person having in his custody an official copy of the City Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk when directed to do so by order of the City Council. (RC 1982 §1-1-4)

**1-1-5: JURISDICTION:**

Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the City. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the City to regulate such particular acts outside the corporate limits. (RC 1982 §1-1-5)

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- 1-2-2: Public Ways and Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability of Provisions
- 1-2-5: City Clerk's Certificate !2R!

## 1-2-1: REPEAL OF GENERAL ORDINANCES:

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances, ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (RC 1982 §1-1-8)

## 1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code, or by virtue of the preceding section, excepting as this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (RC 1982 §1-1-9)

## 1-2-3: COURT PROCEEDINGS:

A. No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance

takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

C. Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (RC 1982 §1-1-10)

1-2-4: SEVERABILITY OF PROVISIONS:

Each section, paragraph, sentence, clause and provision of this Code is severable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision. (RC 1982 §1-1-11)

1-2-5: CITY CLERK'S CERTIFICATE:

The City Clerk's certificate shall be in the following form:

**CITY CLERK'S CERTIFICATE**

State of Illinois )  
County of Christian ) ss.  
City of Assumption )

**CITY CLERK'S OFFICE**

*I, \_\_\_\_\_, City Clerk of the City of Assumption, do hereby certify that the following "Revised Code of Ordinances of the City of Assumption, Illinois", published by authority of the City Council were duly passed by the City Council of the City of Assumption, approved by the Mayor, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved, and now of record and on file in my office as provided by law.*

*In witness whereof, I have set my hand and affixed the corporate seal of the City of Assumption, this \_\_\_ day of \_\_\_\_\_, 19\_\_.*

\_\_\_\_\_

*CITY CLERK  
CITY OF ASSUMPTION, ILLINOIS*

*(SEAL)*

(RC 1982 §1-1-12)

## CHAPTER 3

## DEFINITIONS

## SECTION:

- 1-3-1: Construction of Words
- 1-3-2: Definitions
- 1-3-3: Catchlines !2R!

## 1-3-1: CONSTRUCTION OF WORDS:

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

B. When any subject matter, party or person is referred to in this Code by words importing the singular number only or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included, provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto. (RC 1982 §1-1-14)

## 1-3-2: DEFINITIONS:

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

!DEF! AGENT: A person acting on behalf of another.

CITY: The City of Assumption, Illinois.

CODE: The Revised Code of Ordinances of Assumption, Illinois.

COUNCIL: The City Council of the City of Assumption.

COUNTY: The County of Christian.

EMPLOYEES: Whenever reference is made in this Code to a City employee by title only, this shall be construed as though followed by the words "of the City".

FEE: A sum of money charged by the City for carrying on of a business, profession or occupation.

FISCAL YEAR: The fiscal year for the City shall begin on May 1



of each year and end on April 30 of the following year<sup>1</sup>.

**KNOWINGLY:** The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

**LICENSE:** The permission granted for the carrying on of a business, profession or occupation.

**MISDEMEANOR:** Any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by State law. (RC 1982 §1-1-15)

**MUNICIPAL YEAR:** The municipal year of the City shall begin on May 1 of each year and shall end on April 30 of the following year. (RC 1982 §1-2-34)

**NEGLIGENT:** The word "negligent" as well as "neglect", "negligence" and "negligently" imports a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

**NUISANCE:** Anything offensive or obnoxious to the health and welfare of the inhabitants of the City, or any act or thing repugnant to or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

**OCCUPANT:** The word "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**OFFENSE:** Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

**OFFICERS:** Whenever reference is made in this Code to a City officer by title only, this shall be construed as though followed by the words "of the City".

**OFFICIAL TIME:** Central Standard Time shall be the official time for the transaction of the City business, except during applicable daylight savings time set by national or State standards when the official time shall be advanced one hour. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the City shall be set and run at the official time prescribed by this paragraph.

**OPERATOR:** The person who is in charge of any operation, business or profession.

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1. S.H.A. 65 ILCS 5/1-1-2.

**OWNER:** As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

**PERSON:** Any natural individual, firm, trust, partnership, association or corporation in his or its own capacity or as administrator, conservator, executor, trustee, receiver or other representative appointed by the court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships, or any such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of said section.

**PERSONAL PROPERTY:** Includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

**RETAILER:** Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

**STATE:** Unless otherwise indicated, shall mean the State of Illinois.

**STREET:** Includes alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

**TENANT:** As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**WHOLESALE and WHOLESALE DEALER:** Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

**WILFULLY:** When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

**WRITTEN and IN WRITING:** May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. (RC 1982 §1-1-15) !DEFEND!

1-3-3: CATCHLINES:

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines are amended or re-enacted.  
(RC 1982 §1-1-16)

## CHAPTER 4

## GENERAL PENALTY

## SECTION:

- 1-4-1: Penalty
- 1-4-2: License Revocation
- 1-4-3: Application of Provisions
- 1-4-4: Liability of Officers !2R!

## 1-4-1: PENALTY:

A. Any person guilty of a violation of any section of this Code shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for any one offense.

B. Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than twenty five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for any one offense, but may not be confined, except by provisions of the Juvenile Court Act of the State of Illinois.

C. Whoever commits an offense against the City, or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

D. Whoever wilfully causes an act to be done which, if directly performed by him or another, would be an offense against the City is punishable as a principal. (RC 1982 §1-1-19; 1994 Code)

## 1-4-2: LICENSE REVOCATION:

When a person is convicted of a violation of any section of this Code, any license previously issued to him by the City may be revoked by the court or by the City Council. (RC 1982 §1-1-20)

## 1-4-3: APPLICATION OF PROVISIONS:

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

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

C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this City Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues. (RC 1982 §1-1-21)

#### 1-4-4: LIABILITY OF OFFICERS:

The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for. (RC 1982 §1-1-22)

CHAPTER 5  
CITY COUNCIL

SECTION:

- 1-5-1: City Council
- 1-5-2: Meetings
- 1-5-3: Vacancy In Office
- 1-5-4: Committees
- 1-5-5: Ordinances
- 1-5-6: Electronic Attendance At Meetings Rules

1-5-1: **CITY COUNCIL:**

The City Council shall consist of the Mayor and six (6) Aldermen, two (2) from each of the three (3) wards, and their term of office shall be for four (4) years and until their successors are elected and have qualified. (RC 1982 §1-2-1)

1-5-2: **MEETINGS:**

- A. Regular Meetings: The regular stated meetings of the City Council shall be held in the City Hall building on the first Wednesday of each month at seven o'clock (7:00) P.M. When the meeting date falls upon a legal holiday, the meeting shall be held on the following day, the same hour and place, unless otherwise designated. Adjourned meetings may be held at such times as may be determined by the Council. (Ord. 726, 3-7-2018)
- B. Special Meetings<sup>1</sup>: Special meetings of the City Council may be called by the Mayor or any three (3) Aldermen by giving at least twenty four (24) hours' notice thereof, by delivering to them personally, written or printed notices of the time of such meeting at the residences of the Aldermen. Such notices shall be served by mail, by the Chief of Police, or by the City Clerk. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the City Hall and shall be

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1. 65 ILCS 5/3-11-3 and 5 ILCS 120/2.02 and 120/2.03.

provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Said notice shall be provided to such news media in the same manner as said notice is given to the Mayor and members of the City Council, provided such news media has given the City an address within the City at which such notice may be given. (RC 1982 §1-2-3; amd. 1994 Code)

- C. Quorum<sup>1</sup>: At all meetings of the City Council, a majority of the Corporate Authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Council, the Aldermen may adjourn from day to day until a quorum is present; and shall have power to compel the attendance of absent members, except when such members are physically unable to attend such meetings. (RC 1982 §1-2-7)
- D. Compelling Attendance: It shall be the duty of each and all Aldermen to attend all regular meetings of the City Council and all special meetings when each has been duly notified of the date and place of such meeting. If, at any special meeting duly called, a quorum is not present, the Aldermen in attendance may adjourn the same to some stated time; and any Alderman duly notified in writing by the City Clerk of the time and place of such adjourned meeting and any Alderman who may have been present when such adjournment was had who fails to attend the same shall be fined fifteen dollars (\$15.00) for each of such adjourned meetings as he failed to attend; provided that the foregoing shall not apply when any Alderman is absent from such meeting or meetings on account of sickness or unavoidable accident. (RC 1982 §1-2-8)

**1-5-3: VACANCY IN OFFICE:**

When a vacancy occurs, if more than twenty eight (28) months remain in the term and the vacancy occurs not less than one hundred thirty (130) days before the next consolidated election, the office shall be filled for the unexpired portion of the term by special election at that consolidated election. During the period from the time that the vacancy occurs until the next election of Aldermen, the vacancy may be filled by the appointment of an Alderman by the Mayor with the advice and consent of the City Council. (RC 1982 §1-2-4)

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1. Editor's Note: When the Council has a Mayor and 6 Aldermen, a quorum is 4, which may consist of the Mayor and 3 Aldermen or 4 Aldermen.

1-5-4:         **COMMITTEES:**

A. Standing Committees:

1. The following standing committees of the city council are hereby established:

Cable.  
Finance.  
Health.  
Ordinance.  
Parks and recreation.  
Police.  
Special community services.  
Streets.  
Water and sewer.

2. The committees shall be appointed annually by the mayor.

3. The mayor shall be ex officio member of each and every standing committee.

4. The first named alderman of each committee shall be the chairman and in case of his absence or disability, the one next named shall act as chairman.

5. The reports of committees should be in writing when requested. (RC 1982 §1-2-5)

6. As provided by law, any report of a committee of the council shall be deferred for final action thereon to the next regular council meeting after the report is made, upon the request of any two (2) aldermen present. (Ord. 564, 3-3-2004)

7. Each standing committee of the city council shall exercise a general supervision over the affairs of the department of municipal government with which it is connected; shall ascertain the condition and needs of said department; shall, from time to time, report the same to the mayor and city council so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the department. (RC 1982 §1-2-5)

B. Special Committees: Special committees may be appointed by the mayor, subject to the advice and consent of the aldermen as may be needed from time to time. (RC 1982 §1-2-6)

1-5-5:         **ORDINANCES:**

A. Passage Procedure:



1. Attorney: It shall be the duty of the city attorney to prepare such ordinances as may be required by the city council.

2. Introduced: When a bill for ordinance is introduced, it shall be referred to the proper committee, unless the council shall otherwise specifically direct.

3. Committee: Whenever such bill shall be reported back to the council by any such committee to which it may have been referred with the recommendation that it do pass, and the report shall be concurred in by the council, it shall then be subject to amendment by the council, but amendments proposed by the committee shall first be acted upon by the council. Upon its final passage, it shall be entered at large in the ordinance record by the city clerk.

4. Passages By Yeas And Nays; Record: The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and all other cases at the request of any member and entered on the journal of its proceeding and the concurrence of a majority of all the members elected in the city council shall be necessary for the passage of any such ordinance or proposition; provided, it shall require three-fourths ( $\frac{3}{4}$ ) of the aldermen to sell any city property.

5. Approval And Veto<sup>1</sup>: All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk, and if the mayor approves thereof, he shall sign the same, and such as he shall not approve, he shall return to the city council with his objections thereto, in writing, at the next regular meeting of the city council occurring no less than five (5) days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the vote only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to

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1. 65 ILCS 5/3-11-18.

have approved such ordinance, and the same shall take effect accordingly.

**B. Reconsideration; Passing Over Veto:**

1. Every resolution and motion, specified in subsection A of this Section and every ordinance which is returned to the City Council by the Mayor shall be reconsidered by the City Council at the next regular meeting. If, after such reconsideration, two-thirds ( $\frac{2}{3}$ ) 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. The vote on the question of passage over the Mayor's veto shall be by yeas and nays and shall be recorded in the journal.

**C. No Vote to be Reconsidered at Special Meeting:** No vote of the City Council shall be reconsidered or rescinded at any special meeting thereof, unless at such special meeting there are present as large a number of Aldermen as were present when such vote was taken. (RC 1982 §§ 1-2-14 through 1-2-16)

**1-5-6: ELECTRONIC ATTENDANCE AT MEETINGS RULES:**

**A. Rules Statement:** It is the decision of the City of Assumption that any member of the City Council for the City of Assumption may attend any open or closed meeting of the City of Assumption, including City Council and Committees, via electronic means (such as by telephone or videoconference) provided that such attendance is in compliance with these rules and any applicable laws.

**B. Prerequisites:** A member of the City of Assumption may attend a meeting electronically if the member meets the following conditions: A quorum is physically present throughout the meeting; and, a majority of the members present vote to approve the electronic attendance at the meeting.

1. The member should notify the Clerk at least twenty-four (24) hours before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements will result in denial of a request for electronic attendance.

2. The member must assert one of the following three reasons why he or she is unable to physically attend the meeting:

a. The member cannot attend because of personal illness or disability;  
or

b. The member cannot attend because of employment purposes or the business of the City of Assumption; or

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- c. The member cannot attend because of a family or other emergency.
3. The Clerk, after receiving the electronic attendance request, shall inform the City Council or Committee of the request for electronic attendance.
- C. Voting Procedures: After a roll call establishing that a quorum is physically present, the presiding officer shall call for a motion that a member may be permitted to attend the meeting electronically after specifying the reason entitling the absent member to attend electronically. The motion must be approved by a vote of a majority of the members present.
  - D. Adequate Equipment Required: The member participating electronically and other members of the City Council or Committee must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site, including public comments. Before allowing electronic attendance at any meeting, the City Council or Committee shall provide equipment adequate to accomplish this objective at the meeting site.
  - E. Minutes: Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.
  - F. Rights of Remote Member: A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.
  - G. Application to Committees, Boards and Commissions: These rules shall apply to all committees, boards, and commissions established by authority of the City of Assumption. (Ord. 767, 9-1-2021)

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## CHAPTER 6

**MAYOR**

## SECTION:

- 1-6- 1: Election
- 1-6- 2: Mayor Pro Tem
- 1-6- 3: Vacancy in Office
- 1-6- 4: Chief Executive Officer
- 1-6- 5: Mayor's Signature
- 1-6- 6: Appointment of Officers
- 1-6- 7: Supervise Conduct of Officers; Removals
- 1-6- 8: Designation of Officers' Duties
- 1-6- 9: General and Miscellaneous Duties
- 1-6-10: Serve as Other Officers
- 1-6-11: Council Meetings; Deciding Vote
- 1-6-12: Spending Limits For Public Expenses

1-6-1: **ELECTION<sup>1</sup>:**

The Mayor shall be elected for a four (4) year term and shall serve until his successor is elected and has qualified. (RC 1982 §1-2-37)

1-6-2: **MAYOR PRO TEM:**

During a temporary absence or disability of the Mayor which incapacitates him from the performance of his duties, but does not create a vacancy in the office, the Mayor shall appoint one of the Aldermen and if he cannot, the Aldermen shall appoint one of its members to act as Mayor Pro Tem. The Mayor Pro Tem, during this absence or disability, shall perform his duties and possess all the rights and powers of the Mayor. The Mayor may appoint an Alderman to administer the affairs of the City with the advice and consent of the City Council whenever the City Council considers it necessary and expedient. (RC 1982 §1-2-38)

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1. S.H.A. 65 ILCS 5/3-4-4.

**1-6-3: VACANCY IN OFFICE<sup>1</sup>:**

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. (RC 1982 §1-2-39)

**1-6-4: CHIEF EXECUTIVE OFFICER<sup>2</sup>:**

The Mayor shall be the chief executive officer of the City, and he shall see to the enforcement of all laws and ordinances. He shall preside over the meetings of the Council and perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and City employees; provided, however, his control is subject to the power of the Council to prescribe the duties of various officers and employees. He shall have the power and authority at any reasonable time to inspect all books, papers, and records pertaining to City affairs and kept by any officer of the City. (RC 1982 §1-2-40)

**1-6-5: MAYOR'S SIGNATURE<sup>3</sup>:**

- A. The Mayor shall sign all City warrants, commissions, permits and licenses granted by authority of the Council, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature.
- B. The Mayor may designate another to affix his signature to any written instrument that requires the Mayor's signature. The Mayor must send written notice of this designation to the City Council, stating, 1) the name of the person whom he has selected, and 2) what instrument the person will have authority to sign. A written signature of the Mayor executed by the person so designated with the signature underneath of the person so designated, shall be attached to the notice. The notice, with the signature attached, shall be recorded in the journal of the City Council and then filed with the City Clerk. When the signature of the Mayor is placed on a written

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1. S.H.A. 65 ILCS 5/3-4-6.

2. S.H.A. 65 ILCS 5/3-9-1, 5/3-11-3, 5/3-11-6.

3. S.H.A. 65 ILCS 5/3-11-5.

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. (RC 1982 §1-2-41)

**1-6-6: APPOINTMENT OF OFFICERS:**

- A. Appointments: At the first annual meeting in May, the Mayor shall appoint, by and with the advice and consent of the City Council, all officers of the City whose election or appointment is not otherwise provided for, and said officers shall hold their offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the Municipality.
- B. Filling Vacancies: The Mayor shall appoint, by and with the advice and consent of the City Council, all officers of the City, whose appointment will not otherwise be provided by law; and whenever a vacancy shall occur in any office, which by law or ordinance the Mayor is empowered and required to fill, the Mayor shall, at the next regular meeting of the City Council, communicate to it the name of the appointee to such office, and pending the concurrence of the Council in such appointment, the Mayor may designate some suitable person to discharge the functions of such office. (RC 1982 §1-2-42)

**1-6-7: SUPERVISE CONDUCT OF OFFICERS; REMOVALS:**

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. The Mayor shall have the power to remove any officer appointed by him or her on any formal charge whenever the Mayor shall be of the opinion that the interests of the City demand such removal, but the Mayor shall report the reasons for the removal to the City Council to be heard not less than five (5) nor more than ten (10) days after such removal. If the Mayor shall fail or refuse to file with the City Clerk a statement of the reasons for such removal, or if the City Council, by two-thirds ( $\frac{2}{3}$ ) vote of all its members authorized by law to be elected, by ayes and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which the person was so removed, but the person shall give new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (RC 1982 §1-2-43)

**1-6-8: DESIGNATION OF OFFICERS' DUTIES:**

Whenever there is a dispute as to the respective duties or powers of any appointed officer of the City, this dispute shall be settled by the Mayor, after consultation with the City Attorney; and the Mayor shall have the power to delegate to any appointive officer, any duty which is to be performed when no specific officer has been directed to perform that duty. (RC 1982 §1-2-44)

1-6-9:           **GENERAL AND MISCELLANEOUS DUTIES:**

- A. General Duties<sup>1</sup>: The Mayor shall perform all the duties which are prescribed by law, and shall take care that the laws and ordinances are faithfully executed. (RC 1982 §1-2-46)
- B. Formal Occasions: The Mayor shall act for and on behalf of the City on formal occasions and receptions, but in his absence or inability to attend any such function, the Mayor may select any other City officer to so act. (RC 1982 §1-2-45)
- C. Release of Prisoners<sup>2</sup>: The Mayor may release any person imprisoned for violation of any City ordinance and shall report the release with reasons therefor to the Aldermen at their first meeting thereafter. (RC 1982 §1-2-47)

1-6-10:           **SERVE AS OTHER OFFICERS:**

- A. Business License Commissioner: The Mayor is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law. (RC 1982 §1-2-48)
- B. Liquor Commissioner<sup>3</sup>: The Mayor is hereby designated as the Local Liquor Control Commissioner with all the powers to license and/or revoke any City liquor license, according to State and City laws. (RC 1982 §1-2-49)
- C. Health Commissioner: The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or

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1. S.H.A. 65 ILCS 5/3-11-4 and 5/3-11-6.

2. S.H.A. 65 ILCS 5/3-11-2.

3. S.H.A. 235 ILCS 5/4-2.

health hazards within the jurisdictional boundaries of the city authority as prescribed by law. (RC 1982 §1-2-50)

- D. HIPAA Compliance Officer: The mayor of the city of Assumption is hereby appointed as the HIPAA compliance officer. Said officer shall take all steps to protect and treat any required information against any unreasonable anticipated threats or hazards or improper use or disclosure. (Ord. 577, 2-2-2005)

**1-6-11: COUNCIL MEETINGS; DECIDING VOTE<sup>1</sup>:**

The mayor shall preside at all meetings of the city council. He shall not vote on any ordinance, resolution or motion, except: a) where the vote of the aldermen has resulted in a tie; or b) where one-half ( $\frac{1}{2}$ ) of the aldermen elected have voted in favor of an ordinance, resolution, or motion, even though there is no tie; or c) where a vote greater than a majority of the corporate authorities is required by the Illinois Compiled Statutes to adopt an ordinance, resolution or motion. In each instance specified, the mayor shall vote. Nothing in this section shall deprive an acting mayor or mayor pro tem from voting in his capacity as alderman, but he shall not be entitled to another vote in his capacity as acting mayor or mayor pro tem. (RC 1982 §1-2-51)

**1-6-12: SPENDING LIMITS FOR PUBLIC EXPENSES:**

The City's spending limit shall be as follows.

- A. A City Superintendent is authorized to spend up to two hundred fifty dollars (\$250.00), with a maximum of two thousand dollars (\$2,000.00) per month, for any City related expenditure without prior Committee or City Council approval. Any City related expenditure between two hundred fifty dollars (\$250.00) and five hundred dollars (\$500.00) to be incurred by a City Superintendent requires the prior signature and approval of the respective City Chairman. Any City related expenditure between five hundred dollars (\$500.00) and one thousand dollars (\$1,000.00) to be incurred by a City Superintendent requires the prior signature and approval of the respective Committee Chairman and the Mayor.
- B. Each Committee Chairman is authorized to spend up to five hundred dollars (\$500.00), with a maximum of four thousand dollars (\$4,000.00) per month, for any City related expenditure without prior Committee or City Council approval.
- C. The City Clerk is authorized to spend up to five hundred dollars (\$500.00), with a maximum of two thousand dollars (\$2,000.00) per month, for any City related expenditure without prior Committee or City Council approval.

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1. 65 ILCS 5/3-11-14, 5/3-11-17.



- D. The Mayor is authorized to spend up to five hundred dollars (\$500.00), with a maximum of four thousand dollars (\$4,000.00) per month, for any City related expenditure without the prior Committee or City Council approval.
- E. Any City related expenditure above five hundred dollars (\$500.00) that requires immediate approval due to bona fide emergency circumstances may be authorized by the Mayor after he/she individually contacts and obtains the verbal approval of a majority of the aldermen then holding office. In all non-emergency situations, all City related expenditures above five hundred dollars (\$500.00) shall not be incurred or paid unless first presented to the appropriate committee for approval and is approved by said committee or is approved by the required vote by the City Council at a regular or special meeting.
- F. When possible, multiple quotes for any City related expenditure above two thousand five hundred dollars (\$2,500.00) should be obtained in an effort to ensure that the City gets the best possible price for each such City related expenditure. (Ord. 774, 12-1-2021)

## CHAPTER 7

### CITY OFFICERS AND EMPLOYEES

#### SECTION:

- 1-7--1: General Regulations
- 1-7--2: Residency
- 1-7--3: Pecuniary Interests In Contracts Prohibited
- 1-7--4: Bonds Of City Officers
- 1-7--5: City Offices Consolidated
- 1-7--6: Insurance
- 1-7--7: Indemnification
- 1-7--8: Contracts And Bidding Requirements
- 1-7--9: Salaries
- 1-7-10: State Officials And Employees Ethics Act
- 1-7-11: Illinois Municipal Retirement Fund
- 1-7-12: Travel, Meal And Lodging Expenses !2R!

#### 1-7-1: **GENERAL REGULATIONS:**

A. Effect: The provisions of this chapter shall apply alike to all officers and employees of the City regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee.

B. Bond: Every officer and employee shall, if required by the City Council upon entering upon the duties of his office, give bond in such amount and with such sureties as may be determined by the Council, conditioned upon the faithful performance of the duties of his office or position.

C. Books Delivered To Successor: Every officer shall, upon going out of office, deliver to his successor all books, papers, furniture and other things appertaining to such office and which are the property of the City. Within five (5) days after notification and request, any person who has been an officer of the Municipality is required to deliver to his successor in office all property, books and effects in his possession belonging to the Municipality or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby and shall, upon conviction, be penalized according to the provisions of section 1-4-1 of this title. He shall not receive his final check until his City Code Book and keys are turned over to the City Clerk.

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

E. Fees: No officer of the Municipality shall be entitled to charge or receive any fees as against the City.

F. Report Of Fees: All officers of the City entitled to receive fees shall keep a

correct account thereof and make a report thereof under oath to the City Council at the first meeting of each month. In the report, they shall specify from whom such fees were received, for what service and when received. All fees received shall be paid over into the City Treasury.

- G. Other Rules And Regulations: Every officer of the City shall perform such other duties and be subject to such other rules and regulations as the Council may provide by law.
- H. Conservators Of Peace<sup>1</sup>: The Mayor, Aldermen and policemen are designated as conservators of the peace, with power to make arrests as provided by law.
- I. Oath<sup>2</sup>: Before entering upon the duties of their respective offices, all Municipal officers, whether elected or appointed shall take and subscribe to the following oath:

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

(RC 1982 §1-2-22)

**1-7-2: RESIDENCY:**

No person shall be eligible to hold any office who is not a qualified elector of the City and who shall not have resided therein for at least one year next preceding his election or appointment, nor shall any person be eligible who is a defaulter to the City. However, notwithstanding the above and without intending to classify them as officers if they are not now so classified, it is hereby specifically authorized, if such authorization is needed, that any and all full-time employees, including policemen who serve the City, including the Chief of Police, are authorized to reside outside the corporate limits of the City so long as the employee resides within a ten (10) mile radius of the corporate limits. Part-time employees are authorized to reside outside of the corporate limits of the City. (Ord. 732, 8-1-2018)

**1-7-3: PECUNIARY INTERESTS IN CONTRACTS PROHIBITED:**

No Municipal officer shall be interested, directly or indirectly, 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 any assessment levied by any statute or ordinance. No Municipal officer shall be interested directly or indirectly in the purchase of any property which: a) belongs to the Municipality; b) is sold for taxes or assessments; or c) is sold by virtue of legal process at the suit of the Municipality. (RC 1982 §1-2-24)

**1-7-4: BONDS OF CITY OFFICERS:**

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1. 65 ILCS 5/3-9-4.

2. 65 ILCS 5/3-14-3; see also subsection 1-7A-3F, "Administration Of Oaths", of this chapter.

A. Amount: Bonds of City officers required under 65 Illinois Compiled Statutes 5/3.1-10-30 shall be executed in the following penal sums:

Mayor	\$ 50,000.00
City Clerk	50,000.00
City Treasurer	500,000.00
Water Bill Collector	50,000.00

(Ord. 620, 11-5-2008)

B. Premium Payment By City<sup>1</sup>: The surety bonds required by law shall be paid by the City.

C. Surety: The City Council shall not receive or approve any bond or security whereon the name of the City Council, any one of the Aldermen, or any elected or appointed officers of the City appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the City Council or if any bondsman, after becoming such is elected or appointed to any City office, this subsection shall not act as a release of any such obligation incurred. (RC 1982 §1-2-25)

**1-7-5: CITY OFFICES CONSOLIDATED:**

A. The City Council may, from time to time, by law, impose upon any officer filling any office created by the ordinances of the City, any such other or further duties as shall be consistent with the laws of this State, and may consolidate any two (2) or more of the offices and impose the duties thereof upon any other officer and may make any such regulations, respecting such offices as shall be consistent with the laws of this State.

B. In case the City Council consolidates any offices created by it, the person performing the duties of the offices so consolidated shall not be entitled on account thereof to receive any salary or compensation which he would not have been entitled to receive if such consolidation had not taken place. (RC 1982 §1-2-26)

**1-7-6: INSURANCE:**

The City Council shall have the power to purchase liability insurance covering and insuring all Municipal officers, employees and elected officials; said insurance to cover incidents occurring while in the performance of their duties, which insurance may insure, cover and protect any liability which the Municipal corporation, officer, employee or elected official may incur. When said insurance has been purchased, the City shall be responsible for all premiums and deductible charges called for by any valid liability insurance policy covering the Municipal corporation, officer, employee, or elected official. (RC 1982 §1-2-27)

**1-7-7: INDEMNIFICATION:**

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1. 5 ILCS 270/1.

A. If the City Council elects not to purchase liability insurance covering and insuring Municipal officers, elected officials and employees as provided in section 1-7-6 of this chapter, then the City shall indemnify and cause to defend Municipal officers, elected officials and employees from any claim filed by an individual, partnership or corporation when said claim is founded on an act or omission of the municipal officers, elected officials or employees while in the performance of their official duties, except the city will not indemnify, but will defend any municipal officer, elected official or employee from any claim made by an individual, partnership or corporation wherein the claim alleges that the municipal officer, elected official or employee acted intentionally, maliciously or wantonly, and further, will not indemnify or cause to defend said officials or employees where the claim is directly or indirectly related to the negligent care or use of a vehicle as defined by the Illinois Compiled Statutes, and the city will not indemnify any municipal officer, elected official or employee from any claim made by a municipal officer, elected official or employee.

B. Notwithstanding any other provision of this code, the city will not indemnify or cause to defend any municipal officers, elected officials or employees if the municipal officers, elected officials or employees have liability insurance insuring the municipal officer, elected official or employee from the alleged claim; however, the city will indemnify the municipal officer, elected official or employee the personal deductible limits of their personal policy. (RC 1982 §1-2-28)

**1-7-8: CONTRACTS<sup>1</sup> AND BIDDING REQUIREMENTS:**

A. Compliance: All contracts for purchases by the city shall be in compliance with the statutes of the state of Illinois. (RC 1982 §1-2-29)

B. Lowest Responsible Bidder: Any work or public improvement which is not to be paid for in whole or in part by special assessment or special taxation when the expense thereof will exceed twenty thousand dollars (\$20,000.00) shall be constructed either:

1. By a contract let to the lowest responsible bidder after the advertising for bids in the manner prescribed by ordinance and statutes, except that any such contract may be entered into by the proper officers without advertising for bids if authorized by a vote of two-thirds ( $\frac{2}{3}$ ) of all aldermen then holding office;

2. If authorized by a vote of two-thirds ( $\frac{2}{3}$ ) of all aldermen or councilmen then holding office, the superintendent shall supervise and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor therein laborers or artisans whom the municipality shall pay by the day or hour; and all material of the value of twenty thousand dollars (\$20,000.00) and upward used in the construction of the work or the public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed by this code. However, nothing contained in this chapter shall apply to any contract by the city with the federal government or agents thereof. (Ord. 585, 5-3-2006)

C. Defined: The "lowest responsible bidder" does not mean the lowest bidder

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1. 65 ILCS 5/8-9-1, 5/8-9-2.

financially only, but shall mean the bidder who, by experience and other qualifications, is deemed most capable of performing the work required in a satisfactory manner. (RC 1982 §1-2-29)

D. Bidding Requirements:

1. Notice Inviting Bids: When it is necessary to bid public projects or public purchases, the city of Assumption will be required to submit a notice inviting bids in one newspaper of general circulation within Christian County, Illinois, and bids can be opened not less than seven (7) days after the first publication.

The city of Assumption may choose to advertise bids in more than one newspaper publication which does not necessarily have to be of general circulation in Christian County, Illinois, at the discretion of the city council and based upon the circumstances necessitating the bidding process. (Ord. 599, 8-6-2007)

1-7-9: **SALARIES<sup>1</sup>:**

A. Elected: No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.

B. Appointed: No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased. (RC 1982 §1-2-30)

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1. 65 ILCS 5/3-13-1 et seq.

C. Certain Officers:

1. Mayor: The mayor shall receive a monthly salary of seven hundred fifty dollars (\$750.00) plus thirty dollars (\$30.00) per special meeting and thirty dollars (\$30.00) per committee meeting.
2. Aldermen: Each alderman shall receive the sum of one hundred twenty five dollars (\$125.00) per month as his or her salary, plus thirty dollars (\$30.00) per each special meeting and twenty five dollars (\$25.00) per committee meeting.
3. Clerk: The city clerk shall receive a monthly salary of one thousand thirty dollars (\$1,030.00), plus thirty dollars (\$30.00) per each special meeting and twenty five dollars (\$25.00) per committee meeting.
4. Treasurer: The city treasurer shall receive a monthly salary of one thousand one hundred dollars (\$1,100.00), plus thirty dollars (\$30.00) per each special meeting and twenty five dollars (\$25.00) per committee meeting.
5. Attorney: The city attorney shall receive a monthly salary of one hundred dollars (\$100.00), plus other applicable fees for his services.
6. Part Time Employees: Any part time employee(s) requested to attend a meeting will be paid twenty five dollars (\$25.00) except when they are on the clock drawing their hourly rate.
7. Limitation: City officials may only receive compensation for one meeting per day. (Ord. 665, 10-3-2012; amd. Ord. 680, 9-3-2014; Ord. 700, 12-7-2016; Ord. 701, 12-7-2016; Ord. 702, 12-7-2016; Ord. 757, 6-8-2020)

1-7-10: **STATE OFFICIALS AND EMPLOYEES ETHICS ACT:**

- A. The regulations of section 5-15<sup>1</sup> and article 10<sup>2</sup> of the state officials and employees ethics act, 5 Illinois Compiled Statutes 430/1-1 et seq. (hereinafter referred to as the "act" in this section), are hereby adopted by reference and made applicable to the officers and employees of the city to the extent required by 5 Illinois Compiled Statutes 430/70-5.
- B. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the act, by any officer or any employee of the city, is hereby prohibited.

October 2020

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1. 5 ILCS 430/5-15.

2. 5 ILCS 430/10-10 - 10-40.

- C. The offering or making of gifts prohibited to be offered or made to an officer or employee of the city, is hereby prohibited.
- D. The participation in political activities prohibited under the act, by any officer or employee of the city, is hereby prohibited.
- E. For purposes of this section, the terms "officer" and "employee" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c).
- F. The penalties for violations of this section shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the act.
- G. This section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of city officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this section, however, the provisions of this section shall prevail in accordance with the provisions of 5 Illinois Compiled Statutes 430/70-5(a).
- H. Any amendment to the act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the city.
- I. If the Illinois supreme court declares the act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois supreme court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the corporate authorities of the city if the act is found unconstitutional by the Illinois supreme court.
- J. If the Illinois supreme court declares part of the act unconstitutional but upholds the constitutionality of the remainder of the act, or does not address the remainder of the act, then the remainder of the act



as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City. (Ord. 567, 5-5-2004)

**1-7-11: ILLINOIS MUNICIPAL RETIREMENT FUND:**

The City of Assumption, Christian County, Illinois, does hereby elect to participate in the Illinois Municipal Retirement Fund. The standard for IMRF participation shall be a position normally requiring performance of duty for one thousand (1,000) hours per year. The City Clerk is directed to promptly file a certified copy of the ordinance codified herein with the Board of Trustees of the Illinois Municipal Retirement Fund. (Ord. 574, 11-17-2004)

**1-7-12: TRAVEL, MEAL AND LODGING EXPENSES:**

**A. Definitions:**

**!DEF! PUBLIC BUSINESS:** Means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the City to carry out the responsibilities of City business.

**TRAVEL:** Means any expenditure directly incident to official travel by employees and officers of the City or by wards or charges of the City involving reimbursement to travelers or direct payment to private agencies providing transportation or related services. **!DEFEND!**

**B. Maximum Allowable Amounts:** The City shall only reimburse the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

1. The maximum reimbursement for use of a privately owned automobile for City officers and officers' employees will be the mileage rate determined by the most recently published IRS Standard Mileage Rates for Business at the time the expense was incurred.
2. Lodging reimbursement shall not exceed the lodging maximum amount for the destination locality as published at [www.gsa.gov](http://www.gsa.gov).
3. Meal reimbursement shall not exceed the meal maximum amount for the destination locality as published at [www.gsa.gov](http://www.gsa.gov).

Alcohol is specifically excluded from reimbursement.

**C. Authorization:** No reimbursement of travel, meal or lodging expenses incurred by a City employee or officer shall be authorized unless the "Travel, Meal, and Lodging Expense Reimbursement Request Form", on file with the City, has been submitted and approved. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act<sup>1</sup>.

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1. 5 ILCS 140/1 et seq.

- D. Exceeding Maximum Allowable Amounts: Expenses for travel, meals, and lodging of: 1) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under subsection B of this section or 2) any member of the Corporate Authorities of the City may only be approved by roll call vote at an open meeting of the Corporate Authorities of the City. However, in the event of an emergency or other extraordinary circumstances, the Corporate Authorities may approve more than the maximum allowable expenses set forth above.
  
- E. Entertainment: The City shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this section. (Ord. 707, 6-7-2017)

## CHAPTER 7

## CITY OFFICERS AND EMPLOYEES

## ARTICLE A. CITY CLERK

## SECTION:

- 1-7A-1: Elected
- 1-7A-2: Council Minutes; Records
- 1-7A-3: Powers and Duties
- 1-7A-4: Deputy Clerk !2R!

## 1-7A-1: ELECTED:

The City Clerk shall be elected at the same election as the Mayor for a four (4) year term and shall serve until his successor is elected and has qualified. (RC 1982 §1-2-53)

1-7A-2: COUNCIL MINUTES; RECORDS<sup>1</sup>:

The City Clerk shall attend all meetings of the City Council and shall keep in a suitable book to be styled, "The Journal of the City Council", a full and faithful record of its proceedings. The City Clerk shall record and properly index in a book kept for that purpose all ordinances passed by the City Council, and at the foot of the record of each ordinance so recorded, he shall make a memorandum of the date of the passage and, when published, the date of publication of such ordinance. He shall also record in proper books for the purpose, all official bonds, and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. He shall issue and cause to be served upon all Aldermen, notices of all special meetings of the City Council; also notices to the members of the different committees of that body, and all persons whose attendance may be required before any such committee, when so directed by the chairman thereof. (RC 1982 §1-2-54)

## 1-7A-3: POWERS AND DUTIES:

A. Ordinances; Publication<sup>2</sup>: The City Clerk shall cause all ordinances passed by the City Council and approved by the Mayor imposing any fine, penalty, imprisonment or forfeiture or making any appropriation, to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once, within thirty (30) days after passage, in one or more newspapers published in the City. (RC 1982 §1-2-55)

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1. S.H.A. 65 ILCS 5/1-2-5 and 5/3-10-7.  
2. S.H.A. 65 ILCS 5/1-2-4.

B. Delivery of Papers to Officers<sup>1</sup>: The Clerk shall deliver to the several committees of the City Council, and to the officers of this City, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Council on demand therefor. He shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders, and claims in his charge which may require to be approved or otherwise acted upon by the Mayor. (RC 1982 §1-2-56)

C. Preparation of Documents; Commissions; Licenses: The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under this Code and shall attest the same with the Corporate Seal, and he shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this City. (RC 1982 §1-2-57)

D. Report of Licenses: The Clerk shall report to the City Council at its regular meetings each month, and more often if the Council so requires, the data contained in his license register with respect to licenses issued during the previous month. (RC 1982 §1-2-58)

E. Local Election Official: The City Clerk shall be known as the local election officer and shall perform all duties as prescribed by chapters 10 and 65 of the Illinois Compiled Statutes. (RC 1982 §1-2-59)

F. Administration of Oaths<sup>2</sup>: The City Clerk shall have the power to administer oaths or affirmations for all lawful purposes. (RC 1982 §1-2-60)

G. Deliver Books To Successor: The city clerk shall carefully preserve in his office, all books, records, papers, maps and effects of every detail and description belonging to the city, or pertaining to his office and not in actual use and possession of other city officers; and upon the expiration of his official term, he shall deliver all such books, records, papers and effects to his successor in office. (RC 1982 §1-2-62)

H. Notification To Persons Elected Or Appointed<sup>3</sup>: Within five (5) days after the result of an election is declared or an appointment is made, the city clerk shall notify all persons elected or appointed to office of their election or appointment. The office becomes vacant unless the person elected or appointed qualifies within ten (10) days after such notice. (RC 1982 §1-2-64)

I. Requested Documents: The city of Assumption will charge twenty five cents (\$0.25) per copy for any copies made at city

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1. S.H.A. 65 ILCS 5/3-10-8.  
2. S.H.A. 65 ILCS 5/3-9-3.  
3. 65 ILCS 5/3-2-6.

hall. The city clerk has up to seven (7) days to present any requested documents.

J. Other Duties: In addition to the foregoing duties, the clerk shall perform all such other duties pertaining to his/her office as are or may be imposed upon him/her by law or resolution or ordinance of the city council. (Ord. 620, 11-5-2008)

1-7A-4: DEPUTY CLERK<sup>1</sup>:

A. Appointment: The city clerk, when authorized by the city council, may appoint the deputy clerk, who shall have the power and duty to execute all documents required by any law to be executed by the clerk and affix the seal of the city thereto whenever required. In signing any documents, the deputy clerk shall sign the name of the city clerk, followed with the word "by" and the deputy clerk's name and the words "Deputy Clerk".

B. Duties: The powers and duties herein described shall be executed by such deputy clerk only in the absence of the city clerk from the city clerk's office in the city hall, and only when either written direction has been given by the city clerk to such deputy clerk to exercise such power or the city council has determined by resolution that the city clerk is temporarily or permanently incapacitated to perform such functions. (RC 1982 §1-2-66)

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1. 65 ILCS 5/3-9-2.

## CHAPTER 7

## CITY OFFICERS AND EMPLOYEES

## ARTICLE B. CITY TREASURER

## SECTION:

- 1-7B-1: Finance Department Established
- 1-7B-2: Finance Committee
- 1-7B-3: Election of Treasurer; Vacancy in Office
- 1-7B-4: Bond
- 1-7B-5: Deposit of Funds
- 1-7B-6: Investments
- 1-7B-7: Duties and Responsibilities !2R!

## 1-7B-1: FINANCE DEPARTMENT ESTABLISHED:

There is hereby established a department of the Municipal government of the City which shall be known as the Finance Department. It shall embrace the Committee on Finance of the City Council and the City Treasurer. (RC 1982 §1-2-70)

## 1-7B-2: FINANCE COMMITTEE:

The standing Committee on Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and City Council so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department. (RC 1982 §1-2-71)

1-7B-3: ELECTION OF TREASURER; VACANCY IN OFFICE<sup>1</sup>:

The City Treasurer shall be elected at the same election as the Mayor, for a four (4) year term and shall serve until his successor is elected and has qualified. If a vacancy occurs in the office, 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. (RC 1982 §1-2-72)

## 1-7B-4: BOND:

The City Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the City for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than ten

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1. S.H.A. 65 ILCS 5/3-4-2.

percent (10%) of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding five (5) fiscal years, nor less than one and one-half ( $1\frac{1}{2}$ ) times the largest amount which the Council estimates will be in his custody at any one time, nor less than three (3) times the number of residents of the City, as determined by the last Federal census. Such bond shall be filed with the City Clerk as required by statute. (RC 1982 §1-2-77)

#### 1-7B-5: DEPOSIT OF FUNDS:

A. Designation by Council: The City Treasurer is hereby required to keep all funds and monies in his custody belonging to the City in such places of deposit as have been designated by Section 1-7B-6 of this Chapter. When requested by the City Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and monies of the City in the custody of the City Treasurer. When a bank has been designated as a depository, it shall continue as such depository until ten (10) days have elapsed after a new depository is designated and has qualified as provided by law. When a new depository is designated, the corporate authorities shall notify the sureties of the City Treasurer of that fact in writing at least five (5) days before the transfer of funds.

B. Qualifications of Bank: No bank shall be qualified to receive City funds or monies until it has furnished the corporate authorities with copies of the last two (2) sworn statements of resources and liabilities which the bank is required to furnish to the auditor of public accounts 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 auditor of public accounts or to the comptroller of currency.

C. Discharge from Responsibility: The City Treasurer shall be discharged from responsibility for all funds or monies which he deposits in a designated bank while the funds and monies are so deposited. If City funds or monies 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 City Treasurer shall be responsible for funds or money deposited in the bank in excess of this limitation. (RC 1982 §1-2-85)

#### 1-7B-6: INVESTMENTS:

The City Treasurer is hereby authorized to invest surplus funds or reserve funds of the City in the following types of investments:

A. General obligation securities of the United States of America or of the State of Illinois.

B. Certificates of deposit and time deposits in any bank where such investments are insured by the Federal Deposit Insurance Company.

C. Short term discount obligations of the Federal National Mortgage Association.

D. The following banks are herewith designated as places of deposit where the City Treasurer is required to keep all funds and monies in his custody belonging to the Municipality:

1. First National Bank of Assumption, Illinois.
2. First National Bank of Pana, Illinois.
3. First Trust and Savings of Taylorville, Illinois.
4. People's Bank and Trust of Pana, Illinois.
5. First of America Mtg. Co., Decatur, Illinois.
6. Ayars State Bank, Moweaqua, Illinois.
7. First National Bank of Taylorville. (RC 1982 §1-2-86; 1994 Code)

1-7B-7: DUTIES AND RESPONSIBILITIES:

The City Treasurer shall have the following duties and responsibilities:

A. Money; Warrants; Accounts<sup>1</sup>: Receive all monies belonging to this City and pay all warrants signed by the Mayor and countersigned by the Treasurer and not otherwise and shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto. He shall give to every person paying money into the City Treasury a receipt therefor, specifying the date of payment and upon what account paid, and he shall file copies of such receipts with the Clerk with his monthly reports. (RC 1982 §1-2-73)

B. Warrant Register<sup>2</sup>: Keep a register of all warrants redeemed and paid by him, showing the number, date and amount of each, the fund from which paid, and the name of the person to whom and when paid, and shall cancel all warrants as soon as redeemed by him. (RC 1982 §1-2-74)

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1. S.H.A. 65 ILCS 5/3-10-2 and 5/8-1-8.  
2. S.H.A. 65 ILCS 5/8-1-8 and 5/8-1-9.



C. Separation of Funds<sup>1</sup>: Keep all monies in his hands belonging to this City separate and distinct from his own money, and shall not use, either directly or indirectly, the City monies or warrants in his custody and keeping for his own use and benefit, or that of any other person. Any violation of this subsection shall subject him to removal from office by the City Council. (RC 1982 §1-2-75)

D. Special Funds: Hold as a special fund, all monies received on any special tax or special assessment, to be applied to the payment of the improvement for which such special tax or special assessment was made, and said money shall be used for no other purpose whatever, except to reimburse the City for money expended for such improvement. (RC 1982 §1-2-78)

E. Bookkeeping: Under the direction of the Finance Committee, keep his books and accounts in such a manner as to show with accuracy all monies received and disbursed by him for the City, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of his office shall be, at all times, open to examination by the Mayor, the Finance Committee or any member of the Council. (RC 1982 §1-2-79)

F. Payroll: Prepare the City payroll for all persons who come under appropriations for salaries. (RC 1982 §1-2-80)

G. Audit Accounts: Audit all accounts or claims allowed by the City Council as provided by the ordinances and when such claims are allowed as aforesaid, shall draw a warrant in due form upon the City Treasury therefor. (RC 1982 §1-2-81)

#### H. Reports:

1. Monthly: On or before the regular meeting in each month, make out and submit to the City Council a statement or report in writing of all the monies received and warrants drawn by him during the preceding month, showing therein from or what sources and on what account monies were received, and for what purpose and on what account the warrants were drawn or paid. (RC 1982 §1-2-76)

2. Statements: Report to the corporate authorities at the first monthly meeting a full and detailed account of all receipts and expenditures of the Municipality, as shown by his books, up to the time of the report. (RC 1982 §1-2-82)

3. Delinquent Officers: Report to the City Clerk, any officer of the City authorized to receive money for the use of the City who may fail to make a return of the monies received by the Treasurer at the time required by law or by ordinances of

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1. S.H.A. 65 ILCS 5/3-10-4.

the City. (RC 1982 §1-2-83)

4. Year-End Report<sup>1</sup>: Annually, at the close of the fiscal year, make out and file with the City Clerk a full and detailed report of all the receipts and expenditures of the corporation, as shown by his books and of his transactions as such Treasurer, during the preceding fiscal year, and he shall, in such report, show the state of the City Treasury at the close of said year, which report the City Clerk shall publish as required by law. (RC 1982 §1-2-84)

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1. S.H.A. 65 ILCS 5/3-10-2 through 5/3-10-6.

## CHAPTER 7

## CITY OFFICERS AND EMPLOYEES

## ARTICLE C. CITY ATTORNEY

## SECTION:

- 1-7C-1: Appointment
- 1-7C-2: Services of Attorney
- 1-7C-3: Duties !2R!

## 1-7C-1: APPOINTMENT:

The Mayor, with the advice and consent of the City Council, shall appoint a City Attorney who shall serve for the term of the Mayor and at the pleasure of the corporate authorities.  
(RC 1982 §1-2-92)

1-7C-2: SERVICES OF ATTORNEY<sup>1</sup>:

The Attorney shall have full charge of the law affairs of the City, and shall be known as the City Attorney, and shall receive reasonable fees for services rendered when, in his judgment, or in the judgment of the Mayor or the City Council, the same are necessary or for the best interests of the City.  
(RC 1982 §1-2-90)

## 1-7C-3: DUTIES:

The City Attorney shall perform the following duties:

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

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

C. Judgments: When instructed to do so by the Mayor, direct executions to be issued upon all judgments recovered in favor of the City, and shall direct their prompt service. He shall examine all the bills of the officers of courts and of other

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1. S.H.A. 65 ILCS 5/3-7-3.

officers of the law, and shall certify to their correctness and the liability of the City therefor.

D. Commissions: Act as the legal advisor for the water and sewer systems and for all other boards and commissions hereafter established by the City Council. He shall perform all legal services as may be required for those boards and commissions.

E. Violations of Ordinances: Institute and prosecute an action in every case of violation of a City ordinance when instructed to do so by the Mayor or the City Council.

F. Exception; Prosecution of Suits<sup>1</sup>: The City Attorney shall not be required to prosecute any suit or action arising under the ordinances of the City when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, vexatiously or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable. (RC 1982 §1-2-91)

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1. S.H.A. 65 ILCS 5/3-7-3.

CHAPTER 7  
CITY OFFICERS AND EMPLOYEES  
**ARTICLE D. CITY COLLECTOR**

SECTION:

- 1-7D-1: Office Created; Appointment  
 1-7D-2: Duties  
 1-7D-3: Salary  
 1-7D-4: Delivery Of Monies; Annual Report

1-7D-1: **OFFICE CREATED; APPOINTMENT:**

- A. Office Created: There is hereby created the office of city collector, an executive office of the city. Said city collector shall be appointed for a tenure of one year or for such other periods as the city council may determine.
- B. Designation And Appointment: The city clerk is hereby designated and appointed as city collector as is provided by statute. (Ord. 487, 12-7-1994)

1-7D-2: **DUTIES:**

- A. It shall be the duty of the collector to collect and receive all monies due to the city that are not by law paid directly to the treasurer, including the collection of special assessments and special taxes, and to keep such records pertaining to such collection as may be required by statute or ordinance. It is further the duty of the collector to prepare and send bills to all persons indebted to the city for anything other than water and sewer services.
- B. The collector shall supervise and be responsible for the performance of the duties of his/her office by other personnel that may be authorized by the city council.
- C. The collector shall be a full-time position for the City. The collector shall have an office at City Hall and shall work forty (40) hours per week. (Ord. 487, 12-7-1994; amd. Ord. 492, 3-1-1995; Ord. 786, 6-2-2022)

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**1-7D-3: SALARY:**

The city collector shall be paid as a salary for the performance of said duties the sum of one thousand five hundred seventy dollars (\$1,570.00) per month. The city collector, prior to the commencement of these duties herein stated, shall be bonded in favor of the city in the amount of five thousand dollars (\$5,000.00). (Ord. 571, 9-1-2004; amd. Ord. 786, 6-2-2022)

**1-7D-4: DELIVERY OF MONIES; ANNUAL REPORT:**

- A. Delivery Of Monies: The collector shall deliver all monies collected to the city treasurer at least once each week or more often if desired, and receive a receipt therefor, and will make a monthly report to the city council showing what money has been received and the source thereof.
- B. Annual Report: The collector shall also make an annual report during the last month of the fiscal year showing all the activities of the office. (Ord. 487, 12-7-1994)

## CHAPTER 7

## CITY OFFICERS AND EMPLOYEES

## ARTICLE E. FREEDOM OF INFORMATION ACT OFFICER

## SECTION:

1-7E-1: Office Created; Appointment

1-7E-2: Duties !2R!

## 1-7E-1: OFFICE CREATED; APPOINTMENT:

A. Office Created: There is hereby created the office of freedom of information act (FOIA) officer, an executive office of the city. Said FOIA officer shall be appointed for a tenure of one year or for such other periods as the city council may determine.

B. Designation And Appointment: The city clerk is hereby designated as the FOIA officer to whom all initial requests for access to the records of the city are to be referred. (Ord. 642, 4-7-2010)

## 1-7E-2: DUTIES:

A. All initial requests for access to the records of the city are to be made at the offices of the city clerk at city of Assumption, 229 N. Chestnut St., P.O. Box 106, Assumption, IL 62510, between the hours of nine o'clock (9:00) A.M. and twelve o'clock (12:00) noon, Monday through Friday. In the event that the city clerk is not available during the times described above, the deputy clerk is designated as the deputy FOIA officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the FOIA officer, or her designees, shall receive requests submitted to the city under the freedom of information act, ensure that the city responds to requests in a timely fashion, and issue responses under the act. The FOIA officer shall develop a list of documents or categories of records that the city shall immediately disclose upon request.

B. Upon receiving a request for a public record, the FOIA officer shall:

1. Note the date the city receives the written request;
2. Compute the day on which the period for response will expire and make a notation of that date on the written request;
3. Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
4. Create a file for the retention of the original request, a copy of the response, a record of written communications with the

requester, and a copy of other communications.

C. The FOIA officer and deputy FOIA officer shall, within six (6) months after January 1, 2010, successfully complete an electronic training curriculum to be developed by the public access counselor of the state of Illinois and thereafter successfully complete an annual training program. Whenever a new freedom of information officer is designated by the city, that person shall successfully complete the electronic training curriculum within thirty (30) days after assuming the position.

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

E. If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the FOIA officer pursuant to section 6(b) of the freedom of information act. The city clerk shall maintain a written schedule of current fees in the clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.

F. In the event that a request to inspect city records is denied by the FOIA officer, the denial may be appealed to the public access counselor of the state of Illinois.

G. The city clerk shall prepare: 1) a city information directory; 2) a block diagram of the functional subdivisions of the city; 3) a city records directory; and 4) a records catalog, all of which shall be substantially in the same form as the documents attached to the ordinance codified herein and made a part hereof as exhibits A, B, C and D. (Ord. 642, 4-7-2010)



CHAPTER 8

MUNICIPAL ELECTIONS

SECTION:

- 1-8-1: Elections; Procedure
- 1-8-2: Wards Established !2R!

1-8-1: ELECTIONS; PROCEDURE:

The provisions of 65 Illinois Compiled Statutes, 5/3-2-1 et seq., and chapter 10 concerning Municipal elections shall govern the conduct of the City elections. (RC 1982 §1-2-21)

1-8-2: WARDS ESTABLISHED:

The following are established as the wards of the City:

- A. First Ward: All that part of the City lying east of the westerly line of the Illinois Central Railroad right of way and north of the north boundary of the Third Ward, described below.
- B. Second Ward: All that part of the City lying west of the westerly line of the Illinois Central Railroad right of way and north of the north boundary of the Third Ward, described below.
- C. Third Ward: All that part of the City lying south of a north boundary described as follows:

Commencing with the intersection of the center line of Third South Street and the westerly City limits, thence easterly on said center line to the westerly line of the Illinois Central Railroad right of way, thence southerly on said westerly line to the center line of Samuel Street, thence east on said center line to the center line of U. S. Route 51, thence north on said center line to the center line of Second South Street, thence east on said center line to the City limits. (RC 1982 §1-3-1)

## CHAPTER 9

## MUNICIPAL FINANCES

## SECTION:

1-9-1: General Taxes

1-9-2: Claims Against the City !2R!

## 1-9-1: GENERAL TAXES:

A. Corporate Rate<sup>1</sup>: The maximum rate for general corporate purposes of the City be and the same is hereby established at a rate of twenty five one-hundredths of one percent (0.25%). (RC 1982 §36-3-1)

B. Police Tax: The maximum rate for police protection purposes of the City be and the same is hereby established at a rate of seventy five one-thousandth of one percent (0.075%). (RC 1982 §36-3-2)

## 1-9-2: CLAIMS AGAINST THE CITY:

A. Claim Presentation: All claims against the City for goods purchased, damages or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance, must be presented on or before the first meeting of each month to the City Clerk. All such claims must be in writing and items shall be specified. (RC 1982 §1-2-31)

B. Claim Exception: This Section does not prohibit the City Council from passing on any claims not previously presented to the City Clerk if, in the opinion of the Council, justice to the claimant requires it. (RC 1982 §1-2-32)

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1. S.H.A. 65 ILCS 5/8-3-1.

## CHAPTER 10

## CORPORATE SEAL

## SECTION:

1-10-1: Seal Established !2R!

1-10-1: SEAL ESTABLISHED:

A. The Seal provided by the Council, consisting of the words, *Corporate Seal* and *City of Assumption, Illinois* around the outer edge of the Seal, and an "eagle" in the center of the Seal shall be and hereby is established and declared to be the Seal of the City. The City Clerk shall be the custodian of the City Seal<sup>1</sup>.

B. The Corporate Seal shall be used as such Seal in all cases provided for by law, or by the ordinances of the City, and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. (RC 1982 §1-2-20)

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1. S.H.A. 65 ILCS 5/3-10-7.

## CHAPTER 11

## LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITY

## SECTION:

- 1-11--1: Short Title
- 1-11--2: Scope
- 1-11--3: Definitions
- 1-11--4: Notices
- 1-11--5: Late Payment
- 1-11--6: Payment
- 1-11--7: Certain Credits And Refunds
- 1-11--8: Audit Procedure
- 1-11--9: Appeal
- 1-11-10: Hearing
- 1-11-11: Interest And Penalties
- 1-11-12: Abatement
- 1-11-13: Installment Contracts
- 1-11-14: Statute Of Limitations
- 1-11-15: Voluntary Disclosure
- 1-11-16: Publication Of Tax Ordinances
- 1-11-17: Internal Review Procedure
- 1-11-18: Application !2R!

## 1-11-1: SHORT TITLE:

This chapter shall be known as, and may be cited as the *LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITY ORDINANCE*. (Ord. 547, 12-6-2000)

## 1-11-2: SCOPE:

The provisions of this chapter shall apply to the city's procedures in connection with all of the city's locally imposed and administered taxes. (Ord. 547, 12-6-2000)

## 1-11-3: DEFINITIONS:

Certain words or terms herein shall have the meanings ascribed to them as follows:

!DEF! ACT: The "Local Government Taxpayers' Bill of Rights Act".

CITY: The city of Assumption, Illinois.

CORPORATE AUTHORITIES: The city's mayor and city council.

LOCAL TAX ADMINISTRATOR: The city's mayor is charged with the administration and collection of the locally imposed and administered taxes including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax

administrator shall have the authority to implement the terms of this chapter to give full effect to this chapter. The exercise of such authority by the local tax administrator shall not be inconsistent with this chapter and the act.

**LOCALLY IMPOSED AND ADMINISTERED TAX OR TAX:** Each tax imposed by the city that is collected or administered by the city, not an agency or department of the state. It does not include any taxes imposed upon real property under the property tax code or fees collected by the city other than infrastructure maintenance fees.

**NOTICE:** Each audit notice, collection notice or other similar notice or communication in connection with each of the city's locally imposed and administered taxes.

**TAX ORDINANCE:** Each ordinance adopted by the city that imposes any locally imposed and administered tax.

**TAXPAYER:** Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the city. (Ord. 547, 12-6-2000) !DEFEND!

#### 1-11-4: NOTICES:

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed seven (7) calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of local tax administrator. The notice shall be sent by the local tax administrator as follows:

A. First-class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or

B. Personal service or delivery. (Ord. 547, 12-6-2000)

#### 1-11-5: LATE PAYMENT:

Any notice, payment, remittance or other filing required to be made to the city pursuant to any tax ordinance shall be considered late unless it is: a) physically received by the city on or before the due date, or b) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the city, with adequate postage prepaid. (Ord. 547, 12-6-2000)

#### 1-11-6: PAYMENT:

Any payment or remittance received for a tax period shall be applied in the following order: a) first to the tax due for the applicable period; b) second to the interest for the applicable

period; and c) third to the penalty for the applicable period.  
(Ord. 547, 12-6-2000)

1-11-7: CERTAIN CREDITS AND REFUNDS:

A. The city shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

B. The statute of limitations on a claim for credit or refund shall be three (3) years after the end of the calendar year in which payment in error was made. The city shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the city.

C. The procedure of claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

1. The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

a. The name of the locally imposed and administered tax subject to the claim;

b. The tax period for the locally imposed and administered tax subject to the claim;

c. The date of the tax payment subject to the claim and the canceled check or receipt for the payment;

d. The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

e. A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the city.

2. Within ten (10) days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

a. Grant the claim,

b. Deny the claim, in whole or in part, together with a statement

as to the reason for denial or the partial grant and denial.

3. In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of six percent (6%) per annum, based on a year of three hundred sixty five (365) days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit. (Ord. 547, 12-6-2000)

#### 1-11-8: AUDIT PROCEDURE:

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this chapter.

A. Each notice of audit shall contain the following information:

1. The tax;
2. The time period of the audit; and
3. A brief description of the books and records to be made available for the auditor.

B. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within the thirty (30) days after the originally designated audit and during normal business hours.

C. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven (7) days nor more than thirty (30) days from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event the taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty (30) days, approved in writing, that is convenient to the taxpayer and the local tax administrator.

D. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books for entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the city.

E. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the city. If the taxpayer fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

F. If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of overpayment shall be given to the taxpayer within thirty (30) days of the city's determination of the amount of overpayment.

G. In the event a tax payment was submitted to the incorrect local tax administrator shall notify the local government entity imposing such tax. (Ord. 547, 12-6-2000)

1-11-9: APPEAL:

A. The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable, notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

1. The reason for the assessment;
2. The amount of the tax liability proposed;
3. The procedure for appealing the assessment; and
4. The obligations of the city during the audit, appeal, and refund and collection process.

B. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within forty five (45) days of receipt of the written notice of the tax determination and assessment.

C. If a timely written notice and petition for a hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within fourteen (14) days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

D. If a written protest and petition for hearing is not filed within the forty five (45) day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

E. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or



extended for more than ninety (90) days after the expiration of the forty five (45) day period. (Ord. 547, 12-6-2000)

1-11-10: HEARING:

A. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under section 1-11-9 of this chapter, the local tax administrator shall conduct a hearing regarding any appeal.

B. No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed fourteen (14) days.

C. At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit, or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

D. At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision. (Ord. 547, 12-6-2000)

1-11-11: INTEREST AND PENALTIES:

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

A. Interest: The city hereby provides for the amount of interest to be assessed on late payment, underpayment, or nonpayment of the tax, to be six percent (6.0%) per annum, based on a year of three hundred sixty five (365) days and the number of days elapsed.

B. Late Filing And Payment Penalties: If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the city issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to fifteen percent (15%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing of payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance. (Ord. 547, 12-6-2000)

## 1-11-12: ABATEMENT:

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing. (Ord. 547, 12-6-2000)

## 1-11-13: INSTALLMENT CONTRACTS:

The city may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) day period or fails to demonstrate good faith in reconstructing the installment contract with the local tax administrator, the installment contract shall be canceled without further notice to the taxpayer. (Ord. 547, 12-6-2000)

## 1-11-14: STATUTE OF LIMITATIONS:

The city, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amount due and owing. The taxpayer shall have forty five (45) days after receiving the notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

A. No determination of tax due and owing may be issued more than four (4) years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

B. If any tax return is not filed or if during any four (4) year period for which a notice of tax determination or assessment may be issued by the city, the tax paid is less than seventy five percent (75%) of the tax due, the statute of limitations shall be six (6) years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

C. No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer. (Ord. 547, 12-6-2000)

## 1-11-15: VOLUNTARY DISCLOSURE:

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or

assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent (1%) per month, for all periods prior to the filing of the application but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer. (Ord. 547, 12-6-2000)

#### 1-11-16: PUBLICATION OF TAX ORDINANCES:

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the internet shall satisfy the publication upon request at the city clerk's office. (Ord. 547, 12-6-2000)

#### 1-11-17: INTERNAL REVIEW PROCEDURE:

The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- A. Timely remove the lien at the city's expense;
- B. Correct the taxpayer's credit record; and
- C. Correct any public disclosure of the improperly imposed lien. (Ord. 547, 12-6-2000)

#### 1-11-18: APPLICATION:

This chapter shall be liberally construed and administered to supplement all of the city's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this chapter, this chapter shall be controlling. (Ord. 547, 12-6-2000)

## CHAPTER 12

## IDENTITY THEFT PREVENTION PROGRAM

## SECTION:

1-12-1: Program Adoption; Regulations !2R!

1-12-1: PROGRAM ADOPTION; REGULATIONS:

The mayor and the city council of the city of Assumption hereby adopt an identity theft prevention program as follows:

A. The city officials responsible for the identity theft prevention program shall be the city clerk, water collector and mayor of the city of Assumption.

B. The city clerk shall conduct an internal risk assessment to evaluate the degree of risk of current procedures and allow the customers to create a fraudulent account and evaluate if current accounts are being manipulated.

C. This risk assessment shall evaluate how new accounts were opened and the methods used to access the account information. Using this information, the city shall identify any red flags that were appropriate to prevent identity theft.

D. All applications, accounts for utilities in the city of Assumption shall be handled in the following manner, but not limited to:

1. All applications and accounts, which contain personal identification information, shall be kept in a locked file cabinet unless being accessed by the appropriate city official.

2. The information shall be accessed only by the water superintendent, city clerk, water collector or mayor.

3. Officials will not leave sensitive papers out on their desk while they are away from their workstations.

4. Officials shall store files in locked file cabinets, log off of their computer and lock file room doors while leaving their workstations.

5. Any visitors who must enter areas where sensitive files are kept must be escorted by a previously named official of the city.

6. No visitors shall be given any entry codes or allowed unescorted access to the office.

7. Officials shall be alert to attempts made to gain any sensitive information.

8. Employees who violate security policy are subject to

discipline, up to, and including, dismissal.

9. Officials shall shred all paper records before being placed into the trash.

E. To establish a new account, an applicant must provide proof of identification by government issued identification with a photograph, proof of social security number and date of birth. The applicant must appear at the city hall before the city clerk or water collector in person.

F. If fraud is suspected, the city official is to immediately report its suspicions to the local law enforcement. (Ord. 626, 4-1-2009)

CHAPTER 13  
**PENALTIES AND RATES**

## SECTION:

1-13-1: Schedule Of Penalties And Rates

1-13-1: **SCHEDULE OF PENALTIES AND RATES:**

<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
	ADMINISTRATION	
	General penalty:	
1-4-1A	Penalty - adult	Not less than \$25.00 nor more than \$500.00
1-4-1B	Penalty - minor	Not less than \$25.00 nor more than \$1,000.00
	City officers and employees:	
1-7-9C	Salaries:	
1-7-9C1	Mayor:	
	Monthly salary	\$ 750.00
	Special meetings	30.00
	Committee meetings	30.00
1-7-9C2	Aldermen:	
	Monthly salary	125.00
	Special meetings	30.00
	Committee meetings	25.00
1-7-9C3	City Clerk:	
	Monthly salary	1,030.00
	Special meetings	30.00
	Committee meetings	25.00

October 2020

<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
1-7-9C4	Treasurer:	
	Monthly salary	1,100.00
	Special meetings	30.00
	Committee meetings	25.00
1-7-9C5	Attorney:	
	Monthly salary	\$100.00 plus applicable fees for services
1-7-9C6	Part time employees:	
	Attendance at meeting	\$25.00 except when on the clock drawing hourly rate
1-14-5	Sexual harassment	
	Violation	Up to \$5,000.00 per offense
	BUSINESS	
	Liquor control:	
3-2-6A	Class A liquor license	\$135.00
3-2-6B	Class B liquor license	135.00
3-2-6C	Class C liquor license	\$5.00 per 12 hour period; \$10.00 for more than 12 hours but not more than 24 hours
3-2-6D	Class D liquor license	\$ 135.00
3-2-6E	Class E liquor license	135.00
3-2-11	Dramshop insurance required	1,000,000.00
3-2-15C	Closing hours - violation of legal hours to sell alcohol	500.00
3-2-27B	Revocation of license after violation	Not to exceed \$1,000.00 for each violation
	Coin operated machines:	
3-3A-6A	License fee	\$25.00 per machine per year

October 2020

<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
	Billiard and pool halls:	
3-3B-2	Annual fee	\$20.00 per table
	Peddlers:	
3-4-5A	License fees	\$20.00 per person for 2 days
3-4-5B	Annual license fee	\$25.00 per person for 1 year
	Scavengers:	
3-5-2A	License fee (residential or commercial garbage hauler)	\$500.00 per year
3-5-2B	License fee (industrial/manufacturing garbage hauler)	\$500.00 per year
3-5-4	Garbage hauler insurance	\$300,000.00/\$100,000.00 liability and property
3-5-14	Penalty for violation of duties	\$50.00
	HEALTH AND SAFETY	
	Nuisances	
4-1-1Z	Open burning violation	\$100.00 per each violation
	Weeds and grass:	
4-3-6	Charges for abatement	\$100.00 per hour, minimum charge of \$100.00
	Business District population:	
4-6-2C	Riding on sidewalks in Business District:	
	First offense	\$ 50.00
	Second offense	100.00
	Subsequent offense	150.00
	POLICE	
	Animal control:	
5-4-10A	Redemption of impounded dogs and cats (first offense)	\$25.00 plus boarding fees

October 2020



<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
	Redemption of impounded dogs and cats (subsequent)	\$100.00 plus boarding fees
5-4-15B	Keeping barking dogs:	
	First offense	Verbal warning
	Second offense	Written warning
	Third offense	\$25.00
	Fourth offense	50.00
	Fifth and subsequent offense	75.00
	General offenses:	
5-5-4D	Trespassing on slag pile:	
	Minors (17 years and under) (first offense)	4 hours' community service
	Minors (17 years and under) (subsequent)	12 hours' community service
	Adult (over 17 years) (first offense)	Not less than \$20.00 nor more than \$50.00
	Adult (over 17 years) (second offense)	Not less than \$50.00 nor more than \$200.00
	Adult (over 17 years) (third offense)	Not less than \$200.00 nor more than \$500.00 in addition to 48 hours' incarceration
5-5-5C	Excessive noise	Not to exceed \$500.00 per violation
	Minors:	
5-6-3C	Sale to and possession of tobacco and smoking materials prohibited:	
	First offense	\$ 50.00
	Second offense	150.00
	Third and subsequent offenses	300.00

<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
	Cannabis and drug paraphernalia:	
5-7-3	Violations; penalties	\$200.00 for each offense
	TRAFFIC	
	Parking regulations:	
6-2-3A	Parking violations, penalty	\$5.00 for each offense
6-2-4B	Semitractor/trailer parking:	
	First offense	\$ 75.00
	Second offense	250.00
	Third offense	500.00
	Vehicles:	
6-6-18	Fines and penalties	Not less than \$50.00 nor more than \$500.00 for each offense

October 2020



<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
	Off highway vehicles:	
6-7-11	Application and licensing fee	\$50.00
6-7-16A	Violations; penalties	Not less than \$75.00 per offense plus any additional court and collection costs
	<b>PUBLIC WAYS</b>	
	Excavations:	
7-3-3A	Deposits not exceeding 20 linear feet	\$100.00
	Deposits in excess of 20 linear feet	\$100.00 plus an additional \$2.50 per linear foot
7-3-9	Annual bond	\$500.00
	<b>WATER AND SEWER</b>	
	Utility administration, regulations:	
8-1-4F	Failure to fix or have contract to fix leak within 15 days	25.00 - 100.00 per day until leak fixed
8-1-4I2	Reconnect fee:	
	First time	25.00
	Second time	50.00
	Third time	75.00
	Each time thereafter	75.00
8-1-9A	Residential utility deposit; renters	100.00
8-1-9B	Commercial utility deposits; renters	\$100.00 or 1 month of estimated charges
	Water system; rates:	
8-2-2B1	Service connection fee for residential, commercial or industrial	\$250.00 plus cost of material
8-2-2B2	Additional service connection for multiuse building	\$25.00

June 2022

<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
8-2-4B	Residential inside corporate limits (September 1, 2022 - August 31, 2023)	\$24.64 for the first 2,500 gallons per 2 month billing period
		\$8.39 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period
		\$9.11 per 1,000 gallons over 10,000 per 2 month billing period
	Residential inside corporate limits (September 1, 2023 - August 31, 2024)	\$25.38 for the first 2,500 gallons per 2 month billing period
		\$8.64 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period
		\$9.38 per 1,000 gallons over 10,000 per 2 month billing period
	Residential inside corporate limits (September 1, 2024 - August 31, 2025)	\$26.14 for the first 2,500 gallons per 2 month billing period
		\$8.90 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period
		\$9.66 per 1,000 gallons over 10,000 per 2 month billing period
	Residential inside corporate limits (September 1, 2025 - August 31, 2026)	\$26.92 for the first 2,500 gallons per 2 month billing period
		\$9.17 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period
		\$9.95 per 1,000 gallons over 10,000 per 2 month billing period

June 2022

<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
	Residential inside corporate limits (September 1, 2025 - August 31, 2026)	\$26.92 for the first 2,500 gallons per 2 month billing period  \$9.17 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period  \$9.95 per 1,000 gallons over 10,000 per 2 month billing period
	Residential inside corporate limits (September 1, 2026 - August 31, 2027)	\$27.73 for the first 2,500 gallons per 2 month billing period  \$9.45 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period  \$10.25 per 1,000 gallons over 10,000 per 2 month billing period
	Residential outside corporate limits (September 1, 2022 - August 31, 2023)	\$36.90 for the first 2,500 gallons per 2 month billing period  \$12.60 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period  \$13.65 per 1,000 gallons over 10,000 per 2 month billing period
	Residential outside corporate limits (September 1, 2023 - August 31, 2024)	\$38.00 for the first 2,500 gallons per 2 month billing period  \$12.98 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period  \$14.06 per 1,000 gallons over 10,000 per 2 month billing period

June 2022

<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
	Residential outside corporate limits (September 1, 2024 - August 31, 2025)	\$39.14 for the first 2,500 gallons per 2 month billing period  \$13.37 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period  \$14.48 per 1,000 gallons over 10,000 per 2 month billing period
	Residential outside corporate limits (September 1, 2025 - August 31, 2026)	\$40.31 for the first 2,500 gallons per 2 month billing period  \$13.77 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period  \$14.91 per 1,000 gallons over 10,000 per 2 month billing period
	Residential outside corporate limits (September 1, 2026 - August 31, 2027)	\$41.52 for the first 2,500 gallons per 2 month billing period  \$14.18 per 1,000 gallons over 2,500 up to 10,000 gallons per 2 month billing period  \$15.36 per 1,000 gallons over 10,000 per 2 month billing period
	Commercial inside corporate limits (September 1, 2022 - August 31, 2023)	\$24.64 for the first 2,500 gallons per 2 month billing period  \$8.39 per 1,000 gallons over 2,500 per 2 month billing period

<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
	Commercial inside corporate limits (September 1, 2023 - August 31, 2024)	\$25.38 for the first 2,500 gallons per 2 month billing period \$8.64 per 1,000 gallons over 2,500 per 2 month billing period
	Commercial inside corporate limits (September 1, 2024 - August 31, 2025)	\$26.14 for the first 2,500 gallons per 2 month billing period \$8.90 per 1,000 gallons over 2,500 per 2 month billing period
	Commercial inside corporate limits (September 1, 2025 - August 31, 2026)	\$26.92 for the first 2,500 gallons per 2 month billing period \$9.17 per 1,000 gallons over 2,500 per 2 month billing period
	Commercial inside corporate limits (September 1, 2026 - August 31, 2027)	\$27.73 for the first 2,500 gallons per 2 month billing period \$9.45 per 1,000 gallons over 2,500 per 2 month billing period
	Commercial outside corporate limits (September 1, 2022 - August 31, 2023)	\$36.90 for the first 2,500 gallons per 2 month billing period \$12.60 per 1,000 gallons over 2,500 per 2 month billing period
	Commercial outside corporate limits (September 1, 2023 - August 31, 2024)	\$38.00 for the first 2,500 gallons per 2 month billing period \$12.98 per 1,000 gallons over 2,500 per 2 month billing period
	Commercial outside corporate limits (September 1, 2024 - August 31, 2025)	\$39.14 for the first 2,500 gallons per 2 month billing period

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<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
		\$13.37 per 1,000 gallons over 2,500 per 2 month billing period
	Commercial outside corporate limits (September 1, 2025 - August 31, 2026)	\$40.31 for the first 2,500 gallons per 2 month billing period
		\$13.77 per 1,000 gallons over 2,500 per 2 month billing period
	Commercial outside corporate limits (September 1, 2026 - August 31, 2027)	\$41.52 for the first 2,500 gallons per 2 month billing period
		\$14.18 per 1,000 gallons over 2,500 per 2 month billing period
8-2-4C	Charge for discontinuing service (temporarily at request of user)	\$10.00
8-2-5A1	Late fee if not paid by the tenth day of the billing month	10.00
	Returned check fee	25.00

Sewage system:

8-3-3B	Private wastewater disposal system - permits, applications and inspection fees	85.00
8-3-4B1	Residential sewer permits and tapping fees	\$150.00 plus cost of material
	Commercial, industrial or governmental sewer permits	\$250.00 plus cost of material
8-3-8B	Continued violation	Not to exceed \$100.00 for each day

Wastewater service charges:

8-4-1E4	Users not having a water meter for determining billable flow	\$15.00 per 2 month billing period
8-4-1G1 a	Minimum base user charge (CM) inside corporate limits	\$24.17 for first 2,500 gallons per 2 month billing period. See also subsection 8-4-1G of this Code for rate increase
8-4-1G1 b	Base user rate (CU) for operation, maintenance and replacement inside corporate limits	\$7.50 per 1,000 gallons over 2,500 gallons up to 10,000 per 2 month billing period. See also subsection 8-4-1G of this Code for rate increase
		\$8.13 per 1,000 gallons over 10,000 gallons per 2 month billing period. See also subsection 8-4-1G of this Code for rate increase
8-4-1G1 c	Users having sewer services only inside corporate limits minimum base charge (CM)	\$29.37 per 2 month billing period. See also subsection 8-4-1G of this Code for rate increase
8-4-1G2 a	Minimum base user charge (CM) outside corporate limits	\$36.61 for first 2,500 gallons per 2 month billing period. See also subsection 8-4-1G of this Code for rate increase
8-4-1G2 b	Base user rate (CU) for operation, maintenance and replacement outside corporate limits	\$11.27 per 1,000 gallons over 2,500 gallons up to 10,000 per 2 month billing period. See also subsection 8-4-1G of this Code for rate increase

		\$12.21 per 1,000 gallons over 10,000 gallons per 2 month billing period. See also subsection 8-4-1G of this Code for rate increase
8-4-1H	Surcharge rate for BOD	\$0.1441 per pound
	Surcharge rate for SS	\$0.1109 per pound
	Billing procedure; delinquencies:	
8-4-2A3	Late fee if not paid by the tenth day of the billing month	\$10.00
	Returned check fee	25.00
8-4-9	Penalty	\$100.00 per each offense
	Cross connection control:	
8-5-10C	Reconnection fee	\$50.00
	BUILDING REGULATIONS	
	Mobile home parks:	
9-2-5B5	Application fee - permit to construct	50.00
	Application fee - to alter or to increase the size	25.00
9-2-10	License fee	\$50.00 per each year
9-2-16	Penalties	Not less than \$10.00 nor more than \$100.00
	ZONING	
	General provisions:	
10-2-8	Enforcement Zoning Officer and building inspector	\$300.00 per month plus \$10.00 per building permit
10-2-9	Building permits	\$25.00 plus \$1.00 per thousand of estimated construction cost not to exceed \$750.00
10-2-9A	Failure to secure an extension if the project is not complete within 6 months	Additional \$25.00 permit fee

<u>Code Section</u>	<u>Description</u>	<u>Rate Or Fine</u>
	Mobile homes and mobile home parks:	
10-6-7D	Application fee - permit to construct	\$50.00
	Application fee - to alter or to increase the size	25.00
10-6-8	Annual fee payable before January 1 of each year	50.00
	Zoning Board of Appeals:	
10-7-1B	Compensation paid per day of meeting	25.00
10-7-7	Penalties	No less than \$50.00 and no more than \$500.00 per offense

(Ord. 636, 7-14-2009; amd. Ord. 645, 8-4-2010; Ord. 652, 4-4-2012; Ord. 657, 6-6-2012; Ord. 658, 8-1-2012; Ord. 659, 8-1-2012; Ord. 665, 10-3-2012; Ord. 678, 6-4-2014; Ord. 680, 9-3-2014; Ord. 679, 10-1-2014; Ord. 687, 11-4-2015; Ord. 688, 11-4-2015; Ord. 692, 3-2-2016; Ord. 696, 9-7-2016; Ord. 697, 10-5-2016; Ord. 699, 12-7-2016; Ord. 700, 12-7-2016; Ord. 701, 12-7-2016; Ord. 702, 12-7-2016; Ord. 706, 5-3-2017; Ord. 715, 10-4-2017; Ord. 723, 1-3-2018; Ord. 727, 5-2-2018; Ord. 737, 1-2-2019; Ord. 739, 4-3-2019; Ord. 740, 5-1-2019; Ord. 756, 6-3-2020; Ord. 758, 6-3-2020; Ord. 757, 6-8-2020; Ord. 780, 4-8-2022; Ord. 783, 5-5-2022)

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## CHAPTER 14

**SEXUAL HARASSMENT<sup>1</sup>**

## SECTION:

- 1-14-1: Prohibition On Sexual Harassment
- 1-14-2: Definition Of Sexual Harassment
- 1-14-3: Procedure For Reporting An Allegation Of Sexual Harassment
- 1-14-4: Prohibition On Retaliation For Reporting Sexual Harassment Allegations
- 1-14-5: Consequences Of A Violation Of The Prohibition On Sexual Harassment
- 1-14-6: Consequences For Knowingly Making A False Report

1-14-1: **PROHIBITION ON SEXUAL HARASSMENT:**

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the City of Assumption to prohibit harassment of any person by any municipal official, municipal agent, municipal employee, municipal agency or municipal office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or municipal offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof. (Ord. 734, 11-7-2018; amd. Ord. 758, 6-3-2020)

1-14-2: **DEFINITION OF SEXUAL HARASSMENT:**

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

- A. Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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1. This policy was drafted using the Illinois Department of Human Rights Sexual Harassment Model Policy and has been modified to conform to Public Act 100-0554 and Public Act 101-0221. The provisions of this policy will apply only insofar as they do not conflict with any State or Federal law.

1. Submission to such conduct is made a term or condition of an individual's employment, either explicitly or implicitly;
  2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- B. Conduct which may constitute sexual harassment includes, but is not limited to:
1. Verbal Harassment: Sexual innuendos, suggestive comments, insults, humor, jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates; or, statements of a sexual nature about other employees, even outside of their presence.
  2. Non-Verbal Harassment: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls," "smacking" or "kissing" noises.
  3. Visual: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
  4. Physical Harassment: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
  5. Textual/Electronic Harassment: "Sexting" (electronically sending messages with sexual content, including pictures or video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (email/text/picture/video messages, intranet/online postings, blogs, instant messages and posts on social network websites, like Facebook and Twitter).
- C. The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person." (Ord. 734, 11-7-2018; amd. Ord. 758, 6-3-2020)

1-14-3: **PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT:**

- A. An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the

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incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

B. Any employee may report conduct which is believed to be sexual harassment, including the following:

1. **Electronic/Direct Communication:** If there is sexual harassment behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

2. **Contact With Supervisory Personnel:**

a. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator or the chief elected official of the municipality.

b. The employee experiencing what she/he believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

3. **Resolution Outside Municipality:** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within three hundred (300) days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within three hundred (300) days.

4. **Allegations Of Sexual Harassment Made Against An Elected Official Of The Governmental Unit By Another Elected Official Of A Governmental Unit:** In addition to the methods of reporting included above, an elected official may request an independent review of a complaint of sexual harassment by another elected official. The request shall be made to the human resources director, the city manager or administrator or the chief elected official of the municipality. The official receiving the request shall take immediate action in keeping with

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the procurement process of the municipality to retain a qualified individual or entity for the independent review of the allegations of sexual harassment in violation of this policy. The outcome of the independent review shall be reported to the corporate authorities.

- C. Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the location), including, but not limited to, written records such as letters, notes, memos and telephone messages.
- D. All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome. (Ord. 734, 11-7-2018; amd. Ord. 758, 6-3-2020)

1-14-4: **PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS:**

- A. No municipal official, municipal agency, municipal employee or municipal office shall take any retaliatory action against any municipal employee or official due to a municipal employee's or official's:
  1. Disclosure or threatened disclosure of any violation of this policy;
  2. Providing information related to an investigation or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy; or
  3. Assistance with or participation in a proceeding to enforce the provisions of this policy.
- B. For purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's or official's involvement in protected activity pursuant to this policy.
- C. No individual making a report will be retaliated against, even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

- D. Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action, and this policy prohibits retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:
1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of any officer, member, agency or other employee that the employee reasonably believes is in violation of a law, rule or regulation;
  2. Provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law, rule or regulation by any officer, member, agency or other employee; or
  3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act or this policy.
- E. Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, before a legislative commission or committee or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule or regulation (740 ILCS 174/15(b)).
- F. According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two (2) or more people to conspire to retaliate against a person because she/he has opposed that which she/he reasonably and in good faith believes to be sexual harassment in employment, because she/he has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under the Illinois Human Rights Act.
- G. An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge within three hundred (300) days of the alleged retaliation. (Ord. 734, 11-7-2018; amd. Ord. 758, 6-3-2020)

**1-14-5: CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT:**

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks

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and/or collective bargaining agreements, any person who violates this policy or the prohibition on sexual harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to five thousand dollars (\$5,000.00) per offense, applicable disciplinary actions or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency. (Ord. 734, 11-7-2018; amd. Ord. 758, 6-3-2020)

**1-14-6: CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT:**

- A. A false report is a report of sexual harassment made by an accuser to accomplish an outcome other than stopping sexual harassment or stopping retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to disciplinary action or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.
- B. In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the Illinois State Police, a State's Attorney, the Attorney General or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to five thousand dollars (\$5,000.00) against any person who intentionally makes a false, frivolous or bad faith allegation. (Ord. 734, 11-7-2018; amd. Ord. 758, 6-3-2020)

!TITLE! 2

BOARDS AND COMMISSIONS

Emergency Services and Disaster Agency  
(ESDA) . . . . . 1

## CHAPTER 1

## EMERGENCY SERVICES AND DISASTER AGENCY (ESDA)

## SECTION:

- 2-1--1: Establishment
- 2-1--2: Coordinator
- 2-1--3: Functions
- 2-1--4: Service as Mobile Support Team
- 2-1--5: Agreements with Other Political Subdivisions
- 2-1--6: Emergency Action
- 2-1--7: Compensation
- 2-1--8: Reimbursement by State
- 2-1--9: Purchases and Expenditures
- 2-1-10: Oath
- 2-1-11: Office
- 2-1-12: Tax Levy !2R!

## 2-1-1: ESTABLISHMENT:

A. There is hereby created the City 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 Act of 1975".

B. This ESDA shall consist of the Coordinator and such additional members as may be selected by the Coordinator. (RC 1982 §30-3-1)

## 2-1-2: COORDINATOR:

A. The Coordinator of the City ESDA shall be appointed by the Mayor and shall serve until removed by the 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, as provided by statute.

C. In the event of the absence, resignation, death, or inability to serve as the Coordinator, the Mayor, or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Code. (RC 1982 §30-3-2)

## 2-1-3: FUNCTIONS:

The 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 Act of 1975". (RC 1982 §30-3-3)

2-1-4: SERVICE AS MOBILE SUPPORT TEAM:

A. All or any members of the ESDA organization may be designated as members of a mobile support team created by the director of the State ESDA as provided by law.

B. The leader of such mobile support team shall be designated by the Coordinator of the 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 the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the City while so serving, shall receive from the State reasonable compensation as provided by law. (RC 1982 §30-3-4)

2-1-5: AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS:

The Coordinator of ESDA may negotiate mutual aid agreements with other municipalities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Mayor. (RC 1982 §30-3-5)

2-1-6: 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 Illinois 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 ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law. (RC 1982 §30-3-6)

2-1-7: 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. (RC 1982 §30-3-7)

## 2-1-8: REIMBURSEMENT BY STATE:

The City 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. (RC 1982 §30-3-8)

## 2-1-9: PURCHASES AND EXPENDITURES:

A. The Mayor may, on recommendation of the City Coordinator of ESDA, 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 or other bomb or missile, and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of such disaster or from man-made or natural disaster.

B. In the event of enemy caused or other disaster, the City Coordinator of ESDA is authorized on behalf of the City to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to City contracts or obligations, as authorized by the "State ESDA Act of 1975"; provided, that if the Mayor meets at such time, he shall act subject to the directions and restrictions imposed by that body. (RC 1982 §30-3-9)

## 2-1-10: OATH:

Every person appointed to serve in any capacity in the City ESDA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator:

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

*United States or of this State by force or violence; and that during such time as I am affiliated with the City ESDA organization, I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. (RC 1982 §30-3-10)*

2-1-11: OFFICE:

The Mayor is authorized to designate space in a City building, or elsewhere as may be provided for by the Mayor and City Council for the City ESDA as its office. (RC 1982 §30-3-11)

2-1-12: TAX LEVY:

The City Council may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five cents (\$0.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975"; however, that amount collectable under such levy shall in no event exceed twenty five cents (\$0.25) per capita. (RC 1982 §30-3-12)



**TITLE 3**

**BUSINESS AND LICENSE REGULATIONS**

Subject	Chapter
Municipal Occupation Taxes.....	1
Liquor Control.....	2
Amusements.....	3
Coin-Operated Machines.....	3A
Billiard and Pool Halls.....	3B
Peddlers.....	4
Scavengers.....	5
Cannabis Business Establishments Prohibited.....	6

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## CHAPTER 1

## MUNICIPAL OCCUPATION TAXES

## SECTION:

- 3-1-1: Service Occupation Tax
- 3-1-2: Retailer's Occupation Tax
- 3-1-3: Use Tax
- 3-1-4: Auto Rent Tax
- 3-1-5: Auto Rent Use Tax
- 3-1-6: Foreign Fire Insurance Companies !2R!

## 3-1-1: SERVICE OCCUPATION TAX:

A. A tax is hereby imposed upon all persons engaged in this Municipality in the business of making sales of service at the rate of one percent (1%) of the cost price of all tangible personal property transferred by said servicemen, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service in accordance with the provisions of section 5/8-11-5 of the Illinois Municipal Code<sup>1</sup>. (RC 1982 §36-1-1)

B. Every supplier or serviceman required to account for Municipal service occupation tax for the benefit of this Municipality shall file on or before the last day of each calendar month, the report to the State Department of Revenue, required by section nine of the "Service Occupation Tax Act", approved July 10, 1961, as amended.

C. At the time such report is filed, there shall be paid to the State Department of Revenue, the amount of tax hereby imposed. (RC 1982 §36-1-1)

## 3-1-2: RETAILER'S OCCUPATION TAX:

A. A tax is hereby 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 Section is in effect, in accordance with the provisions of section 5/8-11-1 of the Illinois Municipal Code<sup>2</sup>.

B. Every such person engaged in such business 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

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1. S.H.A. 65 ILCS.

2. S.H.A. 65 ILCS.

to Purchasers for Use or Consumption", approved June 28, 1933, as amended.

C. At the time such report is filed, there shall be paid to the State Department of Revenue, the amount of tax hereby imposed on account of the receipts from the sales of tangible personal property during the preceding month. (RC 1982 §36-1-2)

### 3-1-3: USE TAX:

A. Imposition of Use Tax: A tax is hereby imposed in accordance with the provisions of section 5/8-11-6 of the Illinois Municipal Code<sup>1</sup> upon the privilege of using in the Municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at the rate of one percent (1%) of the selling price of such tangible property with selling price to have the meaning as defined in the "Use Tax Act", approved July 14, 1955.

B. Collection: Such tax shall be collected by the Illinois Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued.

C. Filing: The Clerk is hereby directed to transmit to the Illinois Department of Revenue a certified copy of this Section not later than five (5) days after the effective date of this Section. (RC 1982 §36-1-3)

### 3-1-4: AUTO RENT TAX:

A. A tax is hereby imposed upon all persons engaged in the business of renting automobiles 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 Code is in effect, in accordance with the provisions of section 5/8-11-7 of the Illinois Municipal Code<sup>2</sup>.

B. Every such person engaged in such business in the City shall file on or before the last day of each calendar month, the report of the State Department of Revenue required by sections two and 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 29, 1933, as amended.

C. At the time such report is filed, there shall be paid to

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1. S.H.A. 65 ILCS.  
2. S.H.A. 65 ILCS.

the State Department of Revenue the amount of tax hereby imposed on account of the renting of automobiles during the preceding month.

D. The City Clerk is hereby directed to transmit to the State Department of Revenue a certified copy of this Section not later than five (5) days after the effective date of this Section. (RC 1982 §36-1-4)

#### 3-1-5: AUTO RENT USE TAX:

A. A tax is hereby imposed upon the privilege of using in this City an automobile which is rented from a renter outside Illinois and which is titled or registered with an agency of this State's government in this City at the rate of one percent (1%) of the rental price of such automobile while this Section is in effect, in accordance with the provisions of section 5/8-11-8 of the Illinois Municipal Code<sup>1</sup>.

B. Every such person engaged in such business in the City shall file on or before the last day of each calendar month, the report of the State Department of Revenue required by sections two and 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 29, 1933, as amended.

C. The tax provided for in this Section shall be collected from the persons whose Illinois address for titling or registration purposes is given as being in this City.

D. At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the renting of automobiles during the preceding month.

E. The City Clerk is hereby directed to transmit to the State Department of Revenue a certified copy of this Section not later than five (5) days after the effective date of this Section. (RC 1982 §36-1-5)

#### 3-1-6: FOREIGN FIRE INSURANCE COMPANIES:

A. Conformance: All corporations, companies and associations not incorporated under the laws of this State, which are engaged in this City in effecting or soliciting fire insurance, shall pay to the City Treasurer on July 15 of each and every year a sum equal to two percent (2%) of the gross receipts of premiums received by such corporations, associations, or companies, or their agency, agent(s), for business effected or transacted for fire insurance within this

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1. S.H.A. 65 ILCS.

City for the year preceding July 1. The sum above named shall be as a tax or license fee upon all such corporations, companies or associations transacting said business with this City. (RC 1982 §36-2-1)

B. Required Reports: Every person acting as an agent, or otherwise, for or on behalf of any such corporation, company, or association shall, on or before July 15 of each and every year, render to the City Clerk a full, true and just account, verified by oath, of all the premiums which, during the year ending on July 1 of each and every year shall have been received by him, or any other person for him, in behalf of such corporation, company or association, and shall fully and specifically set out in such report, the amount or amounts received as premiums for fire insurance. (RC 1982 §36-2-2)

C. Fees: The said agent(s) shall also, at the time of making the abovementioned report, pay to the City Treasurer the said sum of two percent (2%) upon the gross receipts of such corporation, company or association obtained as premiums for effecting fire insurance in this City as specified in this Section. (RC 1982 §36-2-3)

D. Unlawful Operation: If such an account be not rendered on or before the day herein specified for that purpose, or if the abovementioned rates for the said tax or license fees shall remain unpaid after that day, it shall be unlawful for any such risk that may be taken in violation hereof. (RC 1982 §36-2-4)

## CHAPTER 2

### LIQUOR CONTROL

#### SECTION:

- 3-2--1: Definitions
- 3-2--2: License Required
- 3-2--3: Application for License
- 3-2--4: Prohibited Licenses
- 3-2--5: Term of License
- 3-2--6: License Classifications; Fees
- 3-2--7: Term; Prorating Fee
- 3-2--8: Limitation of Licenses
- 3-2--9: Nature of License
- 3-2-10: Examination of Applicant
- 3-2-11: Dramshop Insurance Required
- 3-2-12: Display of License
- 3-2-13: Record of Licenses
- 3-2-14: Renewal and Assignment
- 3-2-15: Closing Hours
- 3-2-16: Happy Hour Restrictions
- 3-2-17: Prohibited Locations
- 3-2-18: Stores Selling School Supplies, Lunches
- 3-2-19: Change of Location
- 3-2-20: Election Days
- 3-2-21: Prohibited Acts and Conditions
- 3-2-22: Unlawful Entertainment
- 3-2-23: Premises and Employee Requirements
- 3-2-24: Restricted Sales; Minors Regulated
- 3-2-25: Inspections
- 3-2-26: Violations and Penalties
- 3-2-27: Revocation of License After Violation !2R!

#### 3-2-1: **DEFINITIONS<sup>1</sup>:**

Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

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

**ALCOHOLIC LIQUOR:** Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in

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1. S.H.A. 235 ILCS 5/1-3.01.

accordance with acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent (0.5%) or less of alcohol by volume.

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

**CLOSE:** To shut up so as to prevent entrance or access by any person; and the entire suspension of business.

**CLUB:** A corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the president at the time of its application for a license under this Chapter two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club.

**MAYOR:** The term "Mayor" shall mean the Local Liquor Control Commissioner as provided in the Illinois Compiled Statutes, chapter 235, entitled, "Dramshop".

**PACKAGE LIQUOR STORE:** Any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

**PUBLIC PLACE:** Any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise is offered for sale to the public or any such premises used as a clubhouse, clubroom or meeting place. The terms "public place" and "public premises" shall be interchangeable for the purposes of this Chapter.

**RESIDENT:** One who has his residence in the City and is a registered voter at that place of residence.

**RESTAURANT:** Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and



capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

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

**SALE:** Any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee.

**SELL AT RETAIL and SALE AT RETAIL:** Refers to and means sales for use or consumption and not for resale in any form.

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

**TO SELL:** Includes to keep or expose for sale and to keep with intent to sell.

**WINE:** Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined. (RC 1982 §21-1-1) !DEFEND!

**3-2-2: LICENSE REQUIRED:**

A. No person shall sell, keep, or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this City without having a license to do so, issued by the Mayor, in the manner hereinafter provided, and a valid license for such purpose issued by the Illinois Liquor Control Commission of the State of Illinois.

B. A similar valid license issued by the Mayor of this City is hereby required for and with respect to each building, location, and premises, within the aforesaid territory of this City, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. (RC 1982 §21-2-1)

**3-2-3: APPLICATION FOR LICENSE:**

A. The Mayor is authorized to grant and issue licenses to individuals, firms and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of the City upon the conditions and in the manner provided by this Chapter and by the Act of the General Assembly of Illinois, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the City Clerk, with the Seal of his office affixed thereto.

B. Prior to issuance of a license, the applicant must submit to the Mayor an application, in writing and under oath, stating:

1. The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the person entitled to share in the profits

thereof, and in the case of a corporation for profit, or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the address and name of such person.

2. The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.
  3. The character of business of the applicant, and in a case of a corporation, the objects for which it was formed.
  4. The length of time that the applicant has been engaged in the business of that character, or in the case of a corporation, the date on which its charter was issued.
  5. The location and description of the premises or place of business which is to be operated under such license.
  6. Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.
  7. That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid act of the General Assembly or in this Chapter, or resolution and amendments thereto.
  8. Whether a previous license, issued to the applicant, by any state or subdivision thereof, or by the Federal government has been revoked, and the reasons therefor.
  9. That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.
- C. In case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and as to the president and secretary of the corporation with the location of the principal office of the corporation.
- D. If the application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least two (2) members of such partnership, firm, association or club, or by the president and secretary of such corporation.
- E. One copy of the application shall be retained by the Mayor and one copy given to the City Clerk. The copies shall be returned to the Mayor and the endorsement and comment of the Liquor Committee shall be considered by the Mayor as an aid in deciding whether the license should be issued or refused.
- F. The Mayor shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee

upon whom notice of revocation or suspension has

been served, 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 this State. For the purpose of obtaining any of the information desired by the Mayor under this Section, he may authorize his agent to act on his behalf.

- G. Corporation managers must live within five (5) miles of the City limits. Changes in managers requires notification to Mayor. (RC 1982 § 21-2-2; 1994 Code; Ord. 763, 2-10-2021)

**3-2-4: PROHIBITED LICENSES:**

No retail license shall be issued by the Mayor to:

- A. A person who lives beyond five (5) miles of the City limits.
- B. A person who is not a citizen of the United States.
- C. A person who has been convicted of a felony under the laws of the State.
- D. A person who has been convicted of being the keeper of or keeping a house of ill fame.
- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.
- F. A person whose license has previously been revoked for cause.
- G. A person who, at the time of the application for renewal for any license issued hereunder would not be eligible for such license upon first application.
- H. A partnership, unless all members shall be qualified to obtain such license.
- I. A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than five percent (5%) of such corporation, would not be eligible to receive a license hereunder for any reason other than the residence requirement. The manager of a corporation must meet all requirements of an individual.
- J. 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 February 6, 1934, or shall have forfeited his bond to appear in court to answer charges for any such violation.

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- K. Any person, association or corporation not eligible for a State retail liquor license.
- L. A person who is not of good character and reputation in the community in which he resides.
- M. A person whose place of business is conducted by a manager or agent; the manager or agent possess 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 effective date hereof, or shall have forfeited his bond to appear in court to answer charges.
- O. A person who does not own the premises for which a license is sought, or does not rent, nor have a 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, any mayor, alderman or member of a city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission. (RC 1982 § 21-2-3; 1994 Code; Ord. 763, 2-10-2021)

**3-2-5: TERM OF LICENSE:**

- A. Retail liquor licenses issued under this Chapter shall be valid for the three (3) month period of the applicable quarter unless sooner revoked or suspended. Quarterly licenses may be issued for periods commencing January 1, April 1, July 1 and October 1, and for no other periods. The license fee shall be payable in advance by

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the applicant for license at the time the application for license is submitted to the Mayor as hereinbefore provided. (Ord. 500, 12-6-1995)

- B. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited with the City Clerk, who shall deposit the fees in the City General Fund. The application for license shall be filed with the City Clerk.
- C. Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration. (RC 1982 §21-2-4)

**3-2-6: LICENSE CLASSIFICATIONS; FEES:**

Such licenses shall be divided into the following classes:

- A. Class A Licenses: Class A licenses shall authorize the retail sale on the premises specified of alcoholic liquors for consumption on or off the premises where sold. The fee for such quarterly license shall be one hundred thirty five dollars (\$135.00). Not more than five (5) such licenses shall be issued.
- B. Class B Licenses: Class B licenses shall authorize the retail sale on the premises specified of beer and alcoholic liquor in packages, for consumption not on the premises where sold. The fee for such quarterly license shall be one hundred thirty five dollars (\$135.00). Not more than two (2) such licenses shall be issued and in effect at any time.
- C. Class C Licenses; Civic Organizations: Upon application, the Liquor Commissioner is authorized to issue a Class C license for a period of twelve (12) or twenty four (24) hours to any civic organization which keeps or desires to keep any place selling or offering for sale, or any manner dealing in beer, wine or alcoholic liquor. The fee for such licenses shall be for the sale of beer, wine or alcoholic liquor, the sum of five dollars (\$5.00) for each twelve (12) hours; for more than twelve (12) hours and not more than twenty four (24) hours within any one day, the fee shall be ten dollars (\$10.00), subject to the provisions of this chapter.
- D. Class D License; Craft Beer And Wine: Class D license shall authorize the sale of craft beer and wine. A Class D license permits winemaking, bottling, consumption, tasting and sale of wine for on-premises or off-premises consumption. (The winemaker shall comply with all State and Federal laws governing said winemaking operation and the sale and production of alcoholic beverages. Someone other than the winemaker shall produce no more than  $\frac{1}{3}$  of the wine sold by the winemaker. Such sale of wine not produced by the

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winemaker is only allowed when and if the winemaker sells out of the wine the winemaker has produced and has available for consumption.) A Class D licensee may also sell beer at retail for consumption on the premises specified in the license. A Class D licensee may sell domestic craft beers and certain imported beers in its original package or packages, seal or seals unbroken, for consumption off of the premises. The Local Liquor Commissioner may, at his discretion, restrict the brand and quantity of beers intended to be sold for off premises consumption. Not more than one such license shall be issued and in effect at any time. The fee for such quarterly license shall be one hundred thirty five dollars (\$135.00).

- E. Class E Licenses: Class E licenses shall authorize the retail sale of beer for consumption on or off of the premises where sold. Sales for onsite consumption must be sold in individual cans or bottles. Sales for offsite consumption must be sold in packages. The fee for such quarterly license shall be one hundred thirty five dollars (\$135.00). Not more than two (2) such licenses shall be issued. (Ord. 706, 5-3-2017; amd. Ord. 723, 1-3-2018; Ord. 751, 1-8-2020)

**3-2-7: TERM; PRORATING FEE:**

Each such license shall terminate at the end of each quarter when issued. There shall be no refund of any portion of the license fee if the license is not used for any reason during the applicable quarter, nor shall there be any reduction made of the fee in the event the license is issued or becomes effective at some time other than the first day of the applicable quarter. (Ord. 500, 12-6-1995)

**3-2-8: LIMITATION OF LICENSES:**

- A. Annexing License Holders: The restrictions contained in section 3-2-6 of this chapter shall in no way affect taverns and other businesses holding retail liquor licenses, duly licensed by the County, which are located in the territory annexed to the City. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided, that thereafter all of the restrictions and contingencies contained herein shall apply.
- B. Destroyed Or Damaged Business: No license shall be held in existence by the mere payment of fees by any person, firm or corporation, for a longer period than ninety (90) days, without a tavern or liquor business for the same being

in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the ninety (90) day period, then, in that event, the Mayor shall extend the period of time for which a liquor license may be held by the payment of fees without the tavern or liquor business being in full and complete operation for an additional ninety (90) days. If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this chapter shall have been met. (RC 1982 §21-2-7)

**3-2-9: NATURE OF LICENSE<sup>1</sup>:**

- A. A license issued under this chapter shall be purely a personal privilege, good for and not to exceed three (3) months after issued unless sooner revoked as in this chapter authorized and provided and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee; provided, that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent or bankrupt licensee, after the death of such licensee, or such insolvency or bankruptcy, until the expiration of such license, but not longer than three (3) months after the death, bankruptcy or insolvency of such licensee.
- B. The licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes; provided, that the renewal privilege herein provided for shall not be construed as a vested right and may be denied by the Mayor. (RC 1982 §21-2-8)

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1. 235 ILCS 5/6-1.



**3-2-10: EXAMINATION OF APPLICANT:**

The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, 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 this State. For the purpose of obtaining any of the information desired by the Mayor under this section, he may authorize his agent to act on his behalf. (RC 1982 §21-2-9)

**3-2-11: DRAMSHOP INSURANCE REQUIRED:**

Any license issued by the Mayor shall be revoked if the licensee does not provide a copy of an effective liquor liability insurance policy that insures the licensee from liability, bodily injury, property damage and means of support, in the aggregate amount of one million dollars (\$1,000,000.00), under the Dramshop Act of the State of Illinois, chapter 235 of the Illinois Compiled Statutes, section 5/6-21, as amended. (Ord. 611, 11-7-2007)

**3-2-12: DISPLAY OF LICENSE:**

Every licensee under this chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. (RC 1982 §21-2-11)

**3-2-13: RECORD OF LICENSES:**

The Mayor shall keep a complete record of all licenses issued by him and shall supply the City Clerk a copy of the same; upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within forty eight (48) hours. (RC 1982 §21-2-12; amd. 1994 Code)

**3-2-14: RENEWAL AND ASSIGNMENT:**

- A. The owner of a license to keep a place where alcoholic liquor is sold or offered for sale has the right to a renewal or reissue of such license at the same or different place of business, in compliance with the laws of Illinois, and upon compliance with the provisions of this chapter. Such licensee may assign or convey his right to the renewal or reissue thereof to any person who, upon compliance with the laws of Illinois relating thereto and this chapter, shall be entitled to a renewal or reissue of such license in his own name. Each holder of a license, in turn, may assign or convey such right of renewal or

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reissue upon the same terms and conditions as the original owner could do.

- B. The privileges of renewal or reissue shall continue as long as the license is kept in force continuously and uninterruptedly, in the name of the licensee or his successor in interest. No license to keep a place where liquor is sold or given away shall be hereafter issued to a firm, except to the individual members of the firm. Nothing in this chapter shall be construed to deny a new license to the owner, tenant or lessee of any premises lawfully occupied and used as and for a place where alcoholic liquor is sold on January 23, 1934. (RC 1982 §21-2-13)

**3-2-15: CLOSING HOURS:**

- A. It shall be unlawful to keep open or permit to be kept open any place where alcoholic liquor is sold for consumption on the premises between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. of any weekday or between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. of any Saturday or between

the hours of one o'clock (1:00) A.M. and nine o'clock (9:00) A.M. of any Sunday; closing hours on Sunday evening shall be twelve o'clock (12:00) midnight. All persons other than the licensee or one of its agents or employees, are to be off the premises by twelve fifteen o'clock (12:15) A.M. of any weekday, by one fifteen o'clock (1:15) A.M. of the following morning on Friday and Saturday nights. However, any place where alcoholic liquor is sold for consumption on the premises may remain open until two o'clock (2:00) A.M. on New Year's Day, on that day, two fifteen o'clock (2:15) A.M. shall be the time that all persons other than the licensee or one of its agents or employees are to be off the premises.

- B. It shall be unlawful to sell beer and alcoholic liquor in packages for consumption not on the premises where sold between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. of any weekday, or between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. of any Saturday, or between the hours of one o'clock (1:00) A.M. and nine o'clock (9:00) A.M. of any Sunday; sales shall cease on Sunday evening at twelve o'clock (12:00) midnight.
- C. It shall be unlawful to keep open for business or to admit the public to, or permit the public to remain within or to permit consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited; provided, that in case of restaurants, clubs and hotels, such establishments may be kept open for business during times when food is dispensed upon the premises in that portion of the building used for the storage and/or sale of food for human consumption.

No alcoholic liquor shall be sold and all licensed premises must remain closed at all other times other than those above specified. Any holder of a retail liquor license or his agent or employee who violates the provisions of this Chapter in regulating the legal hours of operation shall, upon conviction, be fined not more than five hundred dollars (\$500.00) and shall be subject to possible suspension or revocation of such retail liquor license.

- D. The times referred to above shall mean daylight savings time when the same is in effect in the City and upon the cessation of daylight savings time, shall mean Central Standard Time.
- E. The licensee or agent shall allow inspection by any authorized police personnel or Liquor Commissioner or his designee. (Ord. 468, 9-1-93; amd. 1994 Code; Ord. 498, 8-2-95; Ord. 779, 2-8-2022)

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**3-2-16: HAPPY HOUR RESTRICTIONS<sup>1</sup>:**

- A. All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.
- B. No retail licensee or employee or agent of such licensee shall:
1. Serve two (2) or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
  2. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
  3. Sell, offer to sell, or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor; except as authorized in subsection C7 of this Section.
  4. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
  5. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
  6. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs B1 through B5 of this Section.
- C. Nothing in subsection B shall be construed to prohibit a licensee from:

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1. S.H.A. 235 ILCS 5/6-28.

1. Offering free food or entertainment at any time;
  2. Including drinks or alcoholic liquor as part of a meal package;
  3. Including drinks of alcoholic liquor as part of a hotel package;
  4. Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
  5. Providing room service to persons renting rooms at a hotel;
  6. Selling pitchers (or the equivalent, including but not limited to buckets), carafes or bottles of alcoholic liquor which are customarily sold in such a manner and delivered to two (2) or more persons at one time; or
  7. Increasing prices of drinks of alcoholic liquor in lieu of, in whole, or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.
- D. A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by Section 3-2-27 of this Chapter. (1994 Code)

**3-2-17: PROHIBITED LOCATIONS<sup>1</sup>:**

A. No license shall be issued for the sale of any alcoholic liquor at retail within one hundred feet (100') of any church, school, hospital, home for the aged or indigent persons or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops and other places where the sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within one hundred feet (100') of any church or school where such church or school has been established within such one hundred feet (100') since the issuance of the original license. In the case of a church, the distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. 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. (RC 1982 §21-3-2)

**3-2-18: STORES SELLING SCHOOL SUPPLIES, LUNCHES:**

No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors

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1. S.H.A. 235 ILCS 5/6-11.

of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors. (RC 1982 §21-3-3)

**3-2-19: CHANGE OF LOCATION:**

A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the 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 ordinances of the City. (RC 1982 §21-3-4)

**3-2-20: ELECTION DAYS:**

All such licensees may sell alcoholic liquor at retail, by the drink, or in the original package for consumption either on or off the premises licensed on the day of any national, State, County or Municipal election, including primary elections, during which the hours the polls are open with the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours in this Chapter set forth. (RC 1982 §21-3-8)

**3-2-21: PROHIBITED ACTS AND CONDITIONS:**

A. Drinking on Public Ways: It shall be unlawful to drink any alcoholic liquor on any public streets, alleys, sidewalks and other public ways in the City unless authorized at a regular or special meeting of the City Council. (RC 1982 §21-3-5)

B. Transporting, Possession In Motor Vehicles; Minors:

1. No person shall, within the city, transport, carry, possess or have any alcoholic liquor in, upon or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken. (RC 1982 §21-3-6)

2. The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time in which such alcoholic liquor is found, except under the following circumstances:

a. If such liquor is found on the person of one of the occupants therein;  
or

b. If such vehicle contains at least one occupant over twenty one (21) years of age. (RC 1982 §21-3-7)

C. Drinking In Public Places; Intoxication: It shall be unlawful for any person to do or commit any of the following acts within the city:

1. Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the city council.

2. Drink any alcoholic liquors in any public park, except with the permission of the city council.
  3. Drink any alcoholic liquors on any private property without permission of an owner thereof.
  4. Appear on or in any public street, alley, sidewalk, or other public place, including parks and recreation areas, in an intoxicated condition. (RC 1982 §21-3-9)
- D. Peddling: It shall be unlawful to peddle alcoholic liquor in the city. (RC 1982 §21-3-14)
  - E. Gambling: It is unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away except for devices and equipment licensed and operated in accordance with the video gaming act, 230 Illinois Compiled Statutes 40/1 et seq. (Ord. 666, 10-3-2012)
  - F. Disorderly House: Any person licensed under this chapter shall not suffer any disorder, drunkenness, quarreling, fighting, unlawful games or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. (RC 1982 §21-3-16)

**3-2-22: UNLAWFUL ENTERTAINMENT:**

No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act, or any topless and/or bottomless employee, and/or employees ("topless" being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and "bottomless" being defined as naked and substantially without clothing or covering of the body from the waist downward), or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest; nor shall any licensee, his agent, servant, or employee permit or allow any employee or guest, or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of any such employee or guest.

The following kinds of conduct on premises in the city licensed to sell liquor are prohibited:

- A. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
- B. The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva or genitals;
- C. The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals;
- D. The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks,

genitals, vulva or anus;

- E. The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above. (RC 1982 §21-3-10)

**3-2-23: PREMISES AND EMPLOYEE REQUIREMENTS:**

A. Sanitary Conditions, Premises<sup>1</sup>: All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. (RC 1982 §21-3-11)

B. Employees<sup>2</sup>: It shall be unlawful to employ in and about the sale, dispensing and serving of alcoholic beverages, any minor person under the age of eighteen (18) or any person afflicted with, or who is a carrier of, any contagious or infectious disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about the sale, distribution or serving of alcoholic beverages or to in any way engage in the handling, preparation or distribution of such liquor. Nothing herein shall prevent the employment of a minor as a waitress or bus boy in and about the serving of food, providing the same is not related to alcoholic beverages. (1994 Code)

C. Health Permit: Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards, if necessary. (RC 1982 §21-3-13)

**3-2-24: RESTRICTED SALES; MINORS REGULATED:**

A. Prohibited Sales, Generally: 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 to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, in need of mental treatment, or who is known or should be known by him as a person who has been previously convicted of the offense of selling, giving or delivering alcoholic liquor to any person under the age of twenty one (21) years. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service. (RC 1982 §21-3-18)

B. Minor Selling Liquor: It shall be unlawful for any person under the age of twenty one (21) years to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises. (RC 1982 §21-3-19; 1994 Code)

C. Unlawful Purchase of Liquor: Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

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1. S.H.A. 410 ILCS 650/1 et seq.

2. S.H.A. 410 ILCS 650/10.



(RC 1982 §21-3-20)

- D. Identification Required<sup>1</sup>: If a licensee or his agents or employees believe or have 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. (RC 1982 §21-3-21)
- E. Transfer of Identification Card<sup>2</sup>: No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Chapter. The consumption of alcoholic liquor by any person under the age of twenty one (21) years is forbidden. (RC 1982 §21-3-22)
- F. Restriction of Sale and Consumption of Alcoholic Beverages: No Class A licensee shall sell, give, deliver or allow to be consumed, alcoholic liquor on the premises set forth in the application and license issued to, except within the building structure located on the premises. No person shall leave the licensed building structure with open liquor. (RC 1982 §21-3-23)
- G. Posting Warning:
1. In every licensed business where alcoholic liquor is sold, there shall be displayed at all times, in a prominent place, a printed card which shall be supplied by the City Clerk, and shall read as follows:
- WARNING TO MINORS*
- YOU ARE SUBJECT TO A FINE UP TO \$1,000.00 UNDER THE ORDINANCES OF THIS CITY IF YOU PURCHASE ALCOHOLIC LIQUOR, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING LIQUOR.*
2. From nine o'clock (9:00) P.M. to closing, it shall be unlawful for any holder of a retail liquor dealer's license, who sells alcoholic liquor for consumption on its premises, or his agent or employee, to suffer or permit any person under the age of twenty one (21) to be or remain in any room or compartment adjoining or adjacent to, or situated in the room or place where such licensed premises is located. (Ord. 460, 3-3-1993)
- H. Premises, Vacate: No person under twenty one (21) years of age shall be in a tavern after nine o'clock (9:00) P.M. (Ord. 569, 7-7-2004)
- I. Exclusionary Provision<sup>3</sup>: The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the

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1. S.H.A. 235 ILCS 5/6-20.

2. S.H.A. 235 ILCS 5/6-20.

3. 235 ILCS 5/6-20.

parent or parents of such minor in the privacy of a home is not prohibited by this chapter. (RC 1982 §21-3-25)

**3-2-25: INSPECTIONS:**

It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer, the health officer or any member of the city council, for the purpose of making an inspection of such premises, or any part thereof. (RC 1982 §21-3-26)

**3-2-26: VIOLATIONS AND PENALTIES:**

- A. Owner Of Premises Permitting Violation: If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this chapter, said owner, agent or other person shall be deemed guilty of a violation of this chapter to the same extent as said licensee and be subject to the same punishment. (RC 1982 §21-4-1)
- B. Acts Of Agent Or Employee; Liability Of Licensee; Knowledge: Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter by any officer, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. (RC 1982 §21-4-2)

**3-2-27: REVOCATION OF LICENSE AFTER VIOLATION:**

- A. Whenever any licensee shall be in violation of this chapter, the license of said licensee may, in the discretion of the local liquor control commissioner, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this chapter for said licensee to continue to operate under such license.
- B. The local liquor control commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of this chapter or of any valid ordinance or resolution enacted by the city council or any applicable rules or regulations established by the local liquor control commission or the state commission which is not inconsistent with the law. In lieu of suspension or revocation, the local liquor control commissioner may instead levy a fine on the licensee for such violations. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for each violation; each day on which a violation continues shall constitute a separate violation. Not more than ten thousand dollars (\$10,000.00) in fines under this section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the city treasury. (1994 Code)

## CHAPTER 3

## AMUSEMENTS

## ARTICLE A. COIN-OPERATED MACHINES

## SECTION:

- 3-3A-1: Definitions
- 3-3A-2: License Required
- 3-3A-3: Application For License
- 3-3A-4: Inspection
- 3-3A-5: License Approval
- 3-3A-6: License Fees
- 3-3A-7: Not-For-Profit Organizations
- 3-3A-8: Display Of License
- 3-3A-9: Limitation Of Issued Licenses !2R!

## 3-3A-1: DEFINITIONS:

Definitions of terms as used in this article unless the context otherwise clearly indicates, are as follows:

!DEF! COIN-OPERATED AMUSEMENT DEVICE: As used herein, means any amusement machine or device operated by means of the insertion of a coin, token or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to, electronic video games or other similar games. The term does not include vending machines in which are not incorporated gaming or amusement features and does not include juke boxes. (Ord. 724, 1-18-2018) !DEFEND!

## 3-3A-2: LICENSE REQUIRED:

Any person displaying for public patronage or keeping for operation any coin-operated amusement device, shall be required to obtain a license from the City, upon payment of a license fee. Application for such license shall be made to the City Clerk, upon a form to be supplied by the Clerk for that purpose. (Ord. 724, 1-18-2018)

## 3-3A-3: APPLICATION FOR LICENSE:

A. The application for such license shall contain the following information:

1. Name and address of the applicant, age, date and place of birth.
2. All prior convictions of felonies of the applicant, if any.
3. Address and name of business where the machine or device

will be displayed and operated and the nature of the business conducted at the address and under said name.

4. The name and address of the owner of the machine and if the machine is serviced and supplied by any person, firm, corporation or association other than the applicant or the owner of the machine, the name and address of such person, firm, corporation or association shall be set out in the application.

B. No license shall be issued to any applicant unless he shall be over eighteen (18) years of age and a citizen of the United States. (Ord. 724, 1-18-2018)

#### 3-3A-4: INSPECTION:

Application for license shall be made out in duplicate, one copy being retained by the City Clerk, and the other copy being referred to the Mayor of the City.

A. The Mayor shall investigate the location wherein it is proposed to operate such machine and ascertain if the applicant is a person of good moral character.

B. If the Mayor determines that the applicant is not of good moral character, he shall report such findings to the City Council. (Ord. 724, 1-18-2018)

#### 3-3A-5: LICENSE APPROVAL:

No license shall be issued until the application therefor has been approved by the City Council. (Ord. 724, 1-18-2018)

#### 3-3A-6: LICENSE FEES:

A. Before being granted a license, every applicant shall pay an annual license fee of twenty five dollars (\$25.00) per machine.

B. The license fee shall be paid annually, in advance, before January 1 of each year. If additional machines or devices are to be installed or displayed from time to time, the license shall be obtained before display or installation. All licenses obtained at any time during the period from January 1 to December 31 shall require the full annual fee to be paid.

C. The licensee may exchange machines at no additional license fee; provided; that the licensee shall not exceed the total number of machines stated on the license. The licensee shall register all such exchanged or substituted machines with the City Clerk no later than three (3) days following such exchange or substitution. (Ord. 724, 1-18-2018)

**3-3A-7: NOT-FOR-PROFIT ORGANIZATIONS:**

Any not-for-profit organization as defined by the Internal Revenue Code, section 501(c)(3), shall, subject to the approval of the City Council, be entitled to two (2) exemptions annually from the foregoing license requirements for single events which do not last longer than three (3) consecutive days, provided such not-for-profit organization shall make application for such exemption to the City Clerk no less than thirty (30) days prior to the event. (Ord. 724, 1-18-2018)

**3-3A-8: DISPLAY OF LICENSE:**

The license herein provided for shall be posted permanently and conspicuously at the location of the machine on the premises wherein the device is to be operated or maintained. Not more than one machine shall be operated on any one license and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him. If the licensee shall move his place of business to another location within the City, the license may be transferred to such new location upon application to the City Clerk, giving the street and number of the new location. The new location shall be inspected by the Mayor in the same manner as provided in the previous sections of this article. The transfer must conform with any other applicable regulations relating thereto. (Ord. 724, 1-18-2018)

**3-3A-9: LIMITATION OF ISSUED LICENSES:**

No more than four (4) establishments shall be issued licenses at any given point in time. (Ord. 724, 1-18-2018)

## CHAPTER 3

## AMUSEMENTS

## ARTICLE B. BILLIARD AND POOL HALLS

## SECTION:

3-3B-1: License Required

3-3B-2: Fees

3-3B-3: Minors !2R!

## 3-3B-1: LICENSE REQUIRED:

No person shall operate, maintain or conduct a billiard, pool, bagatelle or pigeon hole table open to the public without having first obtained a license therefor as is herein required. All applications for such a license shall state thereon the intended location of the place of business and the number of tables to be used therein. (RC 1982 §8-4-1)

## 3-3B-2: FEES:

The annual fee for any such license shall be twenty dollars (\$20.00) per table. The license shall be in effect from January 1 to December 31. (RC 1982 §8-4-2; 1994 Code)

## 3-3B-3: MINORS:

Minors under the age of sixteen (16) years shall not under any circumstances frequent, loiter, go or remain in any hall licensed hereunder at any time, unless it be upon some lawful errand and sent under the direction and consent of and knowledge of the parent, guardian or other person having the lawful custody of such minor; and it shall be unlawful for the proprietor of any hall so licensed to allow or permit any such minor to frequent, loiter or remain within the hall in violation of this Article. (RC 1982 §8-4-3)

## CHAPTER 4

## PEDDLERS

## SECTION:

- 3-4--1: Definition
- 3-4--2: License Required
- 3-4--3: Application For License
- 3-4--4: Investigation Of Applicants
- 3-4--5: License Fees
- 3-4--6: Hours
- 3-4--7: Fraud
- 3-4--8: Unwanted Peddling And Soliciting
- 3-4--9: Peddlers As Nuisance; Misdemeanor
- 3-4-10: Duty Of Police To Abate
- 3-4-11: Peddlers Not Nuisance !2R!

## 3-4-1: DEFINITION:

"Peddle" shall mean the selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this Municipality or from house to house, whether at one place thereon or from place to place, from any wagon, truck, pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall "peddle" be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken. (RC 1982 §8-2-2)

## 3-4-2: LICENSE REQUIRED:

It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor. (RC 1982 §8-2-1)

## 3-4-3: APPLICATION FOR LICENSE:

A person desiring a license may obtain the same by making application with the City Clerk and providing the following information:

- A. Name and physical description of applicant.
- B. Permanent home and address and local address if operating from such an address.
- C. A brief description of the business and of the goods to be

sold.

D. Name and address of the employer, if any.

E. The length of time for which the right to do business is desired.

F. Evidence that the agent is acting on behalf of the corporation he represents.

G. Statement of the applicant's criminal record other than a traffic record.

H. The last three (3) municipalities where the applicant carried on business immediately preceding the date of application and the address from which such business was conducted in those municipalities. (RC 1982 §8-2-3)

#### 3-4-4: INVESTIGATION OF APPLICANTS:

Upon receipt of each application, it shall be referred to the City Clerk, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license then it shall be denied. (RC 1982 §8-2-4)

#### 3-4-5: LICENSE FEES:

The license fees to be charged for licenses to peddle in the City, each payable in advance, are hereby fixed and established as follows:

A. For each period of two (2) days, or part thereof, the sum of twenty dollars (\$20.00) per person.

B. For an annual license, the fee shall be the sum of twenty five dollars (\$25.00) per person per year. (Ord. 715, 10-4-2017)

#### 3-4-6: HOURS:

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this chapter or not to engage in peddling as herein defined except within the following time periods: October to April - nine o'clock (9:00) A.M. to four o'clock (4:00) P.M. and May to September - nine o'clock (9:00) A.M. to seven o'clock (7:00) P.M. (Ord. 715, 10-4-2017)

#### 3-4-7: FRAUD:

No licensed peddler or hawker shall commit any fraud, cheating



or misrepresentation, whether through himself or through an employee while acting as a peddler in this Municipality, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license. (RC 1982 §8-2-6; amd. 1994 Code)

#### 3-4-8: UNWANTED PEDDLING AND SOLICITING:

Nothing contained in this chapter, nor the issuance of any license hereunder, shall entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employees, are directed to depart from said private residence by the owner or person in charge thereof. (RC 1982 §8-2-8)

#### 3-4-9: PEDDLERS AS NUISANCE; MISDEMEANOR:

The practice of going in and upon private residences, business establishments or offices in the City by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences, business establishments or offices for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and punishable as such nuisance as a misdemeanor. (RC 1982 §8-2-9)

#### 3-4-10: DUTY OF POLICE TO ABATE:

The Police Department of the City is hereby required and directed to suppress the same and to abate any such nuisance as described in section 3-4-9 of this chapter. (RC 1982 §8-2-10)

#### 3-4-11: PEDDLERS NOT NUISANCE:

The provisions of this chapter shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the City or to farmers selling any food items raised or produced by themselves, and/or to permanently established residents who are voters in the City, or anyone duly licensed. Provided, however, all persons covered in this section shall register with the City Clerk prior to peddling, but they shall be exempt from paying any fees. (RC 1982 §8-2-11)

## CHAPTER 5

SCAVENGERS<sup>1</sup>

## SECTION:

- 3-5--1: Definitions
- 3-5--2: License Required; Fee
- 3-5--3: License Term
- 3-5--4: Application For License
- 3-5--5: Truck Requirements; Cleanliness
- 3-5--6: Parked Garbage Truck
- 3-5--7: Truck Wastewater
- 3-5--8: Windblown Garbage Unlawful
- 3-5--9: Garbage Falling From Truck
- 3-5-10: Garbage On Premises Unlawful
- 3-5-11: Location Of Yards For Equipment
- 3-5-12: Industry, Construction Projects
- 3-5-13: Revocation Of Permit
- 3-5-14: Penalty For Violation Of Duties !2R!

## 3-5-1: DEFINITIONS:

As used in this chapter, the words, "garbage" and "rubbish" shall have the following meanings:

!DEF! GARBAGE: Wastes from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

RUBBISH: 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; provided, however, that refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing, wastes, boiler house cinders, lumber, scraps and shavings. (RC 1982 §16-1-1) !DEFEND!

## 3-5-2: LICENSE REQUIRED; FEE:

A. No person shall engage in the business as a residential or commercial collector of garbage and rubbish unless having first made application and secured a license from the City. The fee shall be five hundred dollars (\$500.00) per year. Not

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1. 65 ILCS 5/11-19 et seq.

more than one such license shall be issued and in effect.

B. No person shall engage in the business as an industrial/manufacturing collector of garbage and rubbish unless having first made application and secured a license from the City. The fee shall be five hundred dollars (\$500.00) per year. No more than one such industrial/manufacturing license shall be issued and in effect and such industrial/manufacturing collector of garbage and rubbish shall not collect residential garbage or rubbish. (Ord. 737, 1-2-2019)

#### 3-5-3: LICENSE TERM:

The license shall be for the period of one year, commencing on January 1 and expiring on December 31. (RC 1982 §16-1-3)

#### 3-5-4: APPLICATION FOR LICENSE:

Upon application for a license, the person applying for the same shall furnish the City Clerk, along with the application, proof of insurance in the amount of three hundred thousand dollars/one hundred thousand dollars (\$300,000.00/\$100,000.00) liability and property damage, and at that time, they shall file with the Clerk a rate schedule for services to be performed for a residential application. The rate schedule shall set forth the type of service to be offered and the price for same; including the size and number of cans per pick up for the charge, the charge for any extra cans, the charge for the bags, the size of the bags, and the charge for bundles and size of the bundles. Also, a rate schedule shall include an unlimited service charge; the schedule shall set forth whether this is once a week or twice a week pick up. The rate schedule shall also set forth the day or days of each week that the collector shall schedule his pick up within the city. The rate schedule as filed shall be valid for one year and the licensee shall not be permitted to increase his price on the schedule for a period of one year from the date of filing of the rate schedule. The rate schedule shall be effective upon approval by the city council. (RC 1982 §16-1-4)

#### 3-5-5: TRUCK REQUIREMENTS; CLEANLINESS:

The firm for the handling of collection of trash shall be of good character and give evidence that the equipment used by him is adequate for the purposes intended. The successful firm shall have a truck or trucks which shall be so designed that garbage and rubbish which is collected will be covered at all times or placed in containers that will be covered at all times, except in the loading of garbage or rubbish, so that offensive odors are not permitted to permeate the air and cause a nuisance within the city. The trucks and all containers in which garbage is collected and transported shall

be cleaned daily and the collector shall not collect garbage on any day without having a clean truck and hand containers, if containers are used. (RC 1982 §16-1-5)

3-5-6: PARKED GARBAGE TRUCK:

No truck carrying garbage or rubbish, or both, shall be parked or be permitted to stand anywhere in the city, except as provided for in section 3-5-11 of this chapter, any longer than is necessary to pick up containers; provided, that the standing of such vehicle was made necessary by mechanical trouble, traffic conditions, accident or obedience to the direction of policemen or traffic signals, shall not be considered a violation of this chapter. (RC 1982 §16-1-6)

3-5-7: TRUCK WASTEWATER:

A garbage truck or other equipment shall not be washed on city streets or public property and will not be washed where the wastewater will cause any offensive odors to adjoining property owners. (RC 1982 §16-1-7)

3-5-8: WINDBLOWN GARBAGE UNLAWFUL:

It shall be unlawful to place garbage or rubbish in such a manner as to allow same to be blown by the wind onto the property of other residents. (RC 1982 §16-1-8)

3-5-9: GARBAGE FALLING FROM TRUCK:

It shall be unlawful to deposit or permit to fall from any vehicle, any garbage, refuse or ashes on any public street or alley in the city; provided, that this chapter shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this chapter preparatory to having such material collected and disposed of in the manner provided herein. (RC 1982 §16-1-9)

3-5-10: GARBAGE ON PREMISES UNLAWFUL:

The fact that garbage or rubbish remains on an occupant's premises in the city in violation of this chapter shall be prima facie evidence that the occupant of such premises is responsible for the violations of the chapter occurring. (RC 1982 §16-1-10)

3-5-11: LOCATION OF YARDS FOR EQUIPMENT:

A. A licensee shall designate the location of the yards on which his equipment will be parked while not in use, and the

equipment shall not be parked within the city limits unless the designated location shall not create, in the opinion of the city council, any nuisance for adjoining property owners.

B. The licensee shall have as additional equipment a truck for the disposal of large or unusual items of rubbish which cannot be placed in the designated containers and shall have available for such pick ups such equipment at least one day each week, or on such additional days as may be necessary to satisfy the needs of the public. (RC 1982 §16-1-11)

#### 3-5-12: INDUSTRY, CONSTRUCTION PROJECTS:

Nothing in this chapter shall be deemed to prevent or regulate the hauling of rubbish or refuse from industrial processes, from construction projects or other matter not normally collected on a regular schedule, and haulers of rubbish not normally collected in regular collections shall be excused from the requirements of obtaining a collector's license as provided in this chapter. (RC 1982 §16-1-12)

#### 3-5-13: REVOCATION OF PERMIT:

If the licensee fails to perform any service according to his application and rate schedule, the mayor may revoke the permit. (RC 1982 §16-1-13)

#### 3-5-14: PENALTY FOR VIOLATION OF DUTIES:

If a licensee fails to perform any service according to his application and/or rate schedule and/or fails to comply with his responsibilities as outlined in this chapter, he may be fined fifty dollars (\$50.00) for any such offense and/or the mayor may suspend or revoke the license or permit. (RC 1982 §16-1-15)

## CHAPTER 6

**CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED**

## SECTION:

- 3-6-1: Definitions
- 3-6-2: Cannabis Business Establishments Prohibited
- 3-6-3: Public Nuisance Declared
- 3-6-4: Violations

3-6-1: **DEFINITIONS:**

The following words and phrases shall, for the purposes of this chapter have the meanings respectively ascribed to them by this section, as follows:

**ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

**ADULT-USE CANNABIS CRAFT GROWER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, P.A.101-0027, as it may be amended from time to time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS CULTIVATION CENTER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, P.A.101-0027, as it may be amended from time to time, and regulations promulgated thereunder.

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ADULT-USE CANNABIS DISPENSING ORGANIZATION:	A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, P.A.101-0027, as it may be amended from time to time, and regulations promulgated thereunder.
ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, P.A.101-0027, as it may be amended from time to time, and regulations promulgated thereunder.
ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:	A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, P.A.101-0027, as it may be amended from time to time, and regulations promulgated thereunder.
ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:	An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, P.A.101-0027, as it may be amended from time to time, and regulations promulgated thereunder.
PERSON:	Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent. (Ord. 744, 9-4-2019)

**3-6-2: CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED:**

The following adult-use cannabis business establishments are prohibited in the City of Assumption. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the City of any of the following:

- A. Adult-use cannabis craft grower;
- B. Adult-use cannabis cultivation center;
- C. Adult-use cannabis dispensing organization;
- D. Adult-use cannabis infuser organization or infuser;
- E. Adult-use cannabis processing organization or processor; or
- F. Adult-use cannabis transporting organization or transporter. (Ord. 744, 9-4-2019)

**3-6-3: PUBLIC NUISANCE DECLARED:**

Operation of any prohibited cannabis business establishment within the City of Assumption in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies. (Ord. 744, 9-4-2019)

**3-6-4: VIOLATIONS:**

Violations of this chapter may be enforced in accordance with the provisions of Chapter 1-4 of this code. (Ord. 744, 9-4-2019)





!TITLE! 4

HEALTH AND SAFETY

Nuisances. . . . .	1
Garbage And Refuse. . . . .	2
Weeds And Grass. . . . .	3
Inoperable Vehicles <sup>1</sup> (Rep. by Ord. 692, 3-2-2016). . . . .	4
Fireworks. . . . .	5
Business District Population. . . . .	6

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1. See title 6, chapter 6 of this code.

## CHAPTER 1

### **NUISANCES**

#### SECTION:

- 4-1-1: Specific Nuisances Enumerated
- 4-1-2: Notice to Abate
- 4-1-3: Service of Notice
- 4-1-4: Failure to Comply with Notice
- 4-1-5: Abatement
- 4-1-6: Lien
- 4-1-7: Payment of Lien Claim
- 4-1-8: Foreclosure of Lien !2R!

#### 4-1-1: **SPECIFIC NUISANCES ENUMERATED:**

It is hereby declared to be a nuisance and to be against the health, peace and comfort of the City for any person, firm or corporation within the limits of the City to permit the following, but the enumeration of the following nuisances shall not be deemed to be exclusive:

- A. Filth: To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place to the prejudice of others.
- B. Deposit of Offensive Materials: To throw or deposit any offal or other offensive matter or the carcass of any dead animal in any watercourse, lake, pond, spring, well or common sewer, street or public highway.
- C. Corruption of Water: To corrupt or render unwholesome or impure, the water of any spring, river, stream, pond or lake to the injury or prejudice of others.
- D. Highway Encroachment: To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places and ways to burying places.
- E. Manufacturing Gunpowder: To carry on the business of manufacturing gunpowder, nitroglycerine or other highly explosive substances, or mixing or grinding the materials therefor in any building within twenty (20) rods of any valuable building erected at the time such business may be commenced.
- F. Powder Magazines: To establish powder magazines near incorporated towns at a point different from that appointed according to law by the corporate authorities of the town, or within fifty (50) rods of any occupied dwelling house.
- G. Noxious Odors: To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public.

- H. Unlawful Advertising: To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway, or other public place, without permission of the proper authorities.
- I. Wells Unplugged: To permit any well drilled for oil, gas, salt water disposal, or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.
- J. Burn-Out Pits: To construct or operate any salt water pit or oil field refuse pit, commonly called a "burn-out pit" so that salt water, brine or oil field refuse or other waste liquid may escape therefrom in any manner, except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.
- K. Discarded Materials: To permit concrete bases, discarded machinery and materials to remain around any oil or gas well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to fail to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.
- L. Underground Wells: To permit any salt water, oil, gas, or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface or into a mine or coal seam, or into any underground fresh water supply, or from one underground stratum to another.

- M. Harassment: To harass, intimidate or threaten any person who is about to sell or lease, or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property, when the harassment, intimidation or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.
- N. Offensive Business: To establish, maintain and carry on any offensive or unwholesome business within the city limits or within one mile of the limits.
- O. Filthy Premises Conditions: To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by him, or any railroad car, building, yard, grounds and premises belonging to or occupied by him.
- P. Expectorate: To expectorate on any public sidewalk, street or other public building, or floor or walk of any public vehicle or hall.
- Q. Litter On Streets: It shall be unlawful for any person to allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon streets from any moving vehicle, or to be thrown from a moving vehicle, and to remain thereon. (RC 1982 §25-1-1)
- R. Accumulation Of Junk Or Debris: For the owner or occupant of any property within the city to leave, accumulate, scatter, dispose or store useless junk, debris, waste material, refuse, rubbish, overstuffed or household furniture, inoperable or junk appliances or vehicles or parts thereof, salvage materials, or any other materials of no practical value in any area, public or private, outside any building or which is in view of the public or is accessible to the public in the city.
- S. Rodents: To cause or permit any condition or situation to exist that shall attract, harbor or encourage the infestation of rodents.
- T. Bringing Nuisances Into The City: To bring into the city, or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance or thing which shall be a nuisance or which shall occasion a nuisance in the city or which may or shall be dangerous or detrimental to health.

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- U. **Offensive Liquids:** To keep any nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive or putrid, nor permit any such liquid to be discharged, placed, thrown or to flow from or out of any premises into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises under his control.
- V. **Motor Transport Engines And/Or Refrigeration Units:** To operate a motor transport engine or refrigeration unit in the nighttime between the hours of eight o'clock (8:00) P.M. and six o'clock (6:00) A.M., in any place in which a majority of the buildings within a radius of four hundred feet (400') are used exclusively for residence purposes, excluding state and federal highways.
- W. **General:** To commit any offense which is a nuisance according to the common law of the land or made such by statute of the state<sup>1</sup>. (RC 1982 §25-1-1)
- X. **Nuisances Detrimental To Health Generally:** No building, vehicle, structure, receptacle, yard, lot, premises or part thereof shall be made, used, kept, maintained or operated in the city if such use, keeping or maintaining of any nuisance shall be dangerous or detrimental to health.
- Y. **Unhealthful Businesses:** No substance, matter, or thing of any kind whatever, which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business, or be used therein, or be used in any work or labor performed in the city, and no nuisance shall be permitted to exist in connection with any such work or labor. (RC 1982 §25-1-1)
- Z. **Burning:**
  - 1. Open burning is prohibited except as provided herein.
    - a. Burning of yard waste shall be permitted if supervised on Tuesdays and Saturdays from six o'clock (6:00) A.M. to six o'clock (6:00) P.M.
    - b. The use of smokers and grills for food preparation is permitted.
    - c. Wood-burning bonfires are permitted under supervision.
    - d. Weiner roasts under supervision are permitted.
    - e. Under no circumstances shall the burning of household waste, garbage or refuse be permitted.
    - f. No other open burning will be permitted.

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1. 740 ILCS 55/221 through 55/222.

2. Any violation of this division will subject violators to a fine of one hundred dollars (\$100.00) for each and every violation.

AA. Household Waste: All household waste, garbage and debris must be placed in a tied garbage bag and placed in an approved container. All household waste, garbage and debris must be picked up by a city licensed garbage hauler.

BB. Deposit Of Leaves Or Grass Clippings On Curbed City Streets: To allow, permit, or cause grass clippings or leaves to be located on curbed city streets without immediately destroying the same. (Ord. 550, 10-3-2001; amd. Ord. 597, 8-6-2007, eff. 10-1-2007; Ord. 600, 8-6-2007; Ord. 685, 8-5-2015; Ord. 756, 6-3-2020)

**4-1-2: NOTICE TO ABATE:**

It shall be the duty of the health officer or his designated representative to serve notice, in writing, upon the owner, occupant, agent or person in possession or control of any lot, building or premises in or upon which any nuisance may be found, or who may be the owner or the cause of any such nuisance, requiring him to abate the same within seven (7) days in such a manner as the designated authority shall prescribe. It shall not be necessary in any case for the health officer or his designated representative to specify in the notice the manner in which any nuisance shall be abated, unless it shall be deemed advisable to do so. Except in regard to household waste, the nuisance must be abated within not less than one hour nor more than twenty four (24) hours after the owner or occupant receives the notice of abatement. (Ord. 623, 11-5-2008)

**4-1-3: SERVICE OF NOTICE:**

Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises. (RC 1982 §25-1-3)

**4-1-4: FAILURE TO COMPLY WITH NOTICE:**

If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of violating this chapter. (RC 1982 §25-1-4)

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**4-1-5: ABATEMENT:**

It shall be the duty of the health officer or his designated representative to proceed at once upon the expiration of time specified in the notice to cause such nuisance to be abated; provided, however, that whenever the owner, occupant, agent or person in possession or control of any premises, in or upon which any nuisance may be found, is unknown or cannot be found, the health officer or his designated representative shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be collected from the person who may have created or suffered such nuisance to exist, in addition to any penalty or fine. (RC 1982 §25-1-5; amd. 1994 Code)

**4-1-6: LIEN:**

Charges for removal of any nuisance shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expense thereof incurred by the city shall be recorded in the following manner:

- A. A description of the real estate sufficient for identification thereof.
- B. The amount of money representing the cost and expense incurred or payable for the service.
- C. The date or dates when said cost and expense was incurred by the city and shall be filed within sixty (60) days after the cost and expense is incurred. (RC 1982 §25-1-6; amd. 1994 Code)



**4-1-7: PAYMENT OF LIEN CLAIM:**

Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. (RC 1982 §25-1-7)

**4-1-8: FORECLOSURE OF LIEN:**

Property subject to a lien for charges incurred in removal of the nuisance shall be sold for nonpayment of the same after deducting the costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the city, after lien is in effect for sixty (60) days. (RC 1982 §25-1-8)

## CHAPTER 2

## GARBAGE AND REFUSE

## SECTION:

- 4-2-1: Accumulation Prohibited
- 4-2-2: Notice To Person
- 4-2-3: Service Of Notice
- 4-2-4: Abatement
- 4-2-5: Lien
- 4-2-6: Payment Of Lien Claim
- 4-2-7: Foreclosure Of Lien
- 4-2-8: Scavenging And Dumping At Roll-Off Box Sites !2R!

## 4-2-1: ACCUMULATION PROHIBITED:

No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris. (RC 1982 §25-3-1)

## 4-2-2: NOTICE TO PERSON:

The health officer or his designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within seven (7) days after such notice has been duly served. (Ord. 604, 10-3-2007)

## 4-2-3: SERVICE OF NOTICE:

Service of notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises. (RC 1982 §25-3-3; amd. 1994 Code)

## 4-2-4: ABATEMENT:

It shall be the duty of the health officer or his designated representative to proceed at once upon the expiration of time specified in the notice to cause such nuisance to be abated; provided, however, that whenever the owner, occupant, agent or person in possession or control of any premises, in or upon which any nuisance may be found, is unknown or cannot be found, the health officer or his designated representative

shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be collected from the person who may have created or suffered such nuisance to exist, in addition to any penalty or fine. (Ord. 604, 10-3-2007)

#### 4-2-5: LIEN:

Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the city shall be recorded in the following manner:

A. A description of the real estate sufficient for identification thereof.

B. The amount of money representing the cost and expense incurred or payable for the service.

C. The date or dates when said cost and expense was incurred by the city and shall be filed within sixty (60) days after the cost and expense is incurred. (RC 1982 §25-3-5)

#### 4-2-6: PAYMENT OF LIEN CLAIM:

Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. (RC 1982 §25-3-6)

#### 4-2-7: FORECLOSURE OF LIEN<sup>1</sup>:

Property subject to a lien for unpaid 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 the name of the city, after lien is in effect for sixty (60) days. Suit to foreclose this lien shall be commenced within two (2) years after the date of filing notice of lien. (RC 1982 §25-3-7)

#### 4-2-8: SCAVENGING AND DUMPING AT ROLL-OFF BOX SITES:

A. Definitions:

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1. 65 ILCS 5/11-20-13.

**!DEF! ILLEGAL DUMPING:** The placement of any solid waste in or around the site of the roll-off container provided by the county of Christian for recycling activities.

**RECYCLABLES:** Shall mean and include "PETE", "HDPE", aluminum, bimetal cans, tin/steel cans, newsprint, corrugated cardboard, clear glass and brown glass.

**ROLL-OFF CONTAINER:** The container provided by the county of Christian and the state of Illinois, department of energy and natural resources for the collection of recyclables and the site upon which it is placed.

**SCAVENGING:** To collect, obtain, possess or pick up any recyclable item placed for collection in, beside or on the site of the roll-off container.

**SOLID WASTE:** All materials other than the "recyclables" defined hereinabove. **!DEFEND!**

**B. Enforcement:**

1. **Scavenging:** It shall be a violation of this section for any person or persons to scavenge recyclables from the roll-off container or the site of the roll-off container.

2. **Illegal Dumping:** It shall be a violation of this section for any person or persons to illegally dump in the roll-off container or on the site of the roll-off container.

3. **Notice:** Those recyclables which are accepted shall be clearly marked on or near the roll-off container and no dumping signs shall also be posted. (Ord. 476, 4-6-1994)

## CHAPTER 3

WEEDS AND GRASS<sup>1</sup>

## SECTION:

- 4-3-1: Definition
- 4-3-2: Nuisance Declared
- 4-3-3: Notice
- 4-3-4: Service Of Notice
- 4-3-5: Abatement
- 4-3-6: Charges For Abatement
- 4-3-7: Lien
- 4-3-8: Payment Of Lien Claim
- 4-3-9: Foreclosure Of Lien !2R!

## 4-3-1: DEFINITION:

"Weeds", as used in this code shall include, but not be limited to, the following: burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain, common milkweed, wild carrot, poison ivy, wild mustard, rough pigweed, lamb's quarters, wild lettuce, curled dock, smartweeds (all varieties), poison hemlock, wild hemp and Johnson grass and all other noxious weeds. (RC 1982 §25-2-1)

## 4-3-2: NUISANCE DECLARED:

It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding six inches (6") on the owner's or occupant's real estate or adjoining real estate used as alleys, sidewalks, and boulevards. (Ord. 637, 9-2-2009)

## 4-3-3: NOTICE:

The street superintendent, or a representative designated by the mayor or city council, may issue a written notice for removal of such weeds, grass or plants. Such weeds, grass or plants shall be cut by the owner or occupant within three (3) days after such notice has been duly served. (Ord. 637, 9-2-2009)

## 4-3-4: SERVICE OF NOTICE:

Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the

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1. 65 ILCS 5/11-20-6, 5/11-20-7.

premises, or to any member of his household of the age of fifteen (15) years or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises. (RC 1982 §25-2-4)

#### 4-3-5: ABATEMENT<sup>1</sup>:

It shall be the duty of the street supervisor or his designated representative to proceed at once upon the expiration of time specified in the notice to cause such nuisance to be abated; provided, however, that whenever the owner, occupant, agent or person in possession or control of any premises, in or upon which any nuisance may be found, is unknown or cannot be found, the street supervisor or his designated representative shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be collected from the person who may have created or suffered such nuisance to exist, in addition to any penalty or fine. (Ord. 605, 10-3-2007)

#### 4-3-6: CHARGES FOR ABATEMENT:

A minimum charge of one hundred dollars (\$100.00) shall be billed for any abatement action taken pursuant to this chapter. Any time spent in traveling to and from and/or in abating a nuisance pursuant to this chapter shall be billed at the rate of one hundred dollars (\$100.00) per hour. (Ord. 538, 4-5-2000)

#### 4-3-7: LIEN:

Charges for such weed, grass or plant removal shall be a lien upon the premises. A bill representing the charges payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the charges thereof shall be recorded in the following manner:

A. A description of the real estate sufficient for identification thereof.

B. The amount of money representing the charges payable for the service.

C. The date or dates when said charges were determined and shall be filed within sixty (60) days after charges are determined. (RC 1982 §25-2-7)

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1. See also subsection 7-1-2B of this code.

**4-3-8: PAYMENT OF LIEN CLAIM:**

Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the charges after notice of lien has been filed, the lien shall be released by the city or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. (RC 1982 §25-2-8)

**4-3-9: FORECLOSURE OF LIEN:**

Property subject to a lien for unpaid weed, grass or plant 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 the name of the city after lien is in effect for sixty (60) days. (RC 1982 §25-2-9)

CHAPTER 4

INOPERABLE VEHICLES<sup>1</sup>

(Rep. by Ord. 692, 3-2-2016)

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1. See title 6, chapter 6 of this code.



## CHAPTER 5

## FIREWORKS

## SECTION:

- 4-5-1: Definition
- 4-5-2: Prohibition
- 4-5-3: Public Displays !2R!

## 4-5-1: DEFINITION:

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 and toy cannons, in which explosives are used; the type of balloons which require fire underneath to propel the same; firecrackers, torpedoes, sky rockets, Roman candles, sparklers, bombs or other fireworks of like construction and any tablets or other devices containing any explosive substance, or containing combustible substances producing visual effects; provided, however, that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty five one-hundredths (0.25) 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 the toy pistol, paper or plastic caps which contain less than twenty five one-hundredths (0.25) grains of explosive mixture, excluding recoverage model rockets sold for the express use of modelers and/or exhibition of rocketry, the sale and use of which shall be permitted at all times. (RC 1982 §27-1-24)

## 4-5-2: PROHIBITION:

Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to offer for sale, expose for sale, sell at retail or use or explode any fireworks within the City limits. (RC 1982 §27-1-24)

## 4-5-3: PUBLIC DISPLAYS:

A. Permits: The City Council may authorize the City Clerk to grant permits for the supervised public display of fireworks. No permit granted hereunder shall be transferable. Permits may be granted hereunder to any group of three (3) or more adult individuals applying therefor. No permit shall be required for supervised public displays by State or County Fair Associations.

B. Applications: Application 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 at the next regular meeting of the City Council.

C. Display: Every such display shall be handled by a competent individual designated by the Police Chief and shall be of such character and so located, discharged or fired as not to be hazardous to property or endanger any person or persons. (RC 1982 §27-1-24)

## CHAPTER 6

**BUSINESS DISTRICT POPULATION**

## SECTION:

4-6-1: Dwelling Units In Business District

4-6-2: Sidewalks In Business District

4-6-1: **DWELLING UNITS IN BUSINESS DISTRICT:**

- A. Business District Defined: For the purposes of this section, the business district of the City of Assumption, Christian County, Illinois, is hereby designated, and is, the following area: Chestnut Street from North Street to Illinois Street, West First Street from Chestnut Street to Walnut Street, West Second Street from Chestnut Street to Walnut Street, West Third Street from Chestnut Street to Walnut Street, all in the City of Assumption, Christian County, Illinois.
- B. Prohibition: Dwelling units are not permitted below the second story of any building located within the business district of the City.
- C. Exception: This section shall not apply to dwelling units below the second floor of buildings located in the business district when such usage existed prior to the passage, approval and publication of Ordinance 485 (Ord. 485, 11-2-1994; amd. Ord. 762, 12-2-2020)

4-6-2: **SIDEWALKS IN BUSINESS DISTRICT:**

- A. The riding of any bicycle, tricycle, scooters, motor driven cycle or unicycle at any time on the public sidewalks of any business or businesses within the business district of the city of Assumption, Christian County, Illinois, is prohibited.
- B. The riding of skateboards and the wearing and use of any roller skates and rollerblades is prohibited in the city limits of Assumption with the exception of:
  1. Sidewalks outside the business district (as defined in subsection 4-6-1A of this chapter);

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2. The skateboard park; and
  3. The tennis courts at the Illinois Street Park.
- C. Every person found in violation of this section shall be assessed a penalty of fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense and one hundred fifty dollars (\$150.00) for all subsequent violations and possible confiscation of the skateboard. (Ord. 679, 10-1-2014)

!TITLE! 5

POLICE REGULATIONS

Police Department. . . . .	1
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## CHAPTER 1

## POLICE DEPARTMENT

## SECTION:

- 5-1-1: Department Established
- 5-1-2: Police Committee
- 5-1-3: Chief Of Police
- 5-1-4: Police Officers
- 5-1-5: Aiding In Escape
- 5-1-6: Part Time Police !2R!

## 5-1-1: DEPARTMENT ESTABLISHED:

There is hereby established a department of the municipal government of the city, which shall be known as the police department. It shall embrace the city council standing committee on police, one chief of police and such other regular patrolmen and other personnel as the city council may hereafter, from time to time, provide for, and also such special policemen as the mayor, in accordance with the provisions of this chapter, may appoint and commission. (RC 1982 §30-2-1; amd. 1994 Code)

## 5-1-2: POLICE COMMITTEE:

The police committee shall exercise a general supervision over the affairs of the police department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the city council and mayor so that a full understanding shall be had and, generally, shall do all acts necessary to promote the efficiency of the department. (RC 1982 §30-2-2)

## 5-1-3: CHIEF OF POLICE:

A. Head Of Department: The chief of police of the city shall be the head of the police department, subject to the orders of the mayor, the city council and police committee. (RC 1982 §30-2-3)

B. Appointment: The chief of police shall be appointed by the mayor, with the advice and consent of the city council, to serve for the term of such appointment or until such time as he is removed for just cause. (RC 1982 §30-2-4; amd. 1994 Code)

C. Salary: He shall receive such compensation as may be provided by the ordinances of the city, or by resolution of the city council. He shall receive the same compensation for attending meetings as aldermen receive for attending committee meetings.

D. Duties:

1. The chief of police shall devote such time as is necessary or appropriate to the performance of the duties of his office, and is hereby charged with preservation of the peace, order and safety of the city and with the duty of protecting the rights of persons and property, and of enforcing all laws and also all orders of the city council.

2. He shall take notice of all nuisances, obstructions and defects on the highways, or other public places and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer, whose duty it may be to take action in selection thereto.

3. He shall assure that all city owned law enforcement equipment is maintained at a serviceable level.

4. The chief of police is hereby authorized to approve expenditures necessary to carry out the duties of the police department in amounts as approved by the city council. He shall be responsible for resolution of departmental problems presented to him by the patrolmen. Problems which he is unable to resolve shall be forwarded to the police committee for their review and consideration.

5. He shall assure sufficient police supervision and protection at public functions and assemblies, and shall ensure sufficient training of patrolmen for purposes of crowd control. He shall be responsible for traffic control officers when required.

6. He shall assure that good and sufficient police records are maintained and are available for inspection by the mayor, city council and police committee upon their request.

7. He shall maintain complete records on all police personnel to include job performance, evaluation and all training or educational programs completed by said personnel. He shall further ensure that all city police officers meet minimum federal and state guidelines for police enforcement officers and in addition, receives such necessary training as is necessary for successful accomplishment of assigned duties.

8. It shall be the duty of the Chief of Police to manage and control all aspects of the Police Department, including, but not limited to, the duties outlined in the employee and/or personnel handbook. (Ord. 586, 9-6-2006)

E. Residence: The Chief of Police must live within a ten (10) mile radius of City limits as set forth in section 1-7-2 of this Code. (Ord. 732, 8-1-2018)

F. Health And Safety: The Chief of Police must pass a physical examination and drug testing at the time of hiring and at any time the Mayor and City Council may request during his

employment. (Ord. 586, 9-6-2006)

5-1-4: POLICE OFFICERS:

A. Appointment Of Patrolmen: A sufficient number of patrolmen shall be appointed by the Mayor, by and with the advice and consent of the City Council, and they shall severally hold office from year to year, or until the appointment and qualification of their respective successors and shall each, before entering into the performance of their duties, take the oath or affirmation required by law and execute a bond for the faithful performance of the duties of their respective offices, and the payment of each office of all monies received by him, according to law and the ordinances of the City, which bonds shall be filed in the Office of the City Clerk. (RC 1982 §30-2-7)

B. Shift Work: Unless otherwise directed by the Police Committee, each patrolman shall serve on the day or night force as the Chief shall direct, and the Mayor may, when necessary, detail any police officer for the discharge of any particular or special duty, and may also require all policemen to perform police duty at any time of the day or night. All patrolmen on duty shall be dressed in regulation uniform as approved by the Police Committee and furnished by the City. (RC 1982 §30-2-8; amd. 1994 Code)

C. Enforcement Of Laws: Each and every member of the police force, when on duty, shall devote his entire time to the proper discharge of the duty of his station, according to law and the ordinances of the City and the rules and regulations of the Police Department; and it shall be his duty to preserve at all times the order, peace and quiet of the City and to enforce the ordinances thereof. (RC 1982 §30-2-9)

D. Executive Warrants: Every member of the Police Department shall have power, within the corporate limits of the City, to serve and execute warrants or other legal processes for the apprehension and commitment of persons charged with or held for the commission of any crime or misdemeanor, or the violation of any law or ordinance of the City; and which so serving or executing or assisting in the service or execution of any such warrant or legal process, he shall be vested with all the common law and statutory powers of policemen for such purposes. (RC 1982 §30-2-10)

E. Legal Processes: All police shall have power and authority to execute City warrants, or other like legal processes without the corporate limits of the City, and within such distance therefrom as is authorized by law, in all cases when any ordinance of the City Council made pursuant to law, shall prescribe for the violation of any of its provisions by persons residing, acting or doing business within the limits of the City. (RC 1982 §30-2-11)



F. Assisting Police Officer: Every police officer of the City may, at any time, call upon any able bodied person above the age of eighteen (18) years to aid him in the arresting, retaking or holding in custody, of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act. (RC 1982 §30-2-12; amd. 1994 Code)

G. Aiding Fire Department: Every police officer shall aid the Fire Department by giving the alarm in case of fire, and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties. (RC 1982 §30-2-13)

H. Failure To Perform: Any member of the Police Department who shall neglect or refuse to perform any duty required of him by the ordinances of the City or the rules and regulations of the department, or who shall, in the discharge of his official duties, be guilty of any fraud, favoritism, extortion, oppressions or wilful wrong or injustice, shall be subject to removal from office. (RC 1982 §30-2-14)

I. Use Of Intoxicating Liquor: No member on active tour of duty or while wearing the official policeman's badge of the City shall indulge in the use of intoxicating liquor of any kind, and intoxication at any time shall be sufficient cause for removal. (RC 1982 §30-2-16)

J. Salary Of Patrolmen: Patrolmen and other police personnel shall receive such compensation as may be provided by the ordinances of the city or by resolution of the city council. (RC 1982 §30-2-17; amd. 1994 Code)

#### 5-1-5: AIDING IN ESCAPE:

It shall be a misdemeanor for any person in the city to resist or obstruct any member of the police force in the discharge of his duty or to endeavor to do so in any manner, assist any person in the custody of any member of the police force to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody. (RC 1982 §30-2-15)

#### 5-1-6: PART TIME POLICE:

A. Employment: The city of Assumption may employ part time police officers from time to time as they deem necessary.

B. Duties: A part time police officer shall have all the responsibilities of a full time police officer and such specific duties as delineated in the general orders of the Assumption police department, but the number of hours a part time officer may work within a calendar year is restricted. Part time police officers shall not be assigned to supervise

or direct full time police officers. Part time police officers shall be trained in accordance with the Illinois police training act<sup>1</sup> and the rules and requirements of the ILETSB.

C. Hiring Standards: Any person employed as a part time 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 medical examination.
4. Possess a high school diploma or GED certificate.
5. Possess a valid state of Illinois driver's license.
6. Possess no prior felony convictions.
7. Any individual who has served in the U.S. military must have been honorably discharged.

D. Discipline: Part time officers shall be under the disciplinary jurisdiction of the chief of police. Part time police officers serve at the discretion of the city authorities, shall not have any property rights in said employment, and may be removed by the city authorities at any time. Part time police officers shall comply with all applicable rules and general orders issued by the police department. (Ord. 663, 10-3-2012)

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1. 50 ILCS 705/1 et seq.

## CHAPTER 2

## AUXILIARY POLICE

## SECTION:

- 5-2-1: Appointment
- 5-2-2: Status
- 5-2-3: Identification Symbol
- 5-2-4: Supervision
- 5-2-5: Powers And Duties
- 5-2-6: Hiring Standards !2R!

## 5-2-1: APPOINTMENT:

The corporate authority may appoint auxiliary police officers in such number as they from time to time deem necessary. (Ord. 664, 10-3-2012)

## 5-2-2: STATUS:

Auxiliary police officers shall not be "conservators of the peace" and shall only carry firearms while on duty, with the permission of the chief of police, and only after completing the state certified forty (40) hour mandatory firearms training course as provided under 50 Illinois Compiled Statutes 710/2. Auxiliary police officers shall not be considered to be members of the regular police department, and shall not supplement members of the regular police department of the city in the performance of their assigned and normal duties except as otherwise provided herein. (Ord. 664, 10-3-2012)

## 5-2-3: IDENTIFICATION SYMBOL:

Identification symbols worn by the auxiliary police officers shall be different and distinct from those used by the regular police department. (Ord. 664, 10-3-2012)

## 5-2-4: SUPERVISION:

Auxiliary police officers shall, at all times during the performance of their duties, be subject to the direction and control of the chief of police of the city. (Ord. 664, 10-3-2012)

## 5-2-5: POWERS AND DUTIES:

Auxiliary police officers shall only be assigned to perform the following duties in the city:

- A. To aid or direct traffic within the municipality,
- B. To aid in control of natural or manmade disasters, and
- C. To aid in case of civil disorder as directed by the chief of police.

When it is impractical for members of the regular police department to perform those normal and regular police duties, however, the chief of police of the regular police department may assign auxiliary police officers to perform those normal and regular police duties. (Ord. 664, 10-3-2012)

5-2-6: HIRING STANDARDS:

No person shall be hired as an auxiliary police officer who has not been fingerprinted, subject to the background check, and found to have never been convicted of a felony or other crime involving moral turpitude. (Ord. 664, 10-3-2012)

## CHAPTER 3

## CIVIL EMERGENCIES

## SECTION:

- 5-3-1: Definitions
- 5-3-2: Declaration of Emergency
- 5-3-3: Curfew
- 5-3-4: Authority of Mayor to Issue Orders
- 5-3-5: Duration of Proclamation
- 5-3-6: Notification !2R!

## 5-3-1: DEFINITIONS:

!DEF! CIVIL EMERGENCY: A. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three (3) or more persons acting together without authority of law; or

B. Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

CURFEW: A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City, excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency. (RC 1982 §30-1-1)  
!DEFEND!

## 5-3-2: DECLARATION OF EMERGENCY:

Whenever an emergency as defined in Section 5-3-1 of this Chapter exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency. (RC 1982 §30-1-2)

## 5-3-3: CURFEW:

After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. (RC 1982 §30-1-3)

**5-3-4: AUTHORITY OF MAYOR TO ISSUE ORDERS:**

After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders:

A. Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

B. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

C. Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

D. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

E. Issue such other orders as are imminently necessary for the protection of life and property. (RC 1982 §30-1-4)

**5-3-5: DURATION OF PROCLAMATION:**

The proclamation herein authorized shall be effective for a period of forty eight (48) hours unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reclaim the existence of a civil emergency at the end of each forty eight (48) hour period during the time the civil emergency exists. (RC 1982 §30-1-5)

**5-3-6: NOTIFICATION:**

Upon issuing the proclamation herein authorized, the Chief of Police or such other person as authorized by the City Council, shall notify the news media situated within the City and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the following places within the City:

City Hall  
Post Office  
Police Station  
(RC 1982 §30-1-6; 1994 Code)

## CHAPTER 4

## ANIMAL CONTROL

## SECTION:

- 5-4--1: Definitions
- 5-4--2: Animal Control Officer
- 5-4--3: Duties Of City Clerk
- 5-4--4: Licensing Requirements (Rep. by Ord. 678, 6-4-2014)
- 5-4--5: Inoculation Of Dogs
- 5-4--6: Specifications For Tag
- 5-4--7: Exhibition Of Certificate Upon Request
- 5-4--8: Restraint Of Dogs And Cats
- 5-4--9: Impoundment; Citation; Notice
- 5-4-10: Redemption Of Impounded Dogs And Cats
- 5-4-11: Destruction Of Unredeemed Dogs Or Cats
- 5-4-12: Impoundment Of Dogs Which Have Bitten Persons
- 5-4-13: Pound Designated
- 5-4-14: Disposition Of Dogs Or Cats Deemed Nuisances
- 5-4-15: Keeping Barking Dogs
- 5-4-16: Keeping Of Numerous Dogs
- 5-4-17: Cruelty To Animals
- 5-4-18: Wild Or Vicious Animals
- 5-4-19: Livestock And Fowl Restricted
- 5-4-20: Injury To Property
- 5-4-21: Manner Of Keeping Pens Or Yards
- 5-4-22: Animals Restricted At Federal Housing !2R!

## 5-4-1: DEFINITIONS:

!DEF! AT LARGE: Any dog or cat shall be deemed to be at large when it is off the property of his owner and not under the control of a responsible person.

CAT: Shall include a female as well as a male cat.

DEPARTMENT OF AGRICULTURE: The department of agriculture of the state of Illinois.

DOG: Shall include a female as well as a male dog.

INOCULATION AGAINST RABIES: Inoculation means the injection, subcutaneously or otherwise, as approved by the department of agriculture of the state of Illinois, of canine, antirabic vaccine approved by the department of agriculture.

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

RESTRAINT: A dog or cat is under restraint within the meaning of this code if it is controlled by a leash, at "heel" beside

a responsible person, or obedient to that person's commands, within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper. (Ord. 448, 2-6-1991) !DEFEND!

#### 5-4-2: ANIMAL CONTROL OFFICER:

A. Appointment; Salary: The mayor, with the advice and consent of the city council, may appoint the animal control officer. The salary shall be established in the annual appropriation ordinance or as otherwise agreed by the city council.

B. Duties: Except as to the regulations concerning inoculation against rabies, the animal control officer is charged with the duty of enforcing the provisions of this chapter. (Ord. 448, 2-6-1991)

#### 5-4-3: DUTIES OF CITY CLERK:

A. It shall be the duty of the city clerk to determine that all fees herein provided or otherwise provided by law to be paid are properly accounted for to the city treasurer. (Ord. 448, 2-6-1991)

#### 5-4-4: LICENSING REQUIREMENTS:

(Rep. by Ord. 678, 6-4-2014)

#### 5-4-5: INOCULATION OF DOGS:

##### A. Dogs Inoculated; Name Tags Affixed To Collars:

1. Each calendar year, or at such intervals as may hereafter be promulgated by the department of agriculture, every owner or keeper of a dog three (3) months or more of age shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.

2. Every owner or keeper of a dog, regardless of age, shall cause said dog to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address and phone number, if any, of the owner or keeper of the dog.

B. Inoculation By Licensed Veterinarian; Issuance Of Certificate: The inoculation of dogs required by subsection A of this section shall be performed by a veterinarian duly licensed to practice his profession in this state. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate, showing such fact and shall



also deliver to such owner or keeper a metallic or other suitable tag to be attached to the collar or harness of such dog, which tag shall also certify to the fact of inoculation against rabies.

C. Duration Of Inoculation: The inoculation performed under the provisions of subsection B of this section shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the department of agriculture. (Ord. 448, 2-6-1991)

#### 5-4-6: SPECIFICATIONS FOR TAG:

The tag issued under the provisions of subsection 5-4-5B of this chapter shall be in such form as shall be determined by the department of agriculture. (Ord. 448, 2-6-1991)

#### 5-4-7: EXHIBITION OF CERTIFICATE UPON REQUEST:

At any reasonable time upon request of the animal control officer or any member of the police department, the owner or keeper of any unmuzzled dog shall exhibit his certificate issued under the provisions of subsection 5-4-5B of this chapter, showing the inoculation against rabies of any dog owned or controlled by him. (Ord. 448, 2-6-1991)

#### 5-4-8: RESTRAINT OF DOGS AND CATS:

A. Running At Large Prohibited: The owner or keeper of a dog or cat shall keep the dog or cat under restraint at all times and shall not permit any such dog or cat to be at large, off the premises of the property of the owner or keeper, unless the dog or cat is under complete control as defined in section 5-4-1 of this chapter. (Ord. 448, 2-6-1991)

#### B. Confinement:

1. Any dog allowed or permitted to remain within the city limits of the city, in accordance with the provisions of this chapter, shall be confined when said dog shows or exhibits clinical signs of being "in heat".

2. "In heat", as stated hereinabove, shall be defined as a sexual excitement.

3. "Confined", as stated hereinabove, shall be defined as the prohibiting of the unintentional contact between the dog "in heat" and any other dog not owned by the owner of the dog "in heat". Such confinement shall be in accordance with laws of the state and ordinances of the city prohibiting the cruelty to animals. (Ord. 477, 4-6-1994)

## 5-4-9: IMPOUNDMENT; CITATION; NOTICE:

A. Impoundment Of Dogs Or Cats; Citation: The animal control officer may take up and impound in such place as may be designated and set apart for that purpose any dog or cat found running at large or unlicensed in the city contrary to any of the provisions of this chapter or other ordinances of the city. (Ord. 448, 2-6-1991)

B. Notice And Citation Of Impoundment: In case of impounding and where the owner or keeper of such dog or cat is disclosed by any license tag worn by it, the animal control officer shall make a reasonable effort to contact such owner or keeper, in an effort to inform him of the impounding of his dog or cat and shall cite the owner or keeper of such dog or cat to answer charges of this chapter. (Ord. 494, 6-7-1995)

## 5-4-10: REDEMPTION OF IMPOUNDED DOGS AND CATS:

A. Any dog or cat impounded under the provisions of this code, except such dog or cat as may have bitten any person as specified in section 5-4-12 of this chapter, shall, unless sooner redeemed, be held for the period of seven (7) days in order to afford the opportunity to the owner or keeper thereof to redeem the same. Any such owner or keeper of an impounded dog or cat shall pay the sum of twenty five dollars (\$25.00), plus boarding fees for the first such impounding, one hundred dollars (\$100.00), plus boarding fees for any subsequent impounding. (Ord. 624, 11-5-2008)

B. In case any such dog or cat has not been inoculated against rabies for the calendar year prior to the date of impoundment, the owner shall also advance the fee required to have such dog or cat inoculated by a duly licensed veterinarian. The poundkeeper shall forthwith cause said dog or cat to be duly inoculated against rabies. No dog or cat shall be released without having been inoculated for the calendar year prior to the date of impoundment in accordance with the requirements of the department of agriculture. Upon payment of the required charges, said dog or cat shall thereupon be released to the owner or keeper. (Ord. 482, 8-3-1994)

## 5-4-11: DESTRUCTION OF UNREDEEMED DOGS OR CATS:

Any impounded dog or cat which shall not be redeemed within seven (7) days shall be humanely destroyed or otherwise disposed of by the poundkeeper at the expense of the owner. (Ord. 624, 11-5-2008)

## 5-4-12: IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS:

A. Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be

immediately taken, impounded and kept separated from other such dogs for fourteen (14) days. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed, in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the department of agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact, which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the department of agriculture.

B. If, at the expiration of the period of fourteen (14) days, no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by section 5-4-10 of this chapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed by the poundkeeper. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled. (Ord. 448, 2-6-1991)

5-4-13: POUND DESIGNATED:

The animal control officer shall designate an appropriate pound. (Ord. 448, 2-6-1991)

5-4-14: DISPOSITION OF DOGS OR CATS DEEMED NUISANCES:

Any dog or cat which may, in any manner, continually disturb the quiet of any person's or neighborhood's property, or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper, is hereby declared to be a nuisance, and such dog or cat shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under sections 5-4-10 and 5-4-11 of this chapter at the expense of the owner. (Ord. 624, 11-5-2008)

5-4-15: KEEPING BARKING DOGS:

A. Harboring: It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance. (Ord. 448, 2-6-1991)

B. Petitions Complaining Of Vicious Or Barking Dogs: Whenever

any person shall complain to the animal control officer that a dog which habitually barks, howls or yelps is being kept by any person in the city, the animal control officer shall notify the owner of said dog that a complaint has been received and a verbal warning issued and that the person should take whatever steps necessary to alleviate the howling, yelping or barking. Failure to do so will result in further actions being taken as follows: second offense - written warning after signed complaint; third offense - twenty five dollar (\$25.00) ticket issued; fourth offense - fifty dollar (\$50.00) ticket issued; fifth offense - seventy five dollar (\$75.00) ticket issued and seventy five dollars (\$75.00) for all subsequent tickets. (Ord. 583, 9-7-2005)

#### 5-4-16: KEEPING OF NUMEROUS DOGS:

A. Nuisance: The keeping of an unlimited number of dogs in the city for a considerable period of time detracts from and in many instances is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs is, therefore, declared to be a public nuisance. (Ord. 448, 2-6-1991)

#### B. Number Of Dogs Limited:

1. It shall be unlawful for any residence to keep more than five (5) dogs within the city, with the exception that a litter of pups or a portion of a litter may be kept for a period of time not exceeding five (5) months from birth. (Ord. 565, 3-3-2004)

2. The provisions of this section shall not apply to any establishment wherein dogs are kept for breeding, sale, sporting purposes or boarding.

C. Kennels: In the areas where kennels are permitted, no kennel shall be located closer than one hundred feet (100') to the boundary of the nearest adjacent residential lot. (Ord. 448, 2-6-1991)

#### 5-4-17: CRUELTY TO ANIMALS:

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

B. Food And Shelter: It shall be unlawful for any person in charge of any animal to fail, refuse or neglect to provide

such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. As used in this subsection:

1. "Shade" shall mean protection from the direct rays of the sun during the months of June through September.

2. "Shelter", as it applies to dogs and cats, shall mean a moistureproof structure of suitable size to accommodate the dog or cat and allow retention of body heat, made of durable material with a solid roof, raised at least two inches (2") from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness. (Ord. 448, 2-6-1991)

#### 5-4-18: WILD OR VICIOUS ANIMALS:

##### A. Keeping Of Wild And Vicious Animals:

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

2. It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the department of natural resources.

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

4. The licensing authority may issue a temporary permit for the keeping, care and protection of any infant animal native to this area which has been deemed to be homeless.

##### B. Definitions:

!DEF! VICIOUS ANIMAL: Any animal which has previously

attacked or bitten any person or behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

**WILD ANIMAL:** Any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state. (Ord. 448, 2-6-1991) !DEFEND!

#### 5-4-19: LIVESTOCK AND FOWL RESTRICTED:

**A. Certain Prohibitions:** Except as otherwise provided in this chapter, no person shall keep, within the city, any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock.

**B. Exceptions:** This chapter shall not apply in areas of the city that are agricultural in nature, nor shall this chapter apply to livestock brought into the city for the purpose of being shipped out of the city.

**C. Powers Of Health Commissioner:** The commissioner of health shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to pose a health hazard to the general public. (Ord. 448, 2-6-1991)

#### 5-4-20: INJURY TO PROPERTY:

**A. Injury, Defecation Unlawful:** It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flowerbed, plant, shrub, tree, garden or other property in any manner whatsoever, or to defecate thereon.

**B. Waste Products Accumulation:** It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped. (Ord. 448, 2-6-1991)

#### 5-4-21: MANNER OF KEEPING PENS OR YARDS:

**A. Pens, Yards Or Runs:** All pens, yards or runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

B. Fences: Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and not be allowed to become unsightly. (Ord. 448, 2-6-1991)

5-4-22: ANIMALS RESTRICTED AT FEDERAL HOUSING:

It shall be unlawful for occupants of federally assisted or subsidized facilities in the city to keep dogs, cats, rodents (including rabbits), or other household animals or pets, with the exception of fish or small birds, or allow others to bring such animals into the facilities except for any animal, such as a seeing eye dog or animals of a similar nature for the assistance of handicapped individuals. (RC 1982 §27-1-38)

## CHAPTER 5

## GENERAL OFFENSES

## SECTION:

- 5-5-1: Illinois Criminal Code Adopted By Reference
- 5-5-2: Fortune Telling
- 5-5-3: Discarded Refrigerators
- 5-5-4: Trespassing On Slag Pile
- 5-5-5: Excessive Noise !2R!

## 5-5-1: ILLINOIS CRIMINAL CODE ADOPTED BY REFERENCE:

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Illinois criminal code<sup>1</sup> as amended are hereby adopted by the city. Any and all violations thereof shall be considered violations of this chapter; and each such violation shall subject the violator thereof to penalty provisions under this code if proceeded hereunder. (Ord. 473, 3-2-1994)

## 5-5-2: FORTUNE TELLING:

No person in the city shall pursue the calling of a fortune teller or practice fortune telling, soothsaying or the like, and receive payment in any manner therefor. (RC 1982 §27-1-22)

## 5-5-3: DISCARDED REFRIGERATORS:

It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing the door or lid, snap lock or other device from the icebox, refrigerator or container. (RC 1982 §27-1-23)

## 5-5-4: TRESPASSING ON SLAG PILE:

A. Findings: It would be in the best interests of the residents of the city to prohibit trespassers on the slag pile.



B. Area Description: Trespassers shall be prohibited and prosecuted for trespass upon the following described real estate of the city:

Commencing at a point 150 feet east of the center of the main line railroad track and the south line of East Samuel Street, coinciding with northwest corner of lot #11 Block #17 in part of Malhoit addition, proceed in southerly direction parallel to main line railroad tracks 600 feet ± (61 feet ± south of south football field light poles or 42 feet ± south corner gate post) then easterly 420 feet ± to the corner post of chain link fence on west side of Locust Street extension, then southerly 500 feet ± to the center of drainage ditch, as a boundary between Boxmayer farm ground and the mine area property, then westerly 300 feet ±, then southerly 225 feet ± then westerly 250 feet ± to the east side of Oak Street extension then northerly parallel to railroad 760 feet ± to the point of beginning and commonly referred to as the "slag pile".

C. Posting Of Signs: The city shall erect "No Trespassing" signs around the perimeter of said real estate.

D. Violations; Penalties:

1. Minors: Any minor violating this section shall be penalized as follows:

First offense	4 hours of community service
Second offense and each offense thereafter	12 hours of community service

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A "minor" is defined as any person age seventeen (17) and under.

2. Adults: Any adult violating this section shall be penalized as follows:

First offense	Not less than \$20.00 nor more than \$50.00 fine
Second offense	Not less than \$50.00 nor more than \$200.00 fine
Third offense	Not less than \$200.00 nor more than \$500.00 fine in addition to 48 hours' incarceration

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An "adult" is defined as any person over the age of seventeen (17). (Ord. 534, 7-7-1999)

5-5-5: EXCESSIVE NOISE:

A. It shall be unlawful for any person within the city of Assumption 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.

B. The definition of a loud, disturbing and unnecessary noise in violation of this section shall include, but not be limited to:

1. Sounding of any vehicle horn or signaling device; or
2. Playing, using, operating, or permitting to be played any musical instrument, or other machine or device for the producing or reproducing of sound;

in such a manner as to be plainly audible at a distance of seventy five feet (75') from the location of such device, machine, or instrument.

C. The penalty for violation of this section shall be a fine in any amount not to exceed five hundred dollars (\$500.00) per violation. (Ord. 657, 6-6-2012)

## CHAPTER 6

## MINORS

## SECTION:

5-6-1: Curfew

5-6-2: Vandalism; Parental Responsibility

5-6-3: Sale To And Possession Of Tobacco And Smoking Materials Prohibited !2R!

5-6-1: CURFEW<sup>1</sup>:

A. Established: It shall be 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 eleven o'clock (11:00) P.M. on Sunday to Thursday, inclusive, and six o'clock (6:00) A.M. on the following day.

2. Between twelve o'clock (12:00) midnight on Friday and Saturday, inclusive, and six o'clock (6:00) A.M. on the following day.

B. Parents', Guardians' Responsibility: It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subsection A of this Section. (RC 1982 §27-1-25)

5-6-2: VANDALISM; PARENTAL RESPONSIBILITY<sup>2</sup>:

A. Definitions: For the purpose of this Chapter, the following definitions shall apply:

!DEF! ACTS OF VANDALISM AND SIMILAR OFFENSES: Includes any of the following acts:

1. Maliciously, recklessly, negligently or knowingly damaging or destroying or defacing any property within the City, whether such property is owned by the State, County, City or governmental body or owned by any private person, firm, partnership or association; or

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1. 65 ILCS 5/11-1-5 and 720 ILCS 555/1.

2. 740 ILCS 115/1 et seq.

2. Maliciously, recklessly or knowingly, by means of fire or explosive device, damaging, debasing or destroying any property of another person; or

3. Maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or

4. Maliciously, recklessly or knowingly depositing on the land or in the building of another person, without his consent, any stink bomb, or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or

5. Maliciously, recklessly or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

**LEGAL GUARDIAN:** Includes a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian or given custody of a minor under the Illinois Juvenile Court Act<sup>1</sup>.

**MINOR:** Includes a person who is above the age of eleven (11) years, but not yet eighteen (18) years of age.

**PARENT:** Includes the lawful father and mother of a minor child, whether by birth or adoption.

**PROPERTY:** Includes any real estate including improvements thereon, and tangible personal property. (RC 1982 §27-1-36)  
!DEFEND!

**B. Parents And Guardians Responsible For Acts:** The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described above with the knowledge and permission of the parent or guardian, in violation of this Chapter, upon the occurrence of the events described below:

1. An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting wilful and malicious acts causing injury to a person or property, or shall have incurred nonjudicial sanctions from another official agency

resulting from an admission of guilt of a violation of any ordinance, law or statute prohibiting wilful and malicious acts causing injury to a person or property; and

2. The parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned from the Police Department of the City following said adjudication or nonjudicial sanctions; and

3. If, at any time within one year following receipt of the notice set forth in subsection B2 of this Section, said minor is either adjudicated to be in violation of any ordinance, law or statute, as described in subsection B1 of this Section, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute as described in subsection B1 of this Section. (RC 1982 §27-1-37)

5-6-3: SALE TO AND POSSESSION OF TOBACCO AND SMOKING MATERIALS PROHIBITED:

A. It shall be unlawful to sell or to give any tobacco or smoking material in any form to any person under eighteen (18) years of age; provided, however, a parent or judicially established legal guardian of such person under eighteen (18) years of age may give such person any tobacco or smoking materials if same is solely consumed in the privacy of the residential home of such parent or guardian.

B. It shall be unlawful for any person under eighteen (18) years of age to possess any tobacco or smoking materials in any form except in the privacy of the residential home of such person's parent(s) or judicially established legal guardian(s).

C. Any person violating any of the provisions of this Section shall be fined as follows:

First offense	\$ 50.00
Second offense	150.00
Third and subsequent offenses	300.00

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D. Any person or entity violating any provision of this Section shall, for each offense, be fined and punished. Each day upon which a violation occurs or continues shall be deemed a separate offense. (Ord. 539, 4-5-2000)

## CHAPTER 7

**CANNABIS AND DRUG PARAPHERNALIA**

## SECTION:

- 5-7-1: Cannabis Possession/Consumption
- 5-7-2: Possession Of Drug Paraphernalia
- 5-7-3: Penalty

**5-7-1: CANNABIS POSSESSION/CONSUMPTION:**

## A. Definitions:

**CANNABIS:** Includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, 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 the 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. Cannabis does not include industrial hemp as defined and authorized under the Illinois Industrial Hemp Act. Cannabis also means concentrate and cannabis-infused products.

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**PUBLIC PLACE:** Any place where a person could reasonably be expected to be observed by others, including but not limited to all parts of buildings owned in whole or in part, or leased, by the State or unit of local government and tobacco or cannabis stores or lounges. Public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises but does include retail tobacco stores.

**RETAIL TOBACCO STORES:** A retail establishment that derives more than eighty percent (80%) of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. It includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the eighty percent (80%) requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business.

- B. Effective January 1, 2020, it shall be unlawful for a person under twenty one (21) years of age to purchase, possess, use, process, transport, grow or consume any substance containing cannabis except where authorized by the Illinois Compassionate Use of Medical Cannabis Pilot Program Act or by the Illinois Community College Cannabis Vocational Pilot Program.
- C. Possession: Effective January 1, 2020, it shall be unlawful for a person twenty one (21) years of age or older to possess cannabis:

1. More than thirty (30) grams of cannabis flower, more than five hundred (500) milligrams of THC contained in cannabis-infused product, and more than five (5) grams of cannabis concentrate;
  2. In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Illinois Compassionate Use of Medical Cannabis Pilot Program Act;
  3. On the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Illinois Compassionate Use of Medical Cannabis Pilot Program Act;
  4. In any correctional facility;
  5. In any vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving; or
  6. In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.
- D. Consumption: Effective January 1, 2020, it shall be unlawful for a person twenty one (21) years of age or older to use cannabis:
1. In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Illinois Compassionate Use of Medical Cannabis Pilot Program Act;
  2. On the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Illinois Compassionate Use of Medical Cannabis Pilot Program Act;
  3. In any correctional facility;
  4. In any motor vehicle;
  5. In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
  6. In any public place; or
  7. Knowingly in close proximity to anyone under twenty one (21) years of age who is not a registered medical cannabis patient under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act. (Ord. 752, 1-8-2020)

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5-7-2: **POSSESSION OF DRUG PARAPHERNALIA:**

- A. It shall be unlawful for any person to knowingly possess any item of drug paraphernalia with the intent to use it for the purpose of unlawfully ingesting, inhaling, injecting or otherwise a controlled substance into the human body, or in preparing a controlled substance for that use.
- B. Definitions: As used in this section, the following terms shall include and have the following meanings:

**CANNABIS:** Includes any substance defined as cannabis in Section 3 of the Illinois Cannabis Control Act, 720 ILCS 550/3 and the Cannabis Regulation and Tax Act.

**CONTROLLED SUBSTANCE:** Includes any substance defined as a controlled substance in the Illinois Controlled Substances Act, 720 ILCS 570/201 et. seq.

**DRUG PARAPHERNALIA:** Any object or device used, designed for use or intended for use in unlawfully ingesting, smoking, administering a controlled substance. For the purposes of this section, drug paraphernalia includes but is not limited to:

- a. Metal, wooden, plastic, glass, stone or ceramic pipes, with or without screens;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips;
- f. Cocaine spoons and vials;
- g. Bongos;
- h. One-hitters.

- C. This section shall not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.

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- D. Drug paraphernalia as defined herein, seized by police officers pursuant to an arrest or issuance of a notice to appear for a violation of this section, shall be forfeited to the City upon a conviction for violation of this section, or upon payment of a fine in settlement of said violation without further order of the court. (Ord. 752, 1-8-2020)

5-7-3: **PENALTY:**

Violations of this chapter will subject offenders to a fine of two hundred dollars (\$200.00) plus court costs and attorney fees. For purposes of this section, separate occurrences for the same violation of this chapter shall be considered separate offenses. (Ord. 752, 1-8-2020)

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!TITLE! 6

MOTOR VEHICLES AND TRAFFIC

General Traffic Provisions. . . . .	1
Parking Regulations. . . . .	2
Traffic Schedules. . . . .	3
Snow Routes. . . . .	4
Snowmobiles. . . . .	5
Vehicles. . . . .	6
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## CHAPTER 1

## GENERAL TRAFFIC PROVISIONS

## SECTION:

- 6-1-1: Illinois Vehicle Code Adopted By Reference
- 6-1-2: Unnecessary Noise
- 6-1-3: Specially Reduced Speed Limit Areas !2R!

## 6-1-1: ILLINOIS VEHICLE CODE ADOPTED BY REFERENCE:

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Illinois Vehicle Code as amended (625 ILCS 5/1-100 et seq.) are hereby adopted by the City. Any and all violations thereof shall be considered violations of this Title; and each such violation shall subject the violator thereof to penalty provisions under this Code if proceeded hereunder. (Ord. 472, 3-2-1994)

## 6-1-2: UNNECESSARY NOISE:

No operator of a motor vehicle shall:

- A. Stopped Vehicle: When the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonable loud or excessive noise. (RC 1982 §24-4-2)
- B. Wheels: When the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonable loud noise with the rear wheels of the vehicle. (RC 1982 §24-4-3)
- C. Squealing Tires: Accelerate the engine thereof when shifting gears of such vehicle in such a manner as to cause the rear wheels of such vehicle to spin violently, thereby causing an unreasonable loud or excessive noise. (RC 1982 §24-4-4)
- D. Excessive Noise While Driving: When operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise. (RC 1982 §24-4-7)

## 6-1-3: SPECIALLY REDUCED SPEED LIMIT AREAS:

The following designated areas are deemed to require specially reduced speed limits as herein stated:

A. That portion of West Illinois Street commencing at the east end of City Park (i.e., approximately 100 W. Illinois) and continuing to the west end of City Park (300 West Illinois) shall have a speed limit of fifteen (15) miles per hour. (Ord. 516, 5-7-1997)

## CHAPTER 2

## PARKING REGULATIONS

## SECTION:

- 6-2-1: Private Property
- 6-2-2: Alleys
- 6-2-3: Parking Violations, Arrests
- 6-2-4: Semi-Tractor/Trailer Parking !2R!

## 6-2-1: PRIVATE PROPERTY:

It shall be unlawful for any person, firm or corporation to park a motor vehicle on private property without the consent of the owner of the private property. (RC 1982 §24-5-10)

## 6-2-2: ALLEYS:

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. (RC 1982 §24-5-8)

## 6-2-3: PARKING VIOLATIONS, ARRESTS:

## A. Parking Violations, Penalty:

1. Payment Of Fine: Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area, or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the City five dollars (\$5.00) for each such offense. Such payment may be made at the City Hall, and a receipt shall be issued for all money so received, and such money shall be promptly turned over to the City Clerk to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least twenty four (24) hours.

Provided, that this subsection shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police Department apparatus or other emergency equipment is kept or housed, or so as to block an emergency entrance to a hospital. Nor shall this subsection apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any

person who refuses to move a vehicle illegally parked at the request of any member of the Police Department.

2. Removal; Time Limit: Any vehicle illegally parked for a period in excess of ten (10) hours may be removed by a towing service authorized by the Police Department of the Municipality. In any emergency, any vehicle may be removed by any means when authorized by the Police Department of the Municipality. (RC 1982 §24-5-5; amd. 1994 Code)

B. Arrests: Any person arrested for a violation of any provision of this Title concerning parking violations shall be released upon proper bail being furnished as required by law. (RC 1982 §24-5-6)

C. Prima Facie Proof: The fact that an automobile which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation. (RC 1982 §24-5-7)

6-2-4: SEMI-TRACTOR/TRAILER PARKING:

A. It shall be unlawful for any semi-tractor/trailer to park within the City limits with the exception of the following:

- 1. One semi-tractor only may park at a residence but only upon private property;
- 2. Parking for delivery is permitted to and from a specific site within the City; and
- 3. Parking on commercial real estate by semi-tractors and trailers is permitted.

B. A person or entity convicted of a violation of any provision of this Section shall be fined as follows:

First offense	\$ 75.00
Second offense	250.00
Third offense	500.00

(Ord. 536, 4-5-2000)

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CHAPTER 3

TRAFFIC SCHEDULES

SECTION:

- 6-3-1: Schedule A, Four-Way Stop Intersections
- 6-3-2: Schedule B, Three-Way Stop Intersections
- 6-3-3: Schedule C, Two-Way Stop Intersections
- 6-3-3-1: One-Way Stop Intersections
- 6-3-4: Schedule D, Yield Right-Of-Way Intersections
- 6-3-5: Schedule E, No Parking Zones
- 6-3-6: Schedule F, Snow Emergency Routes
- 6-3-7: Schedule G, Prohibited Traffic
- 6-3-8: Schedule H, Handicapped Parking Areas
- 6-3-9: Schedule I, Slow For Children Signs !2R!

6-3-1: SCHEDULE A, FOUR-WAY STOP INTERSECTIONS:

In accordance with the provisions of 625 Illinois Compiled Statutes 5/11-302, the following streets are hereby designated as four-way stop intersections:

- Chestnut Street at Samuel Street.
- Cole Grove Street at Sarah Street.
- College Street at North Street.
- College Street at First South Street.
- College Street at Second South Street.
- East Illinois Street at Sarah Street. (Ord. 725, 2-7-2018)

6-3-2: SCHEDULE B, THREE-WAY STOP INTERSECTIONS:

In accordance with the provisions of 625 Illinois Compiled Statutes, the following streets are hereby designated as three-way stop intersections:

- Illinois Street (westbound) at Poplar Street (both). (Ord. 725, 2-7-2018)

6-3-3: SCHEDULE C, TWO-WAY STOP INTERSECTIONS:

In accordance with the provisions of the Illinois Vehicle Code<sup>1</sup>, the following streets are hereby designated as two-way stop intersections:

<u>Through Street</u>		<u>Stop Street - Direction</u>
Chestnut Street	at	1st South Street (both) 2nd South Street (both) 3rd South Street (east)
Illinois Street	at	Maple Street (south) Sarah Street (both)

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1. 625 ILCS 5/11-302.

Poplar Street	at	Cole Grove (west)
Samuel Street	at	St. Peter Street (north)
St. Peter Street (northbound)	at	3rd South Street (west) and St. Peter Street (south)
St. Peter Street (southbound)	at	Samuel Street (west) and St. Peter Street (north)
State Aid Route 6	at	Chestnut Street (north) College Street (north) Hickory Street (north) Locust Street (north) Oak Street (north) Poplar Street (north) St. John Street (north) Walnut Street (alley east) (north)
U.S. Route 51	at	Walnut Street (north) C.H. 6 (both) Cole Grove Street (east) Elder Street (west) Illinois Street (both) Samuel Street (east) 1st North Street (east) 1st South Street (east) 2nd South Street (both)
1st North Street	at	Chestnut Street (northbound) Locust Street (both) Oak Street (both) Poplar Street (both) Walnut Street (both)
1st South Street	at	Walnut Street (both)
3rd South Street	at	St. Peter Street (both)

!SETLRM!!SETFNT!!SETTAB!  
(RC 1982 Ch. 24; amd. 1994 Code)

6-3-3-1: ONE-WAY STOP INTERSECTIONS:

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<u>Through Street</u>		<u>Stop Street - Direction</u>
St. Peter Street	at	Illinois Street (west)

!SETLRM!!SETFNT!!SETTAB!  
(Ord. 602, 8-6-2007)

6-3-4: SCHEDULE D, YIELD RIGHT OF WAY INTERSECTIONS:

In accordance with the provisions of the Illinois vehicle code<sup>1</sup>, the following streets are hereby designated as "yield right of way streets":

<u>Through Street</u>		<u>Yield Street - Direction</u>
Illinois Street	at	Chestnut (both) Kemmerer Street (north) Kemmerer Street (south) Lacharite Street (north) Larochelle Street (south) Louisiana Street (south) Park Street (north)
Maple Street	at	Elder Street (east)

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1. 625 ILCS 5/11-302.

Samuel Street	at	Kemmerer Street (north) Larochelle Street (both) Locust Street (both) Louisiana Street (both) Mary Street (south) Oak Street (both) Poplar Street (both) Sarah Street (north)
1st North Street	at	College Street (both) Hickory Street (both) St. John Street (both)
1st South Street	at	Hickory Street (both) Larochelle (north) Locust Street (both) Mary Street (north) Oak Street (both) Poplar Street (both) Saint John (both)
2nd South Street	at	Hickory Street (both) Larochelle Street (both) Locust Street (both) Mary Street (both) Oak Street (both) Poplar Street (both) St. John Street (both) Walnut Street (both)
3rd South Street	at	College Street (south) Hickory Street (south) Larochelle Street (both) Louisiana Street (north) St. John Street (south) Walnut Street (south)

!SETLRM!!SETFNT!!SETTAB!

Any location within eight feet (8') of U.S. 51 (a.k.a., Business 51) from the northwest side of the intersection of East Second Street and Business 51 for a distance of fifty feet (50'). Such prohibition to apply to property located west of Business 51. (RC 1982 Ch. 24; amd. Ord. 464, 8-4-1993; 1994 Code; Ord. 602, 8-6-2007)

#### 6-3-5: SCHEDULE E, NO PARKING ZONES:

In accordance with the Illinois Vehicle Code<sup>1</sup>, the parking of vehicles, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers, shall be prohibited at the following locations:

East Illinois Street from 700 East (U.S. Route 51) through 1100 East Illinois Street located within the City limits.

From Highway 51 east two hundred feet (200') on both sides of Illinois Street.

U.S. Route 51, on any of that portion of the shoulder, beginning at the southwest corner of the intersection of U.S. Route 51 with East Second South Street and extending eighty eight feet (88') south therefrom.

U.S. Route 51, on any of that portion of the shoulder, beginning twenty five feet (25') north of the northwest intersection of U.S. Route 51 with the northernmost driveway access to the residence at 211 South College Avenue and extending twenty five feet (25') south of the southwest intersection of U.S. Route 51 with the southern driveway access. (Ord. 654, 3-7-2012)

6-3-6: SCHEDULE F, SNOW EMERGENCY ROUTES<sup>1</sup>:

!!! Chestnut Street from North Street to Samuel Street.

First Street from Chestnut to Walnut.

North Hickory from West Second to North Street.

North Locust from Leafland to First.

Second Street from Chestnut to Walnut.

South Hickory from West Second to West Third.

Walnut Street between First and Second Street. (Ord. 655, 3-7-2012)

6-3-7: SCHEDULE G, PROHIBITED TRAFFIC:

A. No through traffic shall be allowed and no vehicle shall be operated on the following named portions of the hereinafter named streets unless said vehicle is destined to or from a point upon said described portion of such street:

Elder Street from U.S. Route 51 east to Maple Street.

Maple Street from East Illinois Street north to Second South Street.

Second South Street from U.S. Route 51 east to Maple Street.

B. No semitrailer and/or truck tractor shall be operated on the following streets, except for the purpose of making delivery or picking up a load at a destination located upon the portion described below of the streets in which case such vehicle may be driven on such street for no more than the minimum distance necessary for the purpose:

Elder Street from U.S. Route 51 east to Maple Street.

Maple Street from East Illinois Street north to Second South Street.

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1. See chapter 4 of this title.

Second South Street from U.S. Route 51 east to Maple Street.

C. Semitrailer and/or truck tractor shall be permitted on Oak Street from North Street to Leafland Street from September 1 to March 31.

No semitrailer and/or truck tractor shall be operated on Oak Street from North Street to Leafland Street from April 1 to August 31. (Ord. 716, 12-6-2017)

6-3-8: SCHEDULE H, HANDICAPPED PARKING AREAS:

A. The following designated parking spaces are hereby designated as "handicapped parking spaces":

1. The first parking space on the south side of West First Street located west of the intersection of West First Street and Chestnut Street.

2. The first parking space on the north side of West Second Street located west of the intersection of West Second Street and Chestnut Street.

3. The first parking space on the west side of Chestnut Street located north of the intersection of Chestnut Street and West First Street. (Ord. 490, 3-1-1995)

4. The parking space on the southeast corner of City Hall, more particularly described as being the first parking space north of the intersection of West Second Street and the alley running alongside the east side of City Hall. (Ord. 493, 6-7-1995)

B. Parking in the above designated spaces shall be limited to vehicles used for the transportation of handicapped individuals as defined by the Secretary of State of Illinois in requirements for application of handicapped license plates. (RC 1982 §24-5-11)

6-3-9: SCHEDULE I, SLOW FOR CHILDREN SIGNS:

The following streets are hereby designated as slow, children playing sign areas:

West First Street and Larochelle on First Street. (Ord. 602, 8-6-2007)

## CHAPTER 4

## SNOW ROUTES

## SECTION:

- 6-4-1: Parking on Snow Emergency Routes
- 6-4-2: Condition of Motor Vehicles
- 6-4-3: Stalled Vehicles
- 6-4-4: Signs to Mark Snow Emergency Route
- 6-4-5: Removal, Impounding and Return of Vehicles !2R!

## 6-4-1: PARKING ON SNOW EMERGENCY ROUTES:

Between the hours from two o'clock (2:00) A.M. to five o'clock (5:00) A.M. from November 15 to April 1, or whenever conditions shall make it necessary that the operation of motor vehicles be regulated to expedite the flow of traffic, or the parking of motor vehicles be prohibited or restricted for the purpose of snow plowing or salting of streets, a snow emergency shall be and hereby is declared, and motor vehicle operation regulations and parking prohibitions shall be in effect on snow emergency routes designated in Section 6-3-6 of this Title.

While such parking prohibitions are in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow emergency route<sup>1</sup> to which such prohibition applies. However, nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law. (RC 1982 §24-8-1)

## 6-4-2: CONDITION OF MOTOR VEHICLES:

A. Tire Chains or Snow Tires: No person operating a motor vehicle on a snow emergency route on which there is a covering of snow, sleet or ice shall allow such vehicle to become stalled wholly or partly because drive-wheels thereof are not equipped with effective tire chains or snow tires.

B. Fuel and Battery: No person operating a motor vehicle on a part of a snow emergency route on which there is a covering of snow, sleet or ice, or on which there is a parking prohibition in effect shall allow such vehicle to become stalled because motor fuel is exhausted or the battery has become inoperative. (RC 1982 §24-8-2)

## 6-4-3: STALLED VEHICLES:

Whenever a vehicle becomes stalled for any reason, whether or

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1. See Section 6-3-6 of this Title.

not in violation of this Chapter, on any part of a snow emergency route on which there is a covering of snow, sleet or ice, or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway on such snow emergency route, either into the first cross street which is not a snow emergency route, or onto the public space portion of a nearby driveway. No person shall abandon or leave his vehicle in the roadway of a snow emergency route (regardless of whether he indicates, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station or other place of assistance and return without delay. (RC 1982 §24-8-3)

#### 6-4-4: SIGNS TO MARK SNOW EMERGENCY ROUTE:

On the street designated by this Chapter as a snow emergency route, the Street Superintendent shall post special signs at intervals not exceeding two hundred feet (200') with the wording "SNOW EMERGENCY ROUTE - NO PARKING 2:00 A.M. TO 5:00 A.M. DURING SNOW EMERGENCY. TOW AWAY ZONE". These signs shall be distinctive and uniform in their appearance and shall be plainly readable to persons traveling on the street or highway. (RC 1982 §24-8-4)

#### 6-4-5: REMOVAL, IMPOUNDING AND RETURN OF VEHICLES:

A. Removal by Police Department: Members of the Police Department are hereby instructed to remove or have removed a vehicle from a street to the nearest garage or other place of safety (including another place on the street), or to a garage designated or maintained by the Police Department, or otherwise maintained by the City, when:

1. The vehicle is parked on a part of a snow emergency route on which a parking prohibition is in effect.
2. The vehicle is stalled on a part of a snow emergency route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this Chapter.
3. The vehicle is parked in violation of any parking regulation or provision of law and is interfering or about to interfere with snow removal operations.

B. Notice to Owner: Whenever an officer removes or has removed a vehicle from a street as instructed in this Section and the officer knows or is able to ascertain from the registration records the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in

writing to such owner of the fact of removal and the reasons therefor and of the place to which the vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

C. Unknown Owner: Whenever an officer removes or has removed a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then, and in that event, the officer shall immediately send or cause to be sent a written report of such removal by mail to the State department whose duty it is to register motor vehicles and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored, such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored.

D. Removal by Owner: No person shall recover any vehicle removed in accordance with this Section, except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the Police Department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal, and shall pay any cost of storage accrued, and until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien.

E. Record of Vehicles Removed: It shall be the duty of the Police Department to keep a record of each vehicle removed in accordance with this Section. The record shall include a description of the vehicle, its license number, the date and time of its removal, location from which it was removed, the name and address of the owner and last operator, if known, its final disposition, and the parking violation involved.

F. Additional Regulations: This Section shall be supplemental to any other provisions of law granting members of the Police Department authority to remove vehicles. (RC 1982 §24-8-5)



## CHAPTER 5

## SNOWMOBILES

## SECTION:

6-5-1: Permitted Use

6-5-2: Primary Route

6-5-3: Traffic Laws Observed by Operator !2R!

6-5-1: PERMITTED USE:

It shall be unlawful for any person to operate a snowmobile along and upon the streets and alleys of the City, except for the purpose of ingress and egress to and from the City. (RC 1982 §24-7-1)

6-5-2: PRIMARY ROUTE:

For purposes of ingress and egress of snowmobiles to and from the City, the alley between Chestnut and Walnut Streets in the City shall be the primary north-south route to be used. Samuel Street shall be the primary east-west route. However, when a particular snowmobile is regularly stored within the City, such snowmobile may use other secondary streets as may be necessary to allow ingress and egress to and from the above primary routes. (RC 1982 §24-7-2)

6-5-3: TRAFFIC LAWS OBSERVED BY OPERATOR:

Any person operating a snowmobile along and upon the streets and alleys of the City must obey all traffic laws which are in force and effect by the City Code or State statutes governing the operation of motor vehicles along and upon the streets and alleys of the City. (RC 1982 §24-7-3)

## CHAPTER 6

## VEHICLES

## SECTION:

- 6-6--1: Definitions
- 6-6--2: Enclosure Of Motor Vehicle
- 6-6--3: Nuisance Declared
- 6-6--4: Notification And Removal
- 6-6--5: Traffic Hazard
- 6-6--6: Costs For Removal
- 6-6--7: Multiple Vehicles For Sale
- 6-6--8: Dismantling Motor Vehicles Prohibited
- 6-6--9: Exceptions
- 6-6-10: Police Responsibilities
- 6-6-11: Record Searches
- 6-6-12: State Police Information
- 6-6-13: Reclamation
- 6-6-14: Nonliability Of City, Towing Service Or Storage Service
- 6-6-15: Sale Of Nuisance Vehicle(s)
- 6-6-16: Notification
- 6-6-17: Sale Proceeds
- 6-6-18: Fines And Penalties !2R!

## 6-6-1: DEFINITIONS:

!DEF! ABANDONED VEHICLE: All vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved for seven (7) consecutive days or more and is apparently deserted.

DERELICT VEHICLE: Any inoperable vehicle, and/or discarded vehicle, regardless of title, on the owner's land, on any other private land, or on public land contrary to public policy, including, but not limited to, that as stated in 625 Illinois Compiled Statutes 5/4-301.

ENCLOSURE: Any structure or fence that complies with all applicable federal, state, county and local law(s), ordinance(s), rule(s), and other regulation(s) and which prevents the viewing of its contents by the general public.

INOPERABLE VEHICLES: Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power but shall not include:

- A. A motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations;

B. Operable historic vehicles over twenty five (25) years of age;

C. Any motor vehicle that is kept within an enclosed building when not in use.

**JUNK VEHICLE:** A vehicle which has been or is being crushed, disassembled, compressed, flattened, destroyed or otherwise reduced to a state in which it no longer can be returned to an operable state.

**MOTOR VEHICLE:** All vehicles, including, but not limited to, trucks, cars, vans, trailers, campers and boats, must be legally titled and have a current license plate.

**UNATTENDED VEHICLE:** Any motor vehicle that has not been moved under its own power for seven (7) consecutive days if on public property or for thirty (30) consecutive days if on private property (unless such failure to be moved is with the consent of the chief of police or the chief's designee). (Ord. 692, 3-2-2016) !DEFEND!

#### 6-6-2: ENCLOSURE OF MOTOR VEHICLE:

Unless otherwise provided herein, all abandoned, and/or derelict, and/or inoperable, and/or junk, and/or unattended vehicles shall be stored within an enclosure. (Ord. 692, 3-2-2016)

#### 6-6-3: NUISANCE DECLARED:

All abandoned, and/or derelict, and/or inoperable, and/or junk, and/or unattended vehicles, and/or a vehicle without a current license plate, whether on public or private property, outside an enclosure are hereby declared a nuisance. Any person who violates any provision of this chapter shall be subject to the fines and penalties as provided for in this chapter. (Ord. 692, 3-2-2016)

#### 6-6-4: NOTIFICATION AND REMOVAL:

**A. Public Property:** When any motor vehicle, other vehicle or part thereof is on public property and is declared to be a nuisance, the chief of police or other member of the police department may notify the owner, and/or the person in control of such nuisance by placing a notice on said nuisance in a conspicuous location. Said notice shall allow for a period of seven (7) days from the date of issuance of the notice for the nuisance to be abated. If, after seven (7) days from the date of issuance of the aforesaid notice the nuisance has not been abated, the city shall be authorized to remove said nuisance or cause said nuisance to be removed. Said act of removal may be done by a towing service authorized by the city to tow said

vehicles and in that event, shall be stored by said towing service or by such storage service as authorized by the city.

B. Private Property: When a motor vehicle, other vehicle or part thereof is on private property and is declared to be a nuisance, the chief of police or other member of the police department may notify the owner and/or the person in control of such nuisance by placing a notice on said nuisance in a conspicuous location. Said notice shall allow for a period of thirty (30) days from the date of issuance of the notice for the nuisance to be abated. If, after a period of thirty (30) days from the date of the issuance of the aforesaid notice, the nuisance has not been abated, the chief of police or any member of the police department shall be authorized to remove said nuisance or cause said nuisance to be removed. Said act of removal may be done by a towing service authorized by the city to tow said vehicles and in that event, shall be stored by said towing service or by such storage service as authorized by the city. (Ord. 692, 3-2-2016)

#### 6-6-5: TRAFFIC HAZARD:

When any abandoned, and/or burned, and/or derelict, and/or disabled, and/or inoperable, and/or junk, and/or partially dismantled, and/or unattended, and/or unlawfully parked, and/or wrecked vehicle or part thereof is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impending of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the police department of the city. (Ord. 692, 3-2-2016)

#### 6-6-6: COSTS FOR REMOVAL:

When a motor vehicle, other vehicle or part thereof is removed from either public or private property by authority of the police department, the owner of the vehicle shall be responsible for all towing and storage costs. (Ord. 692, 3-2-2016)

#### 6-6-7: MULTIPLE VEHICLES FOR SALE:

The offering of two (2) or more motor vehicles for sale at the same time on private property located within a residential area is prohibited. At no time and under no circumstances is the offering for sale of a junk vehicle or the sale of vehicle parts permitted in open areas on private property unless the property upon which it is situated is properly licensed to permit such sale. For the purpose of this section, a "For Sale" sign posted upon or adjacent to a motor vehicle constitutes an offering for sale. (Ord. 692, 3-2-2016)

**6-6-8: DISMANTLING MOTOR VEHICLES PROHIBITED:**

Unless otherwise provided herein, no motor vehicle that is in a state of major disassembly, disrepair or which is being stripped or dismantled shall be permitted on any property located within the city. The major repair, major disassembly, or demolition of motor vehicles shall not be permitted in the city, except as provided in section 6-6-9 of this chapter. (Ord. 692, 3-2-2016)

**6-6-9: EXCEPTIONS:**

Nothing in this chapter shall apply to any motor vehicle that is kept within an enclosure, as stated in section 6-6-2 of this chapter. In addition, section 6-6-8 of this chapter shall not apply to any motor vehicle lawfully on the premises of a place of business properly licensed and complying with all local, county, state and federal law(s), ordinance(s), rule(s), and other regulation(s), when engaged in the business of motor vehicle repair and/or motor vehicle body repair. (Ord. 692, 3-2-2016)

**6-6-10: POLICE RESPONSIBILITIES:**

When a motor vehicle or other vehicle is towed away, as provided for herein, the police department shall keep and maintain a record of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, license plate number and year displayed on the towed vehicle. The record shall also include the date and the hour of the tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. (Ord. 692, 3-2-2016)

**6-6-11: RECORD SEARCHES:**

A. When the municipal police department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the state of Illinois 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 authorizing the impoundment will cause the stolen motor vehicle files of the Illinois state police to be searched by a directed communication to the Illinois state police for stolen or wanted information of the vehicle. The information determined from these record searches will be used by the police department in sending notification by certified mail to the owner or legally entitled person or lienholder, advising where the vehicle is held, requesting a disposition be made and setting forth sale information. (Ord.

692, 3-2-2016)

6-6-12: STATE POLICE INFORMATION:

When the registered owner, lienholder, or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the police department shall notify the Illinois state police for the purpose of identifying the vehicle's owner, lienholder or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois state police will be immediately forwarded to the police department having custody of the vehicle for notification to the owner. (Ord. 692, 3-2-2016)

6-6-13: RECLAMATION:

Any time before a motor vehicle or other vehicle is sold or disposed of as provided for in this chapter, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the police department proof of ownership, or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lienholder or other person under this section until all towing and storage charges have been paid. (Ord. 692, 3-2-2016)

6-6-14: NONLIABILITY OF CITY, TOWING SERVICE OR STORAGE SERVICE:

The corporate authorities, law enforcement officer(s), towing service owner or employee(s), storage service owner, operator(s) or employee(s) shall not be held to answer nor be liable for damages in any action brought by the registered owner, former registered owner or their legal representative, lienholder or any other person legally entitled to the possession of any vehicle when said vehicle was processed or disposed of according to this chapter. (Ord. 692, 3-2-2016)

6-6-15: SALE OF NUISANCE VEHICLE(S) :

When any nuisance vehicle has been towed and placed in storage by the city, as provided for herein, said vehicle may be sold by or with the consent of the city in accordance with 625 Illinois Compiled Statutes in effect at the time of the sale. (Ord. 692, 3-2-2016)

6-6-16: NOTIFICATION:

A. The police department having possession of the nuisance vehicle(s) shall cause said vehicle(s) 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 public 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 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 addressee having moved or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required. (Ord. 692, 3-2-2016)

#### 6-6-17: SALE PROCEEDS:

If the proceeds of the sale of a nuisance vehicle, as specified in this chapter, are insufficient to pay the costs of the abatement of the nuisance as aforesaid, the owner(s) of said vehicle shall be liable to the city for the balance of the costs of towing and storage, jointly and severally, to be recoverable in a suit of law. If the proceeds are in excess of the costs, the balance shall be paid to said owner(s), if known, or if unknown such excess shall be deposited in the city treasury in the general fund. (Ord. 692, 3-2-2016)

#### 6-6-18: FINES AND PENALTIES:

Any person failing to obey a notice issued pursuant to this chapter, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day such failure to obey continues shall be considered a separate offense. (Ord. 692, 3-2-2016)

## CHAPTER 7

### OFF HIGHWAY VEHICLES

#### SECTION:

- 6-7--1: Definition
- 6-7--2: Authorized Nonhighway Vehicles
- 6-7--3: Restriction Of Vehicle Modification
- 6-7--4: Operation On Streets
- 6-7--5: Compliance With Traffic Laws
- 6-7--6: Required Equipment
- 6-7--7: Lights
- 6-7--8: Age Of Operator; Requirement Of Valid License
- 6-7--9: Hours Of Operation
- 6-7-10: Speed Limit
- 6-7-11: City License
- 6-7-12: Vehicle Occupancy
- 6-7-13: Towing
- 6-7-14: Mandatory Insurance
- 6-7-15: Revocation Of License
- 6-7-16: Violations; Penalties

#### 6-7-1: **DEFINITION:**

Pursuant to 625 Illinois Compiled Statutes 5/11-1426.1 a “nonhighway vehicle” means a motor vehicle not specifically designed to be used on a public highway, including the following sections of the Illinois vehicle code:

- A. An all-terrain vehicle, as defined by section 1-101.8;
- B. A golf cart, as defined by section 1-123.9;
- C. An off highway motorcycle, as defined by section 1-153.1; and
- D. A recreational off highway vehicle, as defined by section 1-168.8. (Ord. 696, 9-7-2016)

#### 6-7-2: **AUTHORIZED NONHIGHWAY VEHICLES:**

This chapter restricts nonhighway vehicles authorized for use as “golf carts” and a “recreational off highway vehicle” as set forth in subsections 6-7-1B and D of this chapter as defined by the Illinois vehicle code. (Ord. 696, 9-7-2016)



**6-7-3: RESTRICTION OF VEHICLE MODIFICATION:**

All vehicles operated within the city of Assumption shall meet the minimum equipment standards established by Illinois Compiled Statutes and have no increased power, wheelbase or tire modifications from a standard manufactured vehicle as described in subsections 6-7-1B and D of this chapter. Speed modified vehicles are not authorized for use on city of Assumption streets. Seating may not be modified, only factory installed seating is permitted. (Ord. 696, 9-7-2016)

**6-7-4: OPERATION ON STREETS:**

It shall be lawful to operate a vehicle on city streets subject to the requirements and regulations of this chapter. Operation of vehicles shall not be permitted on any city sidewalk. (Ord. 696, 9-7-2016)

**6-7-5: COMPLIANCE WITH TRAFFIC LAWS:**

Vehicle operators and passengers shall comply with all applicable local and state traffic laws and ordinances. Violations may be ticketed and prosecuted in the same manner as motor vehicle violations. (Ord. 696, 9-7-2016)

**6-7-6: REQUIRED EQUIPMENT:**

A vehicle to be operated on a city street shall have the following equipment in good working condition at all times:

- A. Brakes;
- B. A steering apparatus;
- C. Tires;
- D. A rear view mirror;
- E. Red reflectorized warning devices in the front and rear;

- F. A slow moving emblem as required by 625 Illinois Compiled Statutes 5/12-709 in plain view on the rear of the vehicle;
- G. A headlight that emits a white light visible from five hundred feet (500') to the front;
- H. A taillamp that emits a red light visible from at least one hundred feet (100') from the rear;
- I. Brake lights on the rear; and
- J. Turn signals on the front and rear. (Ord. 696, 9-7-2016)

**6-7-7: LIGHTS:**

When operated on a city roadway, a vehicle shall have its headlight and taillamps lighted at all times. (Ord. 696, 9-7-2016)

**6-7-8: AGE OF OPERATOR; REQUIREMENT OF VALID LICENSE:**

No person shall operate a vehicle on a city street unless the operator is at least sixteen (16) years of age and has a valid Illinois driver's license. (Ord. 696, 9-7-2016; amd. Ord. 784, 6-2-2022)

**6-7-9: HOURS OF OPERATION:**

Vehicles shall only be operated on city streets within the city of Assumption between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M. (Ord. 696, 9-7-2016)

**6-7-10: SPEED LIMIT:**

No vehicle shall be operated on a city street in excess of twenty (20) miles per hour. (Ord. 696, 9-7-2016)

**6-7-11: CITY LICENSE:**

No person shall operate a vehicle on a city street unless the vehicle has been issued a license by the City of Assumption. A person seeking a license shall apply with the City Chief of Police, or his designee, on forms provided by the city. The

license shall be valid for one (1) year from the date of issuance. Prior to the issuance of a license an application and licensing fee of fifty dollars (\$50) shall be paid to the City Clerk and the applicant shall present the vehicle to the Chief of Police, or his designee, for an inspection to determine if the vehicle is compliant with this ordinance and applicable state statutes. If the applicant and vehicle are qualified, a license shall be issued to the applicant that must be conspicuously affixed to the vehicle so that it may be easily observed from the exterior. If a vehicle is sold or transferred, the license shall remain the property of the seller and shall not be transferred or assigned to the buyer. A buyer must apply for a license in the manner provided above. Notwithstanding the foregoing, any applicant establishing military service upon presentation of a DD Form 214 shall have the fifty dollars (\$50) application fee waived. Those eligible for a fee waiver shall comply with the remaining provisions of this Section 11. (Ord. 696, 9-7-2016; amd. Ord. 760, 10-7-2021)

**6-7-12: VEHICLE OCCUPANCY:**

No vehicle shall be operated with more occupants or passengers than its factory installed seating provides. (Ord. 696, 9-7-2016)

**6-7-13: TOWING:**

No vehicle shall tow, haul or trailer any device or equipment on any city street. (Ord. 696, 9-7-2016)

**6-7-14: MANDATORY INSURANCE:**

No person shall operate, no owner shall permit another person to operate and no license shall issue to any vehicle on a city street unless:

- A. The vehicle is covered by a liability insurance policy as required by 625 Illinois Compiled Statutes 5/7-601 of the Illinois vehicle code; and
- B. The operator of the vehicle carries with him proof of liability insurance as required by 625 Illinois Compiled Statutes 5/7-602 of the Illinois vehicle code. (Ord. 696, 9-7-2016)

**6-7-15: REVOCATION OF LICENSE:**

- A. A vehicle license issued to an operator pursuant to section 6-7-11 of this chapter may be revoked by the chief of police or his designee if:

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1. There is any material misrepresentation made by the applicant on the application;
  2. The required liability insurance is no longer in full force and effect;
  3. It has been determined that the operator can no longer safely operate the vehicle; or
  4. It has been determined that the vehicle cannot be safely operated.
- B. The chief of police, or his designee, shall issue a notice of revocation of the license and serve it upon the license holder either personally or by certified mail at the address provided in the license application. The revocation shall go into effect immediately after personal service or on the third day after the postmark of the certified mail receipt.
- C. No person with a revoked vehicle license shall be eligible to reapply for a license for a period of one year following revocation. (Ord. 696, 9-7-2016)

**6-7-16: VIOLATIONS; PENALTIES:**

- A. Any person found in violation of the provisions of this chapter shall be ticketed no less than seventy five dollars (\$75.00) per offense plus any additional court and collection costs.
- B. For purposes of this section, separate occurrences for the same violation of this chapter constitute a separate offense. (Ord. 696, 9-7-2016)



!TITLE! 7

PUBLIC WAYS AND PROPERTY

Streets, Sidewalks And Public Ways. . . . .	1
Public Improvements. . . . .	2
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City Parks. . . . .	4
Trees And Shrubs. . . . .	5
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## CHAPTER 1

## STREETS, SIDEWALKS AND PUBLIC WAYS

## SECTION:

- 7-1--1: Streets And Alleys Department
- 7-1--2: Streets And Alleys Committee
- 7-1--3: Superintendent Of Streets And Alleys
- 7-1--4: Street Names
- 7-1--5: Parade Permit
- 7-1--6: Undermining Ground Or Real Estate
- 7-1--7: Street And Sidewalk Hazards And Obstructions
- 7-1--8: Games In Street
- 7-1--9: Posting Signs, Handbills
- 7-1-10: Closing Street
- 7-1-11: Driveway Culvert
- 7-1-12: Barbed Wire And Electric Fences !2R!

## 7-1-1: STREETS AND ALLEYS DEPARTMENT:

There is hereby established a department of the municipal government of the city which shall be known as the department of streets and alleys. It shall embrace the city council standing committee on streets and alleys, the street commissioner, and all such employees as may be, from time to time, employed on behalf of the city to aid in the work of the department. (RC 1982 §33-1-1)

## 7-1-2: STREETS AND ALLEYS COMMITTEE:

A. Duties: The streets and alleys committee shall exercise a general supervision over the affairs of the streets and alleys department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the mayor and city council so that a full understanding thereof shall be had and, generally, shall do all acts necessary to promote the efficiency of the department.

B. Weed Control: The committee shall enforce the provisions of the weed control law in title 4, chapter 3 of this code. (RC 1982 §33-1-2; amd. 1994 Code)

C. Salary: City employees will receive the same compensation for attending meetings as aldermen receive for attending committee meetings.

D. Residence: City employees must live within the city limits or obtain a residence within the city limits within one year of appointment.

E. Health And Safety: City employees must pass a physical examination and drug testing at the time of hiring and at any time the mayor and city council may request during their

employment. (Ord. 587, 10-4-2006)

7-1-3: SUPERINTENDENT OF STREETS AND ALLEYS:

A. Appointment: The superintendent of streets and alleys shall be subject to the supervision of the committee on streets and alleys. He shall be appointed by the mayor, by and with the consent of the city council and shall hold his office until his successor shall be appointed and qualified.

B. Salary: He shall receive such salary as may be provided by the annual appropriation ordinance of the city council. He will receive the same compensation for attending meetings as aldermen receive for attending committee meetings.

C. Duties: It shall be the duty of the superintendent to manage and control all aspects of the streets and alleys department, including, but not limited to, the duties outlined in the employee and/or personnel handbook.

D. Residence: The superintendent of streets and alleys must live within the city limits or must obtain a residence within the city limits within one year of appointment.

E. Health And Safety: The superintendent of streets and alleys must pass a physical examination and drug testing at the time of hiring and at any time the mayor and city council may request during his employment. (Ord. 587, 10-4-2006)

7-1-4: STREET NAMES:

The following changes are hereby made regarding street names:

East First North Street shall be known as East North Street.

West First North Street shall be known as West North Street.

East First South Street shall be known as East First Street.

West First South Street shall be known as West First Street.

East Second South Street shall be known as East Second Street.

West Second South Street shall be known West Second Street.

East Third South Street shall be known as East Third Street.



West Third South Street shall be known as West Third Street.

North College Avenue shall be known as North Business 51.

South College Avenue shall be known as South Business 51.

Assumption Avenue shall be known as Assumption Street.  
(Ord. 462, 4-7-1993; amd. Ord. 587, 10-4-2006)

#### 7-1-5: PARADE PERMIT:

Any person desiring to conduct a parade within the city shall obtain a written permit from the mayor, with the advice and consent of the city council. (RC 1982 §33-2-1; amd. Ord. 587, 10-4-2006)

#### 7-1-6: UNDERMINING GROUND OR REAL ESTATE:

No person shall undermine, in any manner, any street or any other ground or real estate situated in the city or belonging to any private person. (RC 1982 §33-2-2; amd. Ord. 587, 10-4-2006)

#### 7-1-7: STREET AND SIDEWALK HAZARDS AND OBSTRUCTIONS:

##### A. Vaults And Openings:

1. Digging Vaults: No person shall dig or cause to be dug in any street or sidewalk, any vault without covering the opening thereof in such a manner as to prevent persons, animals and vehicles from falling into the excavation. Such vault shall be in conformance with other code provisions. (RC 1982 §33-2-4; amd. Ord. 587, 10-4-2006)

2. Open Vaults: No person shall open or allow to remain open, any door or the grating of any vault belonging to the premises occupied by him on any street, alley or sidewalk in the city for any purpose, except the taking in and removing goods, and any person allowing such grating to remain open shall warn passersby of the danger. (RC 1982 §33-2-3; amd. Ord. 587, 10-4-2006)

B. Stairway; Railing: Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street. (RC 1982 §33-2-5; amd. Ord. 587, 10-4-2006)

C. Signs Across Street: No person shall place any sign, advertisement or banner over any street or alley in the city,

unless he has written approval of the city council. (RC 1982 §33-2-7; amd. Ord. 587, 10-4-2006)

D. Porches Overhanging Sidewalk: It shall be unlawful for any person to construct and maintain any porch or similar overhead covering device extending from any building bordering upon any public sidewalk of this city which overhangs any public sidewalk or passageway of this city supported by or resting upon posts. (RC 1982 §33-2-8; amd. Ord. 587, 10-4-2006)

E. Vehicles On Sidewalks: No person shall operate any licensed vehicles over any sidewalk, except in crossing the same to go into a yard or parking lot. (RC 1982 §33-2-9; amd. Ord. 587, 10-4-2006)

F. Burning On Street Or Sidewalk: It shall be unlawful to burn leaves, grass, rubbish or any other substance on the margin of any cement, bituminous or other hard surfaced paved street, highway or sidewalk within or partly within the city. (RC 1982 §33-2-11; amd. Ord. 587, 10-4-2006)

G. Materials On Sidewalks:

1. It shall be unlawful to place or locate on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material or any glass or other articles which might cause injury to persons, animals or property.

2. Merchandise or other articles may be deposited on sidewalks preparatory to delivery; provided, that the usable width is not thereby reduced to less than four feet (4'); and provided, that no such article shall remain in such walk for more than one-half ( $\frac{1}{2}$ ) hour. (RC 1982 §33-2-12; amd. Ord. 587, 10-4-2006)

H. Obstructing Street:

1. No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the city any debris, materials or obstruction, except as may be permitted by this chapter.

2. It shall be the duty of the police to exercise a vigilant supervision over such places and notify any person found making such deposit, or responsible for the same, to remove the offending matter at once. (RC 1982 §33-2-13; amd. Ord. 587, 10-4-2006)

I. Water From Eaves: No person owning or occupying any building in the city shall cause pipes conducting the water from eaves of the building to be so constructed as to spread the water over the sidewalk. (RC 1982 §33-2-14; amd. Ord. 587, 10-4-2006)

J. Building Materials In Street: The superintendent of streets may move any obstruction on any street or sidewalk of the

city; but before doing so, he shall notify the person responsible therefor to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous thereto for such length of time as may be necessary for the work. The obstruction shall not extend to more than one-half ( $1/2$ ) of the width of the sidewalk, street or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. Such person shall, at night, keep a red light on such materials. (RC 1982 §33-2-15; amd. Ord. 587, 10-4-2006)

K. Merchandise On Public Streets: It shall be unlawful for any person to use any street, sidewalk or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements. (RC 1982 §33-2-17; amd. Ord. 587, 10-4-2006)

L. Encroachments: It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property. (RC 1982 §33-2-18; amd. Ord. 587, 10-4-2006)

M. Injury To New Pavements: It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly laid pavement. (RC 1982 §33-2-19; amd. Ord. 587, 10-4-2006)

N. Conduct In Public Places:

1. It shall be unlawful for a pedestrian to stand upon any sidewalk or other public way, except as near as reasonably possible to the building line or curb line, if such standing interferes with the use of said sidewalk by other pedestrians.

2. It shall be unlawful to impede or interfere with another person's use of any sidewalk or other public way. (RC 1982 §27-1-9; amd. 1994 Code; Ord. 587, 10-4-2006)

7-1-8: GAMES IN STREET:

No person shall, on any city street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks. (RC 1982 §27-1-18; amd. Ord. 587, 10-4-2006)

7-1-9: POSTING SIGNS, HANDBILLS<sup>1</sup>:

A. It shall be unlawful for any person to paste, post, paint,

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1. See also section 7-5-5 of this title.

print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant or upon any private wall, door or gate, without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this section shall not prevent posting by proper city and county officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree. (RC 1982 §27-1-15; amd. Ord. 587, 10-4-2006)

B. No person shall nail, tack, paste, paint or fasten or caused to be nailed, tacked, painted or fastened any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post. (RC 1982 §33-2-16; amd. Ord. 587, 10-4-2006)

#### 7-1-10: CLOSING STREET:

Whenever public safety or the improvement or repair of any street, alley or public place requires it, the mayor may order any street, alley or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface or remove any such sign. (RC 1982 §33-2-6; amd. Ord. 587, 10-4-2006)

#### 7-1-11: DRIVEWAY CULVERT:

Any property owner desiring a driveway culvert shall request such culvert from the street superintendent. The city shall provide the first culvert to each residence no larger than twenty feet (20') long and twelve inches (12") in diameter. The city shall install the first culvert. (RC 1982 §33-2-10; amd. Ord. 587, 10-4-2006)

#### 7-1-12: BARBED WIRE AND ELECTRIC FENCES:

A. Prohibited: It shall be unlawful for any person to erect or maintain any barbed wire or other such sharp, pointed fence below eight feet (8') in height and no electrically charged fence shall be erected or maintained, except in an agricultural or conservation zone district. (RC 1982 §27-1-7; amd. Ord. 587, 10-4-2006)

B. Fences: It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to person(s), or any

wire charged with electric current, anywhere within fifty feet (50') of any public street, sidewalk, alley, park or other public way or place, unless such barbs or charged wire are at least six feet (6') above the level of such public place. (RC 1982 §33-2-20; amd. Ord. 587, 10-4-2006)

## CHAPTER 2

## PUBLIC IMPROVEMENTS

## SECTION:

7-2-1: Sidewalk Construction

7-2-2: Curbs and Gutters

7-2-3: Storm Sewers !2R!

7-2-1: SIDEWALK CONSTRUCTION<sup>1</sup>:

A. Grade: No sidewalk shall be built above or below the established grade of this City, and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the Street Committee of the City Council.

B. Permit Required: It shall be unlawful for any person, company, partnership or individual to build, lay or construct any sidewalk along any property in the City, or along any of the streets, alleys or public highways thereon, without first obtaining a permit from the City Clerk to do so.

C. Streets and Sidewalks Committee: All such structures or improvements made in the City shall be made under and through the cooperation and direction of the Streets and Sidewalks Committee of the City, duly authorized and empowered by the Mayor and City Council thereof.

## D. Cost to Owner:

1. If the funds are available, and the City Council approves the request, the property owner shall pay a minimum of one-half ( $1/2$ ) of the cost of construction and thereafter the sidewalk shall be constructed by the City. The cost of construction shall not include any engineering fees; these shall be paid by the City if the City performs the work. If the property owner arranges for a sidewalk to be installed by someone other than the City, such property owner shall pay the cost of any engineering fee, in addition to the cost of materials and labor in the installation of the sidewalk and other costs related thereto, and in such an event, the maximum the City shall pay toward reimbursement to the property owner for expenses incurred in having the sidewalk put in shall not exceed one-half ( $1/2$ ) the price per running foot as the "bid price" for sidewalks accepted by the City for that fiscal year.

2. It should be noted that if the funds are not available or if the City Council does not approve the sidewalk request, the property owner shall remain solely responsible for the total

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1. S.H.A. 65 ILCS 5/11-80-13.

payment of the cost of the sidewalk. It is suggested that property owners obtain approval and agreement as to reimbursement prior to contracting for sidewalk work. The City Council may require additional standards as may be needed.

E. Subdivisions: This is not applicable to new subdivisions. (RC 1982 §33-5-1; 1994 Code)

#### 7-2-2: CURBS AND GUTTERS:

A. Request in Writing: Any person owning property within the City who desires to have new curbs and gutters constructed along the street adjoining his premises shall file a request with the City Clerk, giving the location of the property and the length of the curb and gutters requested.

B. Cost to Owner: If the funds are available and the City Council approves the request, the property owner shall pay a minimum of one-half ( $1/2$ ) of the cost of the construction and thereafter, the curb and gutter will be constructed by the City.

C. Approval by City Council: The approval of the request for construction of curbs and gutters by the City Council shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the City as determined by the City Council.

D. Subdivisions: This Section is not applicable to new subdivisions. (RC 1982 §33-5-2; 1994 Code)

#### 7-2-3: STORM SEWERS:

A. Description of Storm Water Sewers: Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders or storm waters, rain waters or other waters other than sanitary sewage.

B. Supervision: The Street Superintendent shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.

C. Permit Required: Before any connection is made to the public storm water sewers, a permit shall be applied for and approved.

D. Requirements; Use of Storm Water Sewers: Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the City. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters,

ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system. (RC 1982 §33-5-3)



## CHAPTER 3

EXCAVATIONS<sup>1</sup>

## SECTION:

- 7-3--1: Permit Required; Application
- 7-3--2: Bond
- 7-3--3: Deposit
- 7-3--4: Manner of Excavating
- 7-3--5: Time Limitation
- 7-3--6: Fitness of Applicant
- 7-3--7: Issuance of Permit
- 7-3--8: Inspection; Supervision
- 7-3--9: Annual Bond
- 7-3-10: Exemptions
- 7-3-11: Obstructing Work in Street
- 7-3-12: Barriers and Lights
- 7-3-13: Liability for Damage !2R!

## 7-3-1: PERMIT REQUIRED; APPLICATION:

Any person desiring to lay, lower, change, repair, remove any pipes or to make connections therewith, or to make any change, improvement, fill, excavation or alteration within or upon any street or sidewalk, public square or alley shall apply to the Superintendent of Streets for a permit to do so. Applicant shall describe the portion of the street, sidewalk, public square or alley where such work is to be done and the nature and character of the work to be done. (RC 1982 §33-4-1)

## 7-3-2: BOND:

Applicant shall also give bond, conditioned that he will suitably guard and protect any excavation or obstruction and defend, save, keep harmless and indemnify the City of and from all actions, suits, costs, damages and expenses including attorneys' fees which shall or may come to it for or on account of any injuries or damages received or sustained by any person by or from acts or omissions of the applicant or his employees in doing such work; and that he will restore such street, sidewalk, public square or alley to its former condition and complete such work as speedily as possible, and when completed, notify the City Clerk of such fact so that the Superintendent of Streets may see that the same has been promptly and properly restored to its former condition; and guaranteeing that such reconstruction work, refilling and restoration so made is made in a good and workmanlike manner, and of good and proper material, and that the same shall not deteriorate, cave in, or require repair or reconstruction for a period of at least two (2) years from the time of approval

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of such work; and further conditioned that he will, upon the giving of notice to that effect, pay to the City Clerk, for use of the City, any and all costs and expenses to which the City may have been put, paid, or become liable for in refilling, repairing and replacing the work on the surface or pavement of such street, sidewalk, public square or alley. If the work shall be done by the City, or it becomes necessary for the City to do so, the cost in all cases shall be certified by the Superintendent of Streets. Such bond, with sureties, shall be approved by the Mayor. (RC 1982 §33-4-2)

#### 7-3-3: DEPOSIT:

A. No such permit shall be issued unless and until the applicant therefor has deposited with the City Clerk a cash deposit of one hundred dollars (\$100.00) for an excavation not exceeding twenty (20) lineal feet; for excavations in excess of twenty (20) lineal feet, one hundred dollars (\$100.00), plus an additional two dollars fifty cents (\$2.50) per lineal foot for each foot or fraction thereof in excess of twenty (20) lineal feet.

B. This deposit is for the purpose of insuring the proper restoration of the ground in backfilling the excavation. This deposit, without interest, will be returned to the applicant if the excavation has been backfilled with sand to within twelve inches (12") of the surface with Grade #7 or Grade #8 rock for the remaining twelve inches (12") of fill. The City will restore the pavement at the expense of the City. In the event that the excavation has not been filled according to the specifications set forth above, the City will deduct from the deposit its expenses in refilling the excavation in accordance with the provisions of this Chapter. (RC 1982 §33-4-3)

#### 7-3-4: MANNER OF EXCAVATING:

A. It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

B. No injury shall be done to any pipes, cables or conduits of any City department or office charged with the care thereof, and no pipes, cables or conduits or parts thereof, which are or may be in danger or affected by making any such excavation or tunnel, shall be removed without obtaining a permit to do so before such pipes, cables or conduits shall be disturbed.

C. No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof. (RC 1982 §33-4-4)

**7-3-5: TIME LIMITATION:**

Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground, or until the refill is made ready for the pavement to be put on by the City if the City restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the City. (RC 1982 §33-4-5)

**7-3-6: FITNESS OF APPLICANT:**

No permits shall be granted to any person who is in any respect delinquent in the payment of the monies herein provided for, or who, in the judgment of the Mayor, is unfit or unqualified to engage in the class of work herein provided for. (RC 1982 §33-4-6)

**7-3-7: ISSUANCE OF PERMIT:**

Upon application being made and the filing of such bond, the Superintendent of Streets, after having been directed by the City Council to do so, shall issue a permit to the applicant stating therein all the privileges thereby granted. (RC 1982 §33-4-7)

**7-3-8: INSPECTION; SUPERVISION:**

The Superintendent of Streets shall, from time to time, inspect all excavations and tunnels being made in or under any public street, alley or other public place in the City to see to the enforcement of the provisions of this Chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (RC 1982 §33-4-8)

**7-3-9: ANNUAL BOND:**

Every applicant, including public utility companies, may be required by the Superintendent of Streets to post a bond to the City in the sum of five hundred dollars (\$500.00) wherein the applicant shall be liable unto the City for the payment of five hundred dollars (\$500.00), the condition of the bond being that if the applicant repairs and restores the surface of the public street to the same condition as it was prior to the time of excavation, tunnel or ditch was made, then the bond shall be void, otherwise to remain in full force and effect. The Superintendent of Streets shall determine whether or not such bond is required from the several applicants, based upon Section 7-3-6 of this Chapter. (RC 1982 §33-4-9)

## 7-3-10: EXEMPTIONS:

The provisions of the regulation relative to securing permits shall not apply to officers or employees of the City engaged in doing work for the City, nor to persons or corporations which are operating under a franchise or grant from the City if such franchise provides for the making of excavations and tunnels without securing a permit therefor. (RC 1982 §33-4-10)

## 7-3-11: OBSTRUCTING WORK IN STREET:

Whenever any street, alley or public place is being improved under any contract with the City, it shall be unlawful for any person to destroy, injure, carry away, remove or interfere with any of the material or appliances used in or about the work, or impede, obstruct or interfere with the execution of the work or destroy or damage any of the work or materials which may have been placed by the contractor. (RC 1982 §33-4-11)

## 7-3-12: BARRIERS AND LIGHTS:

A. Barriers and Lights Required: Whoever digs or causes to be dug a ditch or excavation in or adjoining any street, sidewalk or other place shall erect a suitable barrier about such excavation and during the night shall keep a sufficient number of illuminated warning lights at such excavation and the earth therefrom. (RC 1982 §33-4-12)

B. Lights on Materials in Street: Every object standing on a street, alley or public place within the City shall have an illuminated light thereon at night, if it is an object other than a vehicle. (RC 1982 §33-4-13)

C. Interference with Barriers and Lights: No person shall remove or interfere with any barrier, warning sign or light placed in any street for the protection of the public. (RC 1982 §33-4-14)

## 7-3-13: LIABILITY FOR DAMAGE:

If any person violates any provision of this Chapter, and any person or property in consequence thereof is injured or damaged, the person so guilty of such violation shall be liable to the City in relation thereto, and no prosecution or other proceeding by the City of such person for any penalty imposed for a violation shall constitute a bar to such action by the City for such damages. (RC 1982 §33-4-15)

## CHAPTER 4

## CITY PARKS

## SECTION:

- 7-4--1: Alcohol Prohibited
- 7-4--2: Park Hours
- 7-4--3: Destruction Of Park Property
- 7-4--4: Littering; Water Pollution
- 7-4--5: Fires In Parks
- 7-4--6: Placement Of Structures
- 7-4--7: Signs
- 7-4--8: Animals
- 7-4--9: Motor Vehicles
- 7-4-10: Sales; Amusements For Gain
- 7-4-11: Group Activities !2R!

## 7-4-1: ALCOHOL PROHIBITED:

No alcoholic beverages shall be permitted on the premises of city parks, except as follows:

A. The local liquor control commissioner is authorized to grant and issue a class C liquor license, as defined in section 3-2-6 of this code, to any civic organization who has applied for a special event liquor license to sell liquor for consumption on the premises of a city park for a community event.

B. The alcoholic liquor is sold only at an event authorized by the local liquor control commissioner of the territory in which the park is located.

C. The license applicant must fulfill all requirements of the city of Assumption and the state of Illinois in regard to the eligibility to receive a liquor license. (Ord. 593, 5-2-2007)

## 7-4-2: PARK HOURS:

A. The city park, including the adjacent parking area shall be open to the public daily from eight o'clock (8:00) A.M. in the morning until ten o'clock (10:00) P.M. in the evening.

B. No person, except city personnel on official business shall remain in the park at any other time unless he has obtained permission from the park committee or is engaged in a city sanctioned activity. (RC 1982 §28-2-2)

## 7-4-3: DESTRUCTION OF PARK PROPERTY:

Within the city parks, no person, except park personnel on official business shall:

A. Cut, break, injure, destroy, take or remove any tree, shrub, timber, plant or natural object.

B. Kill, cause to be killed, or pursue with intent to kill, any bird or animal, except in areas where the park committee has authorized hunting.

C. Wilfully mutilate, injure or destroy any building, bridge, table, bench, fireplace, guidepost, notice, fence, monument or other park property or appurtenances. (RC 1982 §28-2-3)

#### 7-4-4: LITTERING; WATER POLLUTION:

A. No person shall deposit any trash within the city parks, except in proper receptacles where these are provided. Where receptacles are not provided, all trash shall be carried away from the parks by the person responsible for its presence, and be properly disposed of elsewhere.

B. No person shall discharge or otherwise place or cause to be placed in the waters of any fountain, lake, stream or other body of water, in or adjacent to any park or in any tributary, stream, storm sewer or drain flowing into such waters, any substance or thing, liquid or solid, which will or may result in the pollution of said waters. (RC 1982 §28-2-4)

#### 7-4-5: FIRES IN PARKS:

A. No person shall light or use any unenclosed picnic fire within the municipal parks. Fires may be built only in fireplaces or on grills constructed for that purpose in designated areas.

B. Every person who has lighted or used any fire in a municipal park shall extinguish such fire before leaving the park. (RC 1982 §28-2-5)

#### 7-4-6: PLACEMENT OF STRUCTURES:

No person shall build or place any tent, building, booth, stand or other structure in or upon any municipal park or other recreational facility unless he has obtained permission to do so from the park committee. (RC 1982 §28-2-6)

#### 7-4-7: SIGNS:

No person shall place within any municipal park or affix to any object therein any sign or device designed to advertise any business, profession, exhibition, event or thing unless he has obtained permission to do so from the park committee. (RC 1982 §28-2-7)

## 7-4-8: ANIMALS:

No person shall:

- A. Bring any dangerous animal into any municipal park;
- B. Permit any dog to be in any park unless such dog is on a leash; or
- C. Ride or lead any horse in any municipal park or recreational area, except upon paths or other ways expressly provided and posted for that purpose. (RC 1982 §28-2-8)

## 7-4-9: MOTOR VEHICLES:

No person, other than municipal personnel on official business, shall drive or park any motor vehicle in any municipal park, except on a roadway or parking lot. (RC 1982 §28-2-9)

## 7-4-10: SALES; AMUSEMENTS FOR GAIN:

Within the parks of this municipality, no person shall, without first obtaining permission to do so from the park committee:

- A. Sell or offer for sale, any goods or services; or
- B. Conduct any amusement for gain or for which a charge is made. (RC 1982 §28-2-10)

## 7-4-11: GROUP ACTIVITIES:

Whenever any group or organization desires to use municipal park facilities for a particular purpose such as picnics or parties, a representative of said group shall make proper reservations by calling the city clerk at the city hall. (RC 1982 §28-2-11)

## CHAPTER 5

## TREES AND SHRUBS

## SECTION:

- 7-5--1: Planting Permit Required
- 7-5--2: Planting Restrictions
- 7-5--3: Removal Permit Required
- 7-5--4: Injury
- 7-5--5: Advertisements Or Notices
- 7-5--6: Dangerous Trees
- 7-5--7: Certain Trees Prohibited
- 7-5--8: Wires
- 7-5--9: Gas Pipes
- 7-5-10: Excavations
- 7-5-11: Decayed Trees !2R!

## 7-5-1: PLANTING PERMIT REQUIRED:

It shall be unlawful to plant any tree or bush in any public street right of way, parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the city clerk and shall be referred by him to the city council. All trees and shrubs so planted shall be placed subject to the directions and approval of the city council. (RC 1982 §33-3-1)

## 7-5-2: PLANTING RESTRICTIONS:

It shall be unlawful for any person or persons, firm or corporation to plant or cause to be planted, any tree or shrub less than seven feet (7') from the property line of the lot. No tree shall be planted on the corner of a lot at a distance less than fifteen feet (15') from any intersecting streets. (RC 1982 §33-3-2)

## 7-5-3: REMOVAL PERMIT REQUIRED:

It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or public place without having first secured a permit therefor. Applications for such permits shall be made to the city clerk and shall be referred by him to the city council before permission shall be granted. (RC 1982 §33-3-3)

## 7-5-4: INJURY:

It shall be unlawful to injure any tree or shrub planted in any such public place. (RC 1982 §33-3-4)



**7-5-5: ADVERTISEMENTS OR NOTICES:**

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway or other public place<sup>1</sup>. (RC 1982 §33-3-5)

**7-5-6: DANGEROUS TREES:**

A. Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a less height than eight feet (8') or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

B. Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

C. The street superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with. (RC 1982 §33-3-6)

**7-5-7: CERTAIN TREES PROHIBITED:**

It shall be unlawful for any person or persons to plant or cause to be planted in any of the public streets, alleys, sidewalks, parkways and other public places in the city, any trees of any of the following varieties: cottonwood, poplar and willow. (RC 1982 §33-3-7)

**7-5-8: WIRES:**

A. It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the City Council.

B. Any person given the right to maintain the poles and wires in the streets, alleys or other public places in the Municipality shall, in the absence of the provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct. (RC 1982 §33-3-8)

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1. See also section 7-1-9 of this title.

## 7-5-9: GAS PIPES:

Any person maintaining any gas pipe in the Municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs. (RC 1982 §33-3-9)

7-5-10: EXCAVATIONS<sup>1</sup>:

In making excavations in streets or other public places, proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible. (RC 1982 §33-3-10)

## 7-5-11: DECAYED TREES:

Any person owning a parcel of land whereon is situated a decayed or dead tree which extends over any sidewalk or street shall remove such dead or decayed tree or parts thereof in such a manner that danger to the public is eliminated. (RC 1982 §33-3-11)

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1. See Chapter 3 of this Title.

## CHAPTER 6

## SMALL WIRELESS FACILITIES

## SECTION:

- 7-6-1: Purpose And Scope
- 7-6-2: Definitions
- 7-6-3: Regulation Of Small Wireless Facilities
- 7-6-4: Dispute Resolution
- 7-6-5: Indemnification
- 7-6-6: Insurance
- 7-6-7: Severability !2R!

## 7-6-1: PURPOSE AND SCOPE:

A. Purpose: The purpose of this chapter is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the City's jurisdiction, or outside the rights-of-way on property zoned by the City exclusively for commercial or industrial use, in a manner that is consistent with the Small Wireless Facilities Deployment Act (the Act).

B. Conflicts With Other Ordinances: This chapter supersedes all ordinances or parts of ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

C. Conflicts With State And Federal Laws: In the event that applicable Federal or State laws or regulations conflict with the requirements of this chapter, the wireless provider shall comply with the requirements of this chapter to the maximum extent possible without violating Federal or State laws or regulations. (Ord. 730, 8-1-2018, eff. 8-12-2018)

## 7-6-2: DEFINITIONS:

For the purposes of this chapter, the following terms shall have the following meanings:

!DEF! ANTENNA: Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

APPLICABLE CODES: Building, Fire, Electrical, Plumbing, or Mechanical Codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

APPLICANT: Any person who submits an application and is a wireless provider.

APPLICATION: A request submitted by an applicant to the City for a permit to collocate small wireless facilities, and a request

that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

**COLLOCATE OR COLLOCATION:** To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

**COMMUNICATIONS SERVICE:** Cable service, as defined in 47 USC 522(6), as amended; information service, as defined in 47 USC 153(24), as amended; telecommunications service, as defined in 47 USC 153(53), as amended; mobile service, as defined in 47 USC 153(53), as amended; or wireless service other than mobile service.

**COMMUNICATIONS SERVICE PROVIDER:** A cable operator, as defined in 47 USC 522(5), as amended; a provider of information service, as defined in 47 USC 153(24), as amended; a telecommunications carrier, as defined in 47 USC 153(51), as amended; or a wireless provider.

**FCC:** The Federal Communications Commission of the United States.

**FEE:** A one-time charge.

**HISTORIC DISTRICT OR HISTORIC LANDMARK:** A building, property, or site, or group of buildings, properties, or sites that are either: a) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the Federal agency to list properties and determine their eligibility for the National Register, in accordance with section VI.D.1.a.i through section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR part 1, appendix C; or b) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the City pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

**LAW:** A Federal or State Statute, common law, code, rule, regulation, order, or local ordinance or resolution.

**MICRO WIRELESS FACILITY:** A small wireless facility that is not larger in dimension than twenty four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height and that has an exterior antenna, if any, no longer than eleven inches (11").

**MUNICIPAL UTILITY POLE:** A utility pole owned or operated by the City in public rights-of-way.

**PERMIT:** A written authorization required by the City to perform an action or initiate, continue, or complete a project.

**PERSON:** An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

**PUBLIC SAFETY AGENCY:** The functional division of the Federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

**RATE:** A recurring charge.

**RIGHT-OF-WAY:** The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include City-owned aerial lines.

**SMALL WIRELESS FACILITY:** A wireless facility that meets both of the following qualifications: a) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and b) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

**UTILITY POLE:** A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

**WIRELESS FACILITY:** Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: a) equipment associated with wireless communications; and b) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: a) the structure or improvements on, under, or within which the equipment is collocated; or b) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

**WIRELESS INFRASTRUCTURE PROVIDER:** Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an

agent or a contractor for a wireless services provider for the application submitted to the City.

**WIRELESS PROVIDER:** A wireless infrastructure provider or a wireless services provider.

**WIRELESS SERVICES:** Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

**WIRELESS SERVICES PROVIDER:** A person who provides wireless services.

**WIRELESS SUPPORT STRUCTURE:** A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole. (Ord. 730, 8-1-2018, eff. 8-12-2018) !DEFEND!

### 7-6-3: REGULATION OF SMALL WIRELESS FACILITIES:

**A. Permitted Use:** Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in subsection C9 of this section regarding height exceptions or variances, but not subject to zoning review or approval if they are collocated: 1) in rights-of-way in any zoning district, or 2) outside rights-of-way in property zoned exclusively for commercial or industrial use.

**B. Permit Required:** An applicant shall obtain one or more permits from the City to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

**1. Application Requirements:** A wireless provider shall provide the following information to the City, together with the City's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

**a. Site specific structural integrity and, for a Municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in section 4 of the Structural Engineering Practice Act of 1989;**

**b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;**

- c. Specifications and drawings prepared by a structural engineer, as that term is defined in section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
- d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
- e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
- f. Certification that the collocation complies with the collocation requirements and conditions contained herein, to the best of the applicant's knowledge.
- g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the City, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

2. Application Process: The City shall process applications as follows:

- a. Application Prioritization: The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
- b. Existing Poles And Structures: An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the City fails to approve or deny the application within ninety (90) days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City in writing of its intention to invoke the deemed approved remedy no sooner than seventy five (75) days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this chapter.

- c. New Utility Pole: An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed

approved if the City fails to approve or deny the application within one hundred twenty (120) days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the City in writing of its intention to invoke the deemed approved remedy no sooner than one hundred five (105) days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this chapter.

d. Application Denied: The City shall deny an application which does not meet the requirements of this chapter.

If the City determines that applicable codes, ordinances or regulations that concern public safety, or the collocation requirements and conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The City shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the City denies an application.

The applicant may cure the deficiencies identified by the City and resubmit the revised application once within thirty (30) days after notice of denial is sent to the applicant without paying an additional application fee. The City shall approve or deny the revised application within thirty (30) days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within thirty (30) days of denial shall require the application to submit a new application with applicable fees, and recommencement of the City's review period.

The applicant must notify the City in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.



e. Pole Attachment Agreement: Within thirty (30) days after an approved permit to collocate a small wireless facility on a Municipal utility pole, the City and the applicant shall enter into a Master Pole Attachment Agreement, provided by the City for the initial collocation on a Municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a Municipal utility pole, the City and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

3. Completeness Of Application: Within thirty (30) days after receiving an application, the City shall determine whether the application is complete and notify the applicant. If an application is incomplete, the City must specifically identify the missing information. An application shall be deemed complete if the City fails to provide notification to the applicant within thirty (30) days after all documents, information and fees specifically enumerated in the City's permit application form are submitted by the applicant to the City.

Processing deadlines are tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information.

4. Tolling: The time period for applications may be further tolled by:

- a. An express written agreement by both the applicant and the City; or
- b. A local, State or Federal disaster declaration or similar emergency that causes the delay.

5. Consolidated Applications: An applicant seeking to collocate small wireless facilities within the jurisdiction of the City shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to twenty five (25) small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the City may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The City may issue separate permits for each collocation that is approved in a consolidated application.

6. Duration Of Permits: The duration of a permit shall be for a period of not less than five (5) years, and the permit shall be renewed for equivalent durations unless the City makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable City codes or any

provision, condition or requirement contained in this chapter.

If the Act is repealed as provided in section 90 therein, renewals of permits shall be subject to the applicable City code provisions or regulations in effect at the time of renewal.

7. Means Of Submitting Applications: Applicants shall submit applications, supporting information and notices to the City by personal delivery at the City's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

#### C. Collocation Requirements And Conditions:

1. Public Safety Space Reservation: The City may reserve space on Municipal utility poles for future public safety uses, for the City's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the City reasonably determines that the Municipal utility pole cannot accommodate both uses.

2. Installation And Maintenance: The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this chapter. The wireless provider shall ensure that its employees, agents or contracts that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

3. No Interference With Public Safety Communication Frequencies: The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The City may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. Collocation Restrictions: The wireless provider shall not collocate small wireless facilities on City utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the City utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. Code Compliance: The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

6. Design Standards: The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a City ordinance, written policy adopted by the City, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

7. Alternate Placements: Except as provided in this collocation requirements and conditions section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the City may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within one hundred feet (100') of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the City,

the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

8. Height Limitations: The maximum height of a small wireless facility shall be no more than ten feet (10') above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

a. Ten feet (10') in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the City, that is located within three hundred feet (300') of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the City, provided the City may designate which intersecting right-of-way within three hundred feet (300') of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

b. Forty five feet (45') above ground level.

9. Height Exceptions Or Variances: If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a special use permit or variance in conformance with procedures, terms and conditions set forth in title 10 of this Code.

10. Contractual Design Requirements: The wireless provider shall comply with requirements that are imposed by a contract between the City and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

11. Ground-Mounted Equipment Spacing: The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

12. Undergrounding Regulations: The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do

not prohibit the replacement of utility poles.

13. Collocation Completion Deadline: Collocation for which a permit is granted shall be completed within one hundred eighty (180) days after issuance of the permit, unless the City and the wireless provider agree to extend this period or a delay is caused by make-ready work for a Municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within sixty (60) days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed three hundred sixty (360) days after issuance of the permit. Otherwise, the permit shall be void unless the City grants an extension in writing to the applicant.

D. Application Fees: Application fees are imposed as follows:

1. Applicant shall pay an application fee of six hundred fifty dollars (\$650.00) for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and three hundred fifty dollars (\$350.00) for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

2. Applicant shall pay an application fee of one thousand dollars (\$1,000.00) for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

3. Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this section shall be accompanied by the required application fee. Application fees shall be non-refundable.

4. The City shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

a. Routine maintenance;

b. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the City at least ten (10) days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection Bld of this section; or

c. The installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable Safety Codes.

5. Wireless providers shall secure a permit from the City to work within rights-of-way for activities that affect traffic patterns or require lane closures.

E. Exceptions To Applicability: Nothing in this chapter authorizes a person to collocate small wireless facilities on:

1. Property owned by a private party or property owned or controlled by the City or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;
2. Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or
3. Property owned by a rail carrier registered under section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this chapter do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in section 3-105 of the Public Utilities Act. Nothing in this chapter shall be construed to relieve any person from any requirement: a) to obtain a franchise or a State-issued authorization to offer cable service or video service or b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this chapter.

F. Pre-Existing Agreements: Existing agreements between the City and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on City utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the City's utility poles pursuant to applications submitted to the City before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this chapter.

A wireless provider that has an existing agreement with the City on the effective date of the Act may accept the rates, fees and terms that the City makes available under this chapter for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two (2) or more years after the

effective date of the Act by notifying the City that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the City's utility poles pursuant to applications submitted to the City before the wireless provider provides such notice and exercises its option under this paragraph.

**G. Annual Recurring Rate:** A wireless provider shall pay to the City an annual recurring rate to collocate a small wireless facility on a City utility pole located in a right-of-way that equals: 1) two hundred dollars (\$200.00) per year or 2) the actual, direct and reasonable costs related to the wireless provider's use of space on the City utility pole.

If the City has not billed the wireless provider actual and direct costs, the fee shall be two hundred dollars (\$200.00) payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

**H. Abandonment:** A small wireless facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within ninety (90) days after receipt of written notice from the City notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the City to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within ninety (90) days of such notice, the City may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for Municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the City if it sells or transfers small wireless facilities within the jurisdiction of the City. Such notice shall include the name and contact information of the new wireless provider. (Ord. 730, 8-1-2018, eff. 8-12-2018)

#### 7-6-4: DISPUTE RESOLUTION:

The Circuit Court of Christian County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on Municipal utility poles within the right-of-way, the City shall allow the collocating person to collocate on its poles at annual rates of no more than two hundred dollars (\$200.00) per year per Municipal utility pole, with rates to be

determined upon final resolution of the dispute. (Ord. 730, 8-1-2018, eff. 8-12-2018)

7-6-5: INDEMNIFICATION:

A wireless provider shall indemnify and hold the City harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the City improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this chapter and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the City or its employees or agents. A wireless provider shall further waive any claims that they may have against the City with respect to consequential, incidental, or special damages, however caused, based on the theory of liability. (Ord. 730, 8-1-2018, eff. 8-12-2018)

7-6-6: INSURANCE:

The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

- A. Property insurance for its property's replacement cost against all risks;
- B. Workers' compensation insurance, as required by law; or
- C. Commercial general liability insurance with respect to its activities on the City improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of City improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the City as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the City in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the City. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this section. A wireless provider that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the City. (Ord. 730, 8-1-2018, eff. 8-12-2018)

7-6-7: SEVERABILITY:



If any provision of this chapter or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this chapter is severable. (Ord. 730, 8-1-2018, eff. 8-12-2018)

!TITLE! 8

WATER AND SEWER

Utility Administration, Regulations.. . . . .	1
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## CHAPTER 1

### UTILITY ADMINISTRATION, REGULATIONS

#### SECTION:

- 8-1--1: Water And Sewer Department Established
- 8-1--2: Committees On Water And Sewer
- 8-1--3: Superintendent Of Water/Sewer
- 8-1--4: Contract For Water And Sewer Services
- 8-1--5: Consumer Lists
- 8-1--6: Liability For Charges
- 8-1--7: Meter Failure; Estimated Charge
- 8-1--8: No Free Service
- 8-1--9: Utility Deposits; Renters
- 8-1-10: Residential Water Leak Adjustment !2R!

#### 8-1-1: **WATER AND SEWER DEPARTMENT ESTABLISHED:**

There shall be an executive department of the city known as the water and sewer department. It shall include the water system and the sewer system committees appointed by the mayor, and its employees. The designated office shall be the city hall. (RC 1982 §38-1-1)

#### 8-1-2: **COMMITTEES ON WATER AND SEWER:**

The city council standing committee on water and sewer shall exercise a general supervision over the affairs of the water and sewer departments. They shall ascertain the condition and needs thereof, shall, from time to time, report the same to the mayor and city council so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the departments. (RC 1982 §38-1-2)

#### 8-1-3: **SUPERINTENDENT OF WATER/SEWER:**

- A. Appointment: The superintendent of water/sewer shall be subject to the supervision of the committee on water and sewer. He shall be appointed by the mayor, by and with the consent of the city council, and shall hold his office until his successor shall be appointed and qualified. (RC 1982 §38-1-3)
- B. Salary: He shall receive such salary as may be provided by the annual appropriation ordinance of the city council. He shall receive the same compensation for attending meetings as aldermen receive for attending committee meetings.
- C. Duties: It shall be the duty of the superintendent of water/sewer to manage and control all aspects of the water and sewer systems department, including, but

not limited to, the duties outlined in the employee and/or personnel handbook.

- D. Residence: The superintendent of water/sewer must live within the city limits or must obtain a residence within the city limits within one year of appointment.
- E. Health And Safety: The superintendent of water/sewer must pass a physical examination and drug testing at the time of hiring and at any time the mayor and city council may request during his employment. (Ord. 586, 9-6-2006)

**8-1-4: CONTRACT FOR WATER AND SEWER SERVICES:**

- A. Customer Accepts Service: The rates, rules and regulations contained in this chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with utility services from the water and sewer systems and every person, company or corporation hereinafter called a "customer" who accepts and uses city utility services shall be held to have consented to be bound thereby.
- B. Not Liable For Interrupted Service: The department will endeavor at all times to provide a regular and uninterrupted supply of service, but in case the supply of service shall be interrupted, or irregular, or defective, or fail from causes beyond its control, or through ordinary negligence of employees, servants or agents, the department shall not be liable therefor.
- C. Using Services Without Paying: Any person using utility services from the city without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter shall be guilty of violating this chapter, and upon conviction, shall be fined a sum as provided in section 1-4-1 of this code.

- D. Destroying Property: A person found guilty of defacing, tampering, injuring or destroying or in any manner limiting the use or availability of any meter or any property of the utility systems, or erecting signs on the property of the utilities without permission shall, upon conviction of such act, be fined as provided in section 1-4-1 of this code.
- E. Service Obtained By Fraud: All contracts for utility services must be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms will be considered a subterfuge and service will be denied. If service had been discontinued because of nonpayment of bills or any unpaid obligation, and service again has been obtained through subterfuge, misrepresentation or fraud, that service will be promptly disconnected and the whole or such part of the advanced payment, as may be necessary to satisfy the unpaid obligation shall be retained by the city and credited to the appropriate account.
- F. Leaks: If a leak is detected on a residential line by the City, the City shall promptly notify the customer of the leak. The City may send notice via mail, personal service, or by posting notice on the residence. After notice is sent or posted, the customer shall have fifteen (15) days to fix the leak or enter into a bona fide contract to have the leak fixed. In the event the customer fails to fix the leak or enter into a bona fide contract to have the leak fixed within fifteen (15) days, the customer shall be deemed to be in violation of this Code and shall be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) per day until the leak is fixed.

If a customer detects a leak on a residential line and has that leak fixed or if the customer has a leak fixed in accordance with this section without being deemed to be in violation of the Code, the customer may request a water leak adjustment pursuant to the terms of section 8-1-10 of this code.

- G. Failure To Receive Bill: Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the department be unable to bill a customer for services used during any month, the billing next made shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately thirty (30) days.
- H. Request To Discontinue Service: Services shall have been deemed to have been supplied to any property connected to the utility systems during a month, unless the customer notifies the water collector prior to the first day of the new billing month in which the utility services are to be discontinued. (RC 1982 §38-2-1)

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I. Billing; Utility Shutoff; Hearing:

1. In the event that payment of any bill has not been paid by the tenth day of the billing month, the city water collector shall serve or cause to be served a final notice before shutoff upon the owner or the occupant of such unit of usage for which such bill remains unpaid, detailing that if payment is not received within five (5) days of the date of mailing such final notice, the water shall be shut off.

2. In the event that payment of such bill shall not be made within five (5) days of the date of said final notice before shutoff, such payment shall be delinquent and the city water collector shall cause the water service to such unit of usage to be discontinued. Such service shall not be resumed until all payments then due and payable shall be paid and an additional sum of twenty five dollars (\$25.00) shall be paid for the work of shutting off and turning on the water service for the first time, the sum of fifty dollars (\$50.00) for the second time, the sum of seventy five dollars (\$75.00) for the third time and the sum of seventy five dollars (\$75.00) for each time thereafter.

3. All questions relating to the amount of water service billing, the time of payment, the method of payment, the discontinuing of water service, or the resumption of water service or any other matter relating to water service, shall be directed in writing to the city water collector, city hall, Assumption, IL 62510. (RC 1982 §38-2-1)

4. In the event that a dispute shall arise concerning the amount or payment of a water service billing which cannot be resolved by the city water collector to the satisfaction of the water user, the user to whom such disputed billing is charged may request a hearing before the water and sewer committee as more specifically described in subsection H5 of this section. The water and sewer committee shall be comprised of the mayor, the water collector and the chairman of the water committee. The determination of the water and sewer committee shall be binding upon all parties involved in such dispute.

5. The hearing as specified in subsection H4 of this section may be requested by addressing written notice to the mayor and water and sewer committee, city hall, Assumption, IL 62510, at least ten (10) days before the regular meeting date of such committee, said meeting date to be the first Monday of the month. In the event that less than ten (10) days' notice of request for hearing is given, the hearing on that request will be held on the first Monday of the following month. During any month when no request for hearing is received, the committee need not hold a meeting. When the first Monday of the month shall fall on a legal holiday during a month when a meeting has been requested, an alternate hearing date will be determined by a majority vote of the committee. (RC 1982 §38-2-1)

J. Lien Notice:

1. Whenever a bill for utility services exceeds one hundred dollars (\$100.00) and remains unpaid for thirty (30) days after it has been rendered, the water collector, water superintendent, or any person designated by the mayor shall file with the county recorder of deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount as well as for all charges for utility services served subsequent to the period covered by the bill.
2. If the consumer of utility services whose bill is unpaid is not the owner of the premises and the water collector has notice of this, then notice shall be mailed to the owner of the premises, if his address is known to the water collector, whenever such bill remains unpaid for a period of thirty (30) days after it has been rendered.
3. The failure of the water collector to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein.

K. Foreclosure Of Lien:

1. Property subject to a lien for unpaid utility 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 billed in the name of the city. (RC 1982 §38-2-1)
2. The city attorney is hereby authorized to institute such proceedings, in the name of the city, in any court having jurisdiction over such matters, against any property for which the bill for utility services has remained unpaid thirty (30) days after it has been rendered. (Ord. 497, 7-5-1995; amd. Ord. 527, 10-7-1998; Ord. 573, 11-17-2004; Ord. 639, 1-6-2010; Ord. 780, 4-8-2022)

8-1-5: **CONSUMER LISTS:**

It is hereby made the water collector's duty to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant(s) and the owner(s) of the same. The list shall be kept up to date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. (RC 1982 §38-2-2)

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**8-1-6: LIABILITY FOR CHARGES:**

The owner of any lot, parcel of land or premises receiving utility services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the city only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the city. (RC 1982 §38-2-3)

**8-1-7: METER FAILURE; ESTIMATED CHARGE:**

Whenever any meter, by reason of its being out of repair or from any cause, fails to properly register the utilities passing through the same, the consumer shall be charged based on estimated usage as calculated by the water collector after consultation with the water/sewer superintendent. Bills may be estimated whenever it is impossible to read the meters during inclement weather. (Ord. 497, 7-5-1995)

**8-1-8: NO FREE SERVICE:**

No free service shall be furnished to any person, firm, organization or corporation, public or private, and all rates and charges shall be nondiscriminatory; provided, that the mayor and the city council reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust. (RC 1982 §38-2-5)

**8-1-9: UTILITY DEPOSITS; RENTERS:**

A. Residential: When any application is made for utility services in accordance with the provisions of this chapter, all applicants of rented, contract for deed or leased property for which the service is requested shall deposit with the application the following amounts:

<u>Service</u>	<u>Inside City</u>	<u>Outside City</u>
Water and sewer	\$100.00	\$100.00

B. Commercial:

1. In case of a commercial or industrial user, the advance payment for all utility deposits shall be a minimum of one hundred dollars (\$100.00), or an amount equal to one month of estimated charges for utilities, based upon the history of similar establishments. (Ord. 527, 10-7-1998)

2. Where the amount of the deposit provided above is not sufficient to adequately protect the water and sewer department, a greater



amount than stated above may be required, based on the consumer's estimated bill for a customary billing period.

- C. Security For Payment; No Interest: The deposits made under the provisions of this chapter shall be held by the city as security for the payment of utilities used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this chapter. The deposit shall earn no interest. (RC 1982 §38-2-6)

8-1-10: **RESIDENTIAL WATER LEAK ADJUSTMENT:**

- A. If a residential water customer has experienced a water leak that has caused an increase in the customer's water usage, the city of Assumption may provide an adjustment to the customer's bill as long as the following criteria are met:
  - 1. The leak has caused water usage to exceed more than twice the normal seasonal usage of the customer (taken as average usage of the last 6 full usage readings of the respective season, extrapolated as necessary for customers who have not resided in location for the appropriate time frame),
  - 2. The leak has been repaired within thirty (30) days of the earliest of either:
    - a. Notification by the city of an excessive water usage, or
    - b. Mailing date of utility billing first containing the excessive usage,
  - 3. The customer has requested the leak adjustment, in the form prescribed by the city, and has provided proof of repair or inspection in the form of receipts, invoices, or sworn statement, confirmed by city meter reading verification, and
  - 4. Except as set forth in subsection B3 of this section, the customer has not received a water leak adjustment in the presiding five (5) years.
- B. The following water leak adjustments are available:
  - 1. For indoor leaks or other leaks when the water has discharged through the sanitary sewer system, up to one hundred percent (100%) credit of charges for water usage in excess of the seasonal average, with no credit for sanitary sewer charges.
  - 2. For underground, external or other leaks when the water has not discharged through the sanitary sewer system, up to one hundred percent (100%) credit of charges for water usage in excess of the seasonal average and up to one hundred percent (100%) credit for sewer charges in excess of the seasonal average, to the extent such credit is approved by the city of Assumption.
  - 3. A credit of up to one hundred percent (100%) for sewer charges in excess of the seasonal average usage may be available for all confirmed and repaired underground/external leaks without regard to the five (5) year limit, to the extent

such credit is approved by the city of Assumption.

Water leak credits are limited to a maximum of two (2) billing periods.

- C. Seasonal usage is computed based on the following demand periods:
  - 1. High demand: Meter readings from April through September.
  - 2. Low demand: Meter readings from October through March.
- D. A residential customer who has experienced increased usage but is unable to identify a specific leak source, may still qualify for the relief offered herein, provided the criteria in subsection A of this section are otherwise met and further provided that through meter readings, the city is able to confirm the increase in consumption has ceased. (Ord. 691, 2-3-2016)

## CHAPTER 2

### **WATER SYSTEM; RATES**

#### SECTION:

- 8-2--1: Application For Taps And Service Connections
- 8-2--2: Water Connections; Permit And Fees
- 8-2--3: Subdivision Service Connection Fee (Rep. by Ord. 550, 10-3-2001)
- 8-2--4: Water Rates And Charges
- 8-2--5: Payment Of Water Bills
- 8-2--6: Sterilization
- 8-2--7: Meters
- 8-2--8: Inspection
- 8-2--9: Resale Of Water
- 8-2-10: Cross Connections
- 8-2-11: Dangerous Usage
- 8-2-12: Electric Ground Wires
- 8-2-13: Shortage And Purity Of Supply
- 8-2-14: Lawn Watering
- 8-2-15: Noncompliance With Rules
- 8-2-16: Fire Hydrants
- 8-2-17: Rules To Become Part Of Contract !2R!

#### 8-2-1: **APPLICATION FOR TAPS AND SERVICE CONNECTIONS:**

An applicant desiring a water tap or service connection with the waterworks system of the city shall file a written application at the city hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. (RC 1982 §38-3-1)

#### 8-2-2: **WATER CONNECTIONS; PERMIT AND FEES:**

##### A. Permit Required; Specifications:

1. No connection with the water main shall be made without a permit being issued and twenty four (24) hours' notice being given to the water superintendent.
2. All labor, material and miscellaneous expense for a water tap to the water main shall be performed by employees of the city, or with the actual tapping performed by a licensed plumber authorized by the water superintendent.
3. Before a connection is made with the water distribution system of the city,

the premises to be served must be equipped with a meter and meter vault properly installed on the water main. For water tap installations, type K copper or an approved equivalent service pipe shall be installed from the corporation stop to the meter and where an outside meter vault is used. All water taps shall be installed with a minimum ground cover of forty eight inches (48"). Solder joints shall not be used where the piping will be underground. No installation shall be covered until it has been inspected by the water department and found satisfactory. (Ord. 550, 10-3-2001)

4. No premises shall be connected with the municipal water distribution system unless the premises so connected are furnished with a shutoff valve located between the meter and water main, so that the supply of water may be shut off and the pipes drained inside the building. When it is deemed necessary by the water superintendent, a shutoff valve shall be installed on both inlet and outlet sides of the meter. No connection shall be covered until the work has been inspected by the water department and found satisfactory. (Ord. 497, 7-5-1995)

a. The city of Assumption water department requires that a shutoff valve be installed at each service connection at the expense of the water user and/or owner of real estate, to serve as a main shutoff for the service. If the water department has to come out and shut off the water to the service at the owner's request, the water will not be turned back on until a shutoff valve has been installed at the expense of the water user and/or owner of real estate. (Ord. 633, 7-14-2009)

5. No service shall be connected if any cross connections to some other source of supply exist. (RC 1982 §38-3-2)

B. Service Connection Fee:

1. Applications for permits for service connections to any water tap must be made to the city clerk. A permit application and inspection fee of two hundred fifty dollars (\$250.00), plus cost of material; also refer to section 1-13-1, "Schedule Of Penalties And Rates", of this code to make water tap for residential, commercial or industrial service. (Ord. 633, 7-14-2009)

2. An additional service connection fee of twenty five dollars (\$25.00) shall be made for each living unit and commercial unit of a multiuse building and each living unit of any multiliving dwelling or apartment building.

3. Each house, dwelling place, living unit of a multiliving dwelling or apartment building, each living and commercial unit of a multiuse building, each mobile home or trailer, and each commercial business or industrial user must be individually metered.

C. Consent Of Responsibility: In the event that the owner of a multiliving dwelling or apartment building shall serve notice upon the city council, in writing, of his or her intent to assume full responsibility for payment of all water service supplied by the city to such dwelling or apartment building, such multiliving dwelling or apartment building shall be exempted from the requirement of installing individual water meters for each living unit of such dwelling or apartment building. (RC 1982 §38-3-2)

D. Cost Of Installation Of Water Connections: All costs and expenses incident to the installation and connection of water connections, whether for residential, commercial or industrial, 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 water connection. (Ord. 504, 6-5-1996)

8-2-3: **SUBDIVISION SERVICE CONNECTION FEE:**

(Rep. by Ord. 550, 10-3-2001)

8-2-4: **WATER RATES AND CHARGES:**

A. Building Unit Defined: All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer and such homes or apartments or dwellings shall be billed for at least one minimum water and sewer account, according to the number of families or individual residents residing therein. When two (2) or more families live in one

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dwelling, one minimum per dwelling shall be charged. If more than the minimum is used, the owner or occupant of such dwelling shall pay the additional over such minimum as provided. (RC 1982 §38-3-20)

- B. Water Rates: The following rates for the use and service supplied by the waterworks systems shall be based upon the amount of water consumed as follows:

Residential  
Inside Corporate Limits

For the period of September 1, 2022, through August 31, 2023, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$24.64. The rate shall be calculated at \$8.39 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$9.11 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2023, through August 31, 2024, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$25.38. The rate shall be calculated at \$8.64 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$9.38 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2024, through August 31, 2025, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$26.14. The rate shall be calculated at \$8.90 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$9.66 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2025, through August 31, 2026, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$26.92. The rate shall be calculated at \$9.17 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$9.95 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2025, through August 31, 2026, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$26.92. The rate shall be calculated at \$9.17 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$9.95 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2026, through August 31, 2027, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$27.73. The rate shall be calculated at \$9.45 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$10.25 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

Residential  
Outside Corporate Limits

For the period of September 1, 2022, through August 31, 2023, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$36.90. The rate shall be calculated at \$12.60 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$13.65 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2023, through August 31, 2024, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$38.00. The rate shall be calculated at \$12.98 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$14.06 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2024, through August 31, 2025, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$39.14. The rate shall be calculated at \$13.37 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$14.48 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2025, through August 31, 2026, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$40.31. The rate shall be calculated at \$13.77 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$14.91 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2026, through August 31, 2027, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$41.52. The rate shall be calculated at \$14.18 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate shall be calculated at \$15.36 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage.

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Commercial  
Inside Corporate Limits

For the period of September 1, 2022, through August 31, 2023, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$24.64. The rate shall be calculated at \$8.39 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2023, through August 31, 2024, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$25.38. The rate shall be calculated at \$8.64 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2024, through August 31, 2025, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$26.14. The rate shall be calculated at \$8.90 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2025, through August 31, 2026, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$26.92. The rate shall be calculated at \$9.17 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2026, through August 31, 2027, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$27.73. The rate shall be calculated at \$9.45 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.

Commercial  
Outside Corporate Limits

For the period of September 1, 2022, through August 31, 2023, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$36.90. The rate shall be calculated at \$12.60 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2023, through August 31, 2024, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$38.00. The rate shall be calculated at \$12.98 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2024, through August 31, 2025, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$39.14. The rate shall be calculated at \$13.37 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.



For the period of September 1, 2025, through August 31, 2026, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$40.31. The rate shall be calculated at \$13.77 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.

For the period of September 1, 2026, through August 31, 2027, the minimum for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be \$41.52. The rate shall be calculated at \$14.18 per 1,000 gallons of usage over 2,500 gallons per 2 month billing period, per metered usage.

- C. Charge For Discontinuing Service: If water is temporarily shut off at the request of the user, a charge of ten dollars (\$10.00) shall be made for such service. (RC 1982 §38-3-21)
- D. Customer's Choice Of Service: If a customer, outside of corporate limits, chooses to disconnect water service this will also disconnect sewer service since sewer charges are based on water usage. (Ord. 618, 10-1-2008; amd. Ord. 688, 11-4-2015; Ord. 783, 5-5-2022)

**8-2-5: PAYMENT OF WATER BILLS:**

**A. Time And Manner Of Making Payment:**

1. Charges for water service shall be billed every two (2) months and shall be payable on or before the tenth day of the billing month. There shall be a ten dollar (\$10.00) late charge added to the billing if payment is not received by the tenth day of the billing period. If any check given in payment for water service is returned for insufficient funds or is otherwise not accepted as valid there shall be a twenty five dollar (\$25.00) service charge added to the billing which amount shall be in excess of any other penalty or consequence resulting from failure to pay in proper and timely fashion.

2. The payments may be made by or for the customer in any of the following manners:

a. Depositing said payment at city hall in the receptacle provided therefor. (Any payment made in this manner should clearly designate the name of the customer and the account number of the statement received by the customer in order to assure that the payment is properly applied.)

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b. By a check payable to the city enclosed in an envelope with postage prepaid, properly addressed to the city water collector, P.O. Box 81, Assumption, IL 62510, and deposited in the United States mail. (Any payment made by mail should clearly designate the name of the customer and the account number of the statement received by the customer in order to assure that the payment is properly applied.)

c. By payment to properly authorized personnel at the First National Bank Of Assumption. Payments may not be made at said bank when there are late charges due on the account.

**B. Ordinance Violations:**

1. If any fines levied for violation(s) of the City Code are not paid in full within fourteen (14) days of the date levied, or the customer has not filed a written appeal with the City Clerk within fourteen (14) days of the issuance of the fine, such fine shall appear as an amount due on the monthly water bill of the customer. Any funds paid by the customer on the water bill shall first be applied to the outstanding ordinance violation amount, and any balance shall then be applied to the bill for utilities. Should such fine not be paid in full within fourteen (14) days and the customer not filed a written appeal, the City of Assumption shall cause the water to the unit where the violation occurred to be disconnected, and the disconnection shall remain in place until the fine and all costs incurred by the City of Assumption are paid in full. If a renter of real estate has a fine that has not been paid as set forth herein, and said renter resides in a multi-unit housing structure, with only one water meter that services multiple residents in said facility, said violator shall be turned over to a collection agency. In such a situation, the violator shall be responsible for any and all costs incurred by the City of Assumption in collecting said balance. (Ord. 491, 3-1-1995; amd. Ord. 497, 7-5-1995; Ord. 659, 8-1-2012; Ord. 778, 1-6-2022)

**8-2-6: STERILIZATION:**

All newly installed water mains shall be chlorinated and sterilized as specified by standard specifications of the state EPA as directed by the water/sewer superintendent. All costs of such sterilization are to be borne by the subdivider or contractor, until new lines are chlorinated and found to be free of contamination or pollution. Bacterial sampling and testing is to be by and at the cost of the city water and sewer department; however, if it is necessary to use a certified privately owned laboratory, costs are to be borne by the subdivider or contractor. If the contractor is under contract to the city, the cost of the chlorination and sterilization is to be borne by the city. (RC 1982 §38-3-4)

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**8-2-7: METERS:****A. Meters Required:**

1. All premises using water from the city water supply must be equipped with a standard three-fourths inch ( $3/4$ " ) water meter and shutoff valve provided by the city, or a larger meter to be provided by and at the expense of the property owner or applicant for service wherever such larger meter may be necessary. Water service may be supplied by the city at a flat rate of charge as determined by the city council until such meter may be installed.
2. Before any premises are occupied, a water meter shall be installed therein as herein required or application must be made for such water service at the flat rate of charge until such meter can be installed or no water shall be furnished to such premises.
3. No water meter shall be used by any consumer unless and until such meter is sealed by the superintendent of water/sewer. After the meter is placed, only officers or employees of the city, properly

authorized, shall be allowed to repair, remove or in any manner interfere with the same. The user of any meter shall, at all times, be responsible for any damage done to such meter. All costs of repairing or replacing any damaged meter shall be borne by the owner of the premises, and all such costs shall be paid to the city within thirty (30) days of the date of such repairs or replacement. Notwithstanding the liability of the owner of the premises to pay for repairing or replacing damaged meters, the city shall replace or repair meters at its expense that are in need of repair or replacement due to ordinary use and treatment.

- B. **Installment:** Meters shall be installed by the City in a location that will be of easy access.
- C. **Reading Meters:** Unless for good cause it is impossible to do so, the Superintendent of Water/Sewer shall read or cause to be read every water meter used in the City at such times as are necessary that the bills may be sent out at the proper time.
- D. **Disconnection For Wasteful Use:** Water service to premises where no meter is provided shall be disconnected whenever water has been used wastefully on said premises. Water service to such premises shall not be resumed until a meter is provided therein.
- E. **Construction; Contractors:** During construction of any building, and before any water is installed as is herein provided, the contractor so constructing such building may be permitted to use the City water supply by making application therefor, and paying the flat rate prescribed in this Chapter. (RC 1982 §38-3-5)
- F. **Meter Damaged:** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus, or from any other cause within control of the consumer, the consumer shall pay the City for the actual cost of the removal, repairing and replacing of the damaged meter, and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order from such damage. (RC 1982 §38-3-7)

**8-2-8: INSPECTION:**

- A. **Access To Premises:** The City shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water, and the consumer's pipe, fixtures, plumbing and any other apparatus, in any manner connected to the water system of the City. The City shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the City or the supply or fixtures of other consumers.
- B. **Meters Open To Inspection:** All water meters and water fixtures, connections and appurtenances on private property connected with the waterworks system of the City shall be open to the inspection of the proper officers and employees

of the City at all reasonable hours. (RC 1982 §38-3-6)

**8-2-9: RESALE OF WATER:**

No water shall be resold or distributed by the recipient or consumer thereof from the City supply to any premises other than that for which application has been made and the meter installed, except in case of emergency. (RC 1982 §38-3-8)

**8-2-10: CROSS-CONNECTIONS<sup>1</sup>:**

- A. Cross-Connections Prohibited: It shall be unlawful for any owner of property located within the City limits who shall obtain water from the City's public water distribution system and who shall also obtain water from any well, cistern or other private source to install, maintain or allow to exist on his premises any direct cross-connection between the public water supply and any private well or cistern or any other private source of water which may constitute a possible source of contamination of the public water supply.
- B. Elimination Of Existing Direct Cross-Connections: Any owner of property located within the City limits who shall presently own, possess or maintain on his premises any such direct cross-connection as above described shall immediately eliminate such cross-connection by providing and installing such service pipes and plumbing pipes, connections and fixtures on his premises as shall provide a complete physical separation of the public and private water systems, and shall allow the Water/Sewer Superintendent of the City or other person duly authorized by the City Council to inspect the premises to ensure such separation. Refusal by the owner or tenant of the premises to allow such inspection within five (5) days of issuance of notice by the City of intent to so inspect the premises shall be cause for termination of water service to said premises, and the City Water/Sewer Superintendent is hereby so empowered to terminate such water service. If, upon inspection of the premises by the Water/Sewer Superintendent or other duly authorized person, it is determined that all service pipes, plumbing pipes, connections and fixtures upon said premises are in compliance with all rules, regulations and terms of this Chapter, then, after payment of a fee of ten dollars (\$10.00) for turning on the water, and payment of any penalty assessed in accordance with this Chapter as hereinafter set forth, water service to such premises shall be resumed.
- C. Notification: Any owner of property located within the City limits who shall own, possess or maintain on his premises any existing direct cross-connection as above described at the time of the effective date hereof shall notify the City Clerk of same in writing within fifteen (15) days of the date of the publication of this Chapter by mailing such notice to the City Clerk, or by appearing in person before the City Clerk at the City Hall. (RC 1982 §38-3-9)

**8-2-11: DANGEROUS USAGE:**

The City shall have the right to refuse water service or to discontinue water service

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1. See Chapter 5 of this Title.

without notice at any time to any consumer if the City finds any apparatus or appliances, the operation of which will be detrimental to the water system of the City, or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customers' plumbing shall be immediately repaired or removed upon notice from the City, or at its option, the City may immediately discontinue the service without notice and without any liability for direct or resulting damages therefrom. (RC 1982 §38-3-10)

**8-2-12: ELECTRIC GROUND WIRES:**

All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter or water main belonging to the City. The City will hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the City caused by such ground wire. All owners and consumers shall remove any existing ground wires immediately upon written notice from the City. If not so disconnected after five (5) days' written notice, the City, through its officials, may enter the property and remove such ground wires, and the consumer shall pay all costs. (RC 1982 §38-3-11)

**8-2-13: SHORTAGE AND PURITY OF SUPPLY:**

The City shall not be held responsible for or in any manner liable to any person, company, consumer or public body, for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water supply for any reason, any bursting or leakage of either the consumer's or City's mains, pipes and fixtures, any pollution or impurity in water supply, or any fire or water damage. (RC 1982 §38-3-13)

**8-2-14: LAWN WATERING:**

The right is reserved to suspend the use of lawn fountains and hose for sprinkling lawns and gardens, whenever, in the opinion of the City Council, public exigencies require it. (RC 1982 §38-3-13)

**8-2-15: NONCOMPLIANCE WITH RULES:**

If any consumer fails to comply fully with any of the rules and regulations in force, the City shall notify the consumer of such failure. If the consumer does not remedy same, as the rules provide, and within a reasonable time, the City shall have the right to discontinue service. Except in cases of nonpayment, emergency, necessity or as otherwise provided, the City will not discontinue service for violation of any rules until five (5) days after notice has been given and violation has not been remedied. (RC 1982 §38-3-14)

**8-2-16: FIRE HYDRANTS:**

- A. All hydrants shall be owned, maintained and used only by the City or those specifically authorized by the City. Use of water from fire hydrants by contractors and others shall be only upon permission by the City after approved application to the City. (Ord. 497, 7-5-1995)
- B. The City shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside the City limits, or the pressure or amount of water obtainable therefrom, or any damages, either direct or resultant because of the condition, pressure or amount of water available from any fire hydrant.
- C. All public fire hydrants outside of any City limits owned by the City will be maintained in as good order as reasonably possible, but the City will not undertake or assume any responsibility or liability for their condition, use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fire, except when the City may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them. (RC 1982 §38-3-15)

**8-2-17: RULES TO BECOME PART OF CONTRACT:**

All of the rules and regulations concerning the use of the facilities of the water plant and the consumption of water shall be adopted and the same shall become a part of the contract with every water consumer, and every water consumer shall be considered to take water from the City, subject thereto and bound thereby. (RC 1982 §38-3-16)



## CHAPTER 3

## SEWAGE SYSTEM

## SECTION:

- 8-3-1: Definitions
- 8-3-2: Use Of Public Sewers Required
- 8-3-3: Private Wastewater Disposal System
- 8-3-4: Building Sewers And Connections
- 8-3-5: Use Of The Public Sewers
- 8-3-6: Protection Of Sewage Works From Damage
- 8-3-7: Powers And Authority Of Inspectors
- 8-3-8: Violation; Penalties
- 8-3-9: Compliance With NPDES Permit Program !2R!

## 8-3-1: DEFINITIONS:

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

!DEF! ACT: The clean water act, public law 95-217, as amended.

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 centigrade (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 feet (5') 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: The city of Assumption, Christian County, Illinois.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

COMMERCIAL USER: Includes transit lodging, retail and wholesale establishments, or places engaged in selling merchandise or rendering service.

COMPATIBLE POLLUTANT: Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit.

CONTROL MANHOLE: A structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the city of Assumption representative to sample and/or measure discharges.

**DEBT SERVICE CHARGE:** The amount to be paid each billing period for payment of interest, principal and coverage (of loan, bond, etc.) outstanding.

**DEPRECIATION:** The decrease in the monetary value of an asset with time.

**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 (2) 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.

**EFFLUENT CRITERIA:** As defined in any applicable NPDES permit.

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

**GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**INDUSTRIAL USERS:** Includes establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

**INDUSTRIAL WASTE:** Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources as distinct from sanitary sewage.

**INSTITUTIONAL/GOVERNMENTAL USER:** Includes schools, hospitals, churches and users associated with Federal, State and local governments.

**MAJOR CONTRIBUTING INDUSTRY:** An industrial user of the publicly-owned treatment works that: a) has a flow of fifty thousand (50,000) gallons or more per average work day; or b) has a flow greater than ten percent (10%) of the flow carried by the Municipal system receiving the waste; or c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or d) is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other

contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

**MILLIGRAMS PER LITER:** A unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit form used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

**NPDES PERMIT:** Any permit or equivalent document or requirements issued by the Administrator, or where appropriated by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972 to regulate the discharge of pollutants pursuant to section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).

**NATURAL OUTLET:** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**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.

**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 seventeen one-hundredths (0.17) pounds of BOD and twenty two one-hundredths (0.22) pounds of suspended solids.

**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 sewer, with no particle greater than one-half inch ( $1/2$ " ) in any dimension.

**PUBLIC SEWER:** A sewer in which all owners of abutting properties have equal rights, and is controlled by the City.

**REPLACEMENT:** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the

capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

**RESIDENTIAL USER:** All dwelling units such as houses, mobile homes, apartments and permanent multi-family dwellings.

**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 arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS:** All facilities for collection, pumping, treating and disposing of sewage.

**SEWER:** A pipe or conduit for carrying sewage.

**SEWERAGE:** The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

**SEWERAGE FUND:** The principal accounting designation for all revenues received in the operation of the sewerage system.

**SHALL/MAY:** "Shall" is mandatory; "may" is permissive.

**SLUG:** Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration or flows during normal operation.

**STORM DRAIN (sometimes termed "storm sewer"):** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**STORMWATER RUNOFF:** That portion of the precipitation that is drained into the sewers.

**SUPERINTENDENT:** The Superintendent of Water/Sewer of the City of Assumption, or his agent or representative, or that person designated by said District to perform the duties of that office.

**SURCHARGE:** The assessment in addition to the basic user charge and debt service charge which is levied on those users whose wastes are greater in strength than the concentration values established in subsection 8-4-1C of this Title.

**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.

**USEFUL LIFE:** The anticipated term in years of physical and/or functional productivity as reasonably determined by the City for the wastewater facilities.

**USER CHARGE:** A charge levied on users of treatment works for the cost of operation and maintenance including replacement.

**USER CLASS:** The type of user; residential, institutional/governmental, commercial or industrial as defined herein.

**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 ground water, surface water and storm water that may be present.

**WASTEWATER FACILITIES:** The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

**WASTEWATER TREATMENT WORKS:** An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plan" or "sewage treatment plant".

**WATER QUALITY STANDARDS:** As are defined in the Water Pollution Regulations of Illinois, title 35, subtitle C, chapter 1, Pollution Control Board.

**WATERCOURSE:** A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 444, 7-5-90) !DEFEND!

#### 8-3-2: USE OF PUBLIC SEWERS REQUIRED:

**A. Depositing Objectional Wastes on Public and 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.

**B. Discharging Into Natural Outlets Prohibited:** 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.

C. 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.

D. Suitable Toilet Facilities: The owner 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 any public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so; provided, that said public sewer is within one hundred feet (100') of the property line. (Ord. 444, 7-5-90)

#### 8-3-3: PRIVATE WASTEWATER DISPOSAL SYSTEM:

A. Connection to Private Wastewater Disposal System: Where a public sanitary or combined sewer is not available under the provisions of Section 8-3-2 of this Chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.

B. Permits, Application and Inspection Fees: Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Superintendent of Water/Sewer. 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 Superintendent of Water/Sewer. A permit and inspection fee of eighty five dollars (\$85.00) shall be paid to the City at the time the application is filed.

C. Inspection of Installations: A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent of Water/Sewer. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty eight (48) hours of the receipt of written notice by the superintendent of water/sewer.

D. Compliance With Applicable Requirements: The type,

capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state of Illinois private sewage disposal licensing act and code and applicable Christian County health department regulations. 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 twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. Connection To Available Public Sewer: At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in this section, a direct connection shall be made to the public sewer within one hundred eighty (180) days from notice of sewer availability issued by the superintendent of water/sewer in compliance with this chapter. Any septic tanks, cesspools and similar private wastewater disposal facilities shall be abandoned and filled with suitable material.

F. Maintenance Of Wastewater Disposal Facilities: The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the city.

G. Noninterference With Additional Requirements: No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Christian County health officer. (Ord. 444, 7-5-1990)

#### 8-3-4: BUILDING SEWERS AND CONNECTIONS:

##### A. Permit Required For Use Of Public Sewers:

1. No unauthorized person shall uncover, make any connections with, or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the superintendent of water/sewer.

2. All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the federal act and more stringent state and local standards. (Ord. 444, 7-5-1990)

##### B. Building Sewer Permits And Tapping Fee:

1. There shall be three (3) classes of building sewer permits: for residential, for commercial and governmental service, and for service to establishments producing industrial wastes. A permit and inspection fee of one hundred fifty dollars (\$150.00), plus costs of material, for a residential building sewer permit and two hundred fifty dollars (\$250.00) plus costs of material for a commercial, industrial or governmental building sewer permit; also refer to section 1-13-1, "Schedule Of Penalties And Rates", of this code. The costs shall be paid

to the city at the time the application is filed. (Ord. 634, 7-14-2009)

2. The owner or his agent, seeking a permit for the connection of a building sewer to a public sewer under city jurisdiction shall make application therefor to the superintendent of water/sewer on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. If, in issuing a permit, the superintendent fixed special conditions thereto, the permit shall be void unless such conditions are fully observed. No permit will be issued for connection of a building sewer to a public sewer under city jurisdiction for which a tapping fee has been established until after payment of such tapping fee to the city.

3. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

4. Except as may be otherwise directed by the city, any permit under which work has not commenced and been reasonably prosecuted to completion shall expire six (6) months from the date of issuance.

C. Cost Of Installation Of Building Sewer: All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. Separate Building Sewer Provided for Every Building: A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

E. Use of Old Building Sewers: Old building sewers may be used in connection with new buildings only when they are found, on examination and test, by the Superintendent of Water/Sewer, to meet all requirements of this Chapter.

F. Methods and Materials of Construction: The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. In the absence



of Code provisions or in amplification thereof, the materials and procedures set forth in the Illinois State Plumbing Code, latest revision, shall apply.

G. Gravity Flow of Building Drain: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved by the Superintendent of Water/Sewer and discharged to the building sewer.

H. Surface Runoff or Ground Water: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. Connection of Building Sewer to Public Sewer: The building sewer shall be connected to the public sewer at and by means of the "Y" branch, "T" branch, or special opening left in the public sewer for the specific purpose of making such connection. At locations where a branch or special opening has not been provided in the public sewer, the connection shall be made using an appropriate tapping saddle or other special fitting utilizing procedures and materials approved by the Superintendent of Water/Sewer, to provide a structurally sound, watertight and gastight connection.

J. Inspection of Connection to Public Sewer:

1. All building sewers, the connection thereof to the City sewer system, and such portions of existing building systems as may be affected by new work or any changes, shall be inspected by the Superintendent of Water/Sewer to insure compliance with all the requirements of this Chapter and to assure that the installation and construction of the building sewer and connections thereto is in accordance with approved plans and conditions of this Chapter.

2. It shall be the duty of the holder of a permit (or his agent) to give notice to the Superintendent when the building sewer is ready for test or inspection. No part of the building sewer shall be covered until it has been inspected, tested and accepted by the Superintendent. Conditions of the inspecting and testing shall be by water testing as provided in the State Plumbing Code or other methods approved by the Superintendent.

K. Barricades and Lights Around Sewer Excavation: 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. (Ord. 444, 7-5-90)

### 8-3-5: USE OF THE PUBLIC SEWERS:

#### A. Discharge of Storm Water and Other Unpolluted Drainage:

1. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent of Water/Sewer. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent to a storm sewer or natural outlet.

B. Discharges Prohibited into Public Sewers: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.

3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

C. Discharges Restricted into Public Sewers: No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent of Water/Sewer that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers,

materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) Fahrenheit, (65°C).
2. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two (32°) and one hundred fifty degrees (150°) Fahrenheit.
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor greater than three-fourths ( $\frac{3}{4}$ ) horsepower shall be subject to the review and approval of the Superintendent of Water/Sewer.
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent of Water/Sewer for such materials.
6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent of Water/Sewer in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Superintendent of Water/Sewer in compliance with applicable State and Federal regulations.
10. Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Superintendent of Water/Sewer in compliance with applicable State and Federal regulations.
11. Materials which exert or cause:

- a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
- b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
- c. Unusual BOD, biochemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- d. Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

12. 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 degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

#### D. Options for Waste Discharge:

1. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection C of this Section, and/or which are in violation of the standards for pretreatment provided in 35 Illinois Administrative Code, subtitle C - Water Pollution Control, chapter 1 - Pollution Control Board, Part 307 - Sewer Discharge Criteria and any amendments thereto, and which in the judgment of the Superintendent of Water/Sewer may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and/or
- d. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of subsection J of this Section.

2. If the Superintendent of Water/Sewer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

E. Grease, Oil and Sand Interceptors: Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent of Water/Sewer 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 Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

F. Preliminary Treatment Facilities: Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

G. Industrial User Discharge Permit: Each industrial user of a sewer shall not discharge materials to a sewer without having first applied for and obtained a discharge permit from the Superintendent of Water/Sewer. Each such user presently discharging material to a sewer shall apply for and obtain such a discharge permit within ninety (90) days from the effective date of this Chapter.

H. Control Manhole:

1. When required by the City, 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 control manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent of Water/Sewer. The control 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.

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 Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole.

3. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer system and upon the sewage works and to determine the existence of hazards to life, limb, and property.

### I. Industrial Waste Testing:

1. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests and analyses of waters and wastes to illustrate compliance with this Chapter and any special conditions for discharge established by the City or regulatory agencies having jurisdiction over the discharge.

2. The number, type and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an outside laboratory service.

J. Special Agreements: No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, in accordance with Section 8-4-1 of this Title, by the industrial concern, provided such payments are in accordance with Federal and State Guidelines for User Charge Systems. (Ord. 444, 7-5-90)

### 8-3-6: PROTECTION OF SEWAGE WORKS FROM DAMAGE:

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 444, 7-5-90)

### 8-3-7: POWERS AND AUTHORITY OF INSPECTORS:

A. Right of Entry: The Superintendent of Water/Sewer and other duly authorized employees of the City, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. The Superintendent of Water/Sewer or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the

kind and source of discharge to the sewers or waterway or facilities for waste treatment.

B. Indemnification: While performing the necessary work on private properties referred to in subsection A above, the Superintendent of Water/Sewer or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against 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 subsection 8-3-5H of this Chapter.

C. Easements on Private Property: The Superintendent of Water/Sewer 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 said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 444, 7-5-90)

#### 8-3-8: VIOLATION; PENALTIES:

A. Penalty: Any person found to be violating any provision of this Chapter, except Section 8-3-6, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The city may revoke any permit for sewage disposal as a result of any violation of any provision of this chapter.

B. Continued Violation: Any person who shall continue any violation beyond the time limit provided for in subsection A of this section, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Violating Provision: Any person violating any of the provisions of this chapter shall become liable to the city by reason of such violation. (Ord. 444, 7-5-1990)

**8-3-9: COMPLIANCE WITH NPDES PERMIT PROGRAM:**

A. Introduction: It is hereby prohibited for any person or entity to introduce any new inflow source to the sewer system of the city of Assumption.

**B. New Construction:**

1. Before a permit will be issued, any new construction to introduce a new inflow source, making connection with, or opening to, use, alter or disturb any public sewer or appurtenance must be designed to minimize and/or delay inflow contribution to the combined sewer system;

2. Any new construction must be installed, completed and maintained based upon the initial design to minimize and/or delay inflow into the combined sewer system.

**C. Storm Sewer System:**

1. At the time of the completion of a separate storm sewer system, all inflow sources on the combined sewer system must be disconnected and connected to the proper storm sewer or sanitary sewer system.

2. All owners, persons or entities responsible for inflow sources must disconnect and connect to the storm sewer system within one hundred eighty (180) days of the separate storm sewer system becoming available.

D. New Connections: Any new building domestic waste connection to the combined sewer system must be separate and distinct from the building inflow connection in order to facilitate disconnection, if a storm sewer system becomes available.

**E. Combined Sewer Overflow (CSO) Impacts:**

1. The superintendent of water/sewer shall compile and maintain a list of nondomestic sources tributary to the combined sewer system. In the event that pollutants from nondomestic discharges are found to contribute to water quality violations in the CSO's receiving water, or to negatively impact the collection system or treatment processes, or to violate any other portion of this chapter, the city of Assumption shall review the available information regarding such discharges and, if appropriate and feasible, shall modify this section to control the discharge of said pollutants.

2. All owners of any combined sewers tributary to the city of Assumption's collection system shall have procedures in place to ensure that the objectives, mechanisms, and specific procedures for operation and maintenance as described in the NPDES permit are achieved and maintained. (Ord. 627, 4-1-2009)



## CHAPTER 4

## WASTEWATER SERVICE CHARGES

## SECTION:

- 8-4-1: Rates And Charges Established
- 8-4-2: Billing Procedure; Delinquencies
- 8-4-3: Lien For Nonpayment
- 8-4-4: Disposition Of Revenues
- 8-4-5: System Of Accounts
- 8-4-6: Notice Of Rates
- 8-4-7: Appeals
- 8-4-8: Access To Records
- 8-4-9: Penalty !2R!

## 8-4-1: RATES AND CHARGES ESTABLISHED:

A. Authority: Pursuant to section 1046 of the Illinois Environmental Protection Act there is hereby imposed and levied upon all users of the City sewerage system such charges as are hereinafter fixed to pay for the operation, maintenance, replacement, treatment and capital recovery costs of the City sewerage system.

## B. Base User Rate:

1. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a base user charge for operation and maintenance, replacement, and bond retirement. All users shall pay this charge.

2. The base user charge shall be based on water usage as recorded by water meters for wastes having the following normal conditions:

a. A five (5) day, twenty degree (20°) centigrade biochemical oxygen demand (BOD<sub>5</sub>) of two hundred (200) mg/l.

b. A suspended solids (SS) content of two hundred sixty (260) mg/l.

3. The base user charge is computed from the following:

a. Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories.

b. Estimate the annual revenue required for debt service charges (principal and interest) on the outstanding bonds used for financing sewerage system improvements.

c. Estimate the total number of sanitary sewer connections.

d. Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible.

e. Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

f. Proportion the estimated costs to nonindustrial and industrial users by volume, suspended solids and BOD.

g. Compute costs per one thousand (1,000) gallons for normal sewage strength.

h. Compute surcharge costs per pound of BOD and SS in excess of normal sewage strength.

4. The City shall periodically sample and analyze wastes from selected users in each industrial and commercial user classification to determine the BOD and SS strength of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the Superintendent of Water/Sewer as having special problems. At request of user, samples shall be made and analyzed on the same frequency as samples for user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the Superintendent of Water/Sewer as having special problems shall, if directed by the City, install at the industry's own cost sampling devices as required by the Superintendent of Water/Sewer in a structure located on the building service line, to obtain exact information about the waste.

#### C. Additional Charges:

1. A surcharge will be levied to all users whose waters exceed normal concentrations for BOD (200 mg/L) and SS (260 mg/L). The surcharge will be based on water usage as recorded by water meters for all wastes which exceed the two hundred milligrams per liter (200 mg/L) and two hundred sixty milligrams per liter (260 mg/L) concentration for BOD and SS respectively. Subsection I of this section specifies the procedure to compute a surcharge.

2. There shall be billed, as required, additional charges for the following:

a. Actual costs incurred for user requested sampling and analyses.

b. Actual costs incurred for special handling not provided for elsewhere in this chapter.

c. Actual costs incurred for handling a user's check with nonsufficient funds.

D. Annual Review Of Rates: The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs. (Ord. 444, 7-5-1990)

E. Measurement Of Flow: The volume of flow used for computing basic user charges and surcharges shall be metered City water consumption read to the lowest even increments of one thousand (1,000) gallons.

1. If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the public waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent of Water/Sewer for the purpose of determining the volume of water obtained from these other sources.

2. Devices for measuring the volume of waste discharged may be required by the Superintendent of Water/Sewer if these volumes cannot otherwise be determined from the metered water consumption records.

3. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation such meters may not be removed, unless service is canceled, without the consent of the Superintendent of Water/Sewer. (Ord. 619, 10-1-2008)

4. All users not having a water meter or other acceptable device for determining billable flow shall be subject to a fixed sewer bill, which shall consist of a fixed user charge plus a fixed capital cost recovery charge in an amount determined by the City to be equal to those charges imposed on users having similar water use and wastewater characteristics. However, the minimum sewer bill shall be fifteen dollars (\$15.00) per two (2) month billing period. (Ord. 619, 10-1-2008; amd. Ord. 636, 7-14-2009)

5. All customers outside corporate limits must have corporate water service in order to receive corporate sewer service. (Ord. 619, 10-1-2008)

F. Debt Service Charge: A debt service charge (CD) of zero dollars (\$0.00) per one thousand (1,000) gallons to each user of the wastewater facility of the City is hereby established. (Ord. 444, 7-5-1990)

G. Base User Rate: There shall be and there is hereby established a base user rate for the use of and for service supplied by the wastewater facilities of the City.

1. Inside corporate limits:

a. Minimum Base User Charge (CM):

The current minimum base user charge (CM) for the first 2,500 gallons (or any part thereof) per 2 month billing period is \$24.17.

A minimum base user charge (CM) for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be 28% more than the current base user charge or \$30.94, an increase of \$6.77 effective January 1, 2021. The minimum base user charge shall be adjusted by a 3% increase each January 1 thereafter.

b. Base User Rate (CU) For Operation, Maintenance And Replacement.

The current rate is calculated at \$7.50 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate is calculated at \$8.13 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage. Each meter shall be considered separately.

The rate shall be 28% more than the current base user rate calculated or \$9.60, an increase of \$2.10 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage, effective January 1, 2021. The rate shall be calculated at \$10.41 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage, effective January 1, 2021. Each meter shall be considered separately. Each base user rate shall be adjusted by a 3% increase each January 1 thereafter.

c. Sewer Service Only: Those users having sewer services only shall pay a minimum base user charge (CM) as follows:

The current minimum base user charge (CM) for those users with sewer service only per 2 month billing period is \$29.37.

A minimum base user charge (CM) for those users with sewer service only per 2 month billing period shall be 28% more than the current base user charge or \$37.59, an increase of \$8.22 effective January 1, 2021. The minimum base user charge shall be adjusted by a 3% increase each January 1 thereafter.

2. Outside corporate limits:

a. Minimum Base User Charge (CM):

The current minimum base user charge (CM) for those users outside corporate limits for the first 2,500 gallons (or any part thereof) per 2 month billing period is \$36.61.

A minimum base user charge (CM) for those users outside corporate limits for the first 2,500 gallons (or any part thereof) per 2 month billing period shall be 28% more than the current base user charge or \$46.28, an increase of \$9.67, effective January 1, 2021. The minimum base user charge shall be adjusted by a 3% increase each January 1 thereafter.

b. Base User Rate (CU) For Operation, Maintenance And Replacement:

The current rate is calculated at \$11.27 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage. The rate is calculated at \$12.21 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage. Each meter shall be considered separately.

The rate shall be calculated at 28% more than the current base user rate or \$14.43, an increase of \$3.15 per 1,000 gallons of usage over 2,500 gallons up to 10,000 gallons per 2 month billing period, per metered usage, effective January 1, 2021. The rate shall be calculated at \$15.63, an increase of \$3.42 per 1,000 gallons of usage over 10,000 gallons per 2 month billing period, per metered usage, effective January 1, 2021. Each meter shall be considered separately. Each base user rate shall be adjusted by a 3% increase each January 1 thereafter. (Ord. 740, 5-1-2019)

H. Surcharge Rate: The rates for surcharges for BOD and SS shall be as follows:

Unit BOD charge of \$0.1441 per pound  
Unit SS charge of \$0.1109 per pound

I. Computation Of Surcharge:

1. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as deemed necessary by the Superintendent of Water/Sewer and shall be binding as a basis for surcharges.

2. The wastewater surcharge shall be computed as follows:

$$Cs = B \times \$0.1441 + S \times \$0.1109$$

Where:

Cs = Surcharge for wastewater in excess of domestic flows  
B = BOD in pounds in excess of 200 mg/L

$S = \text{SS in pounds in excess of 260 mg/L}$

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a. The BOD in pounds of excess of two hundred milligrams per liter (200 mg/L) shall be computed as follows:

$$B = 0.00000834 V_u (\text{BOD} - 200)$$

Where:

$V_u$  = Wastewater volume, in gallons, for the billing period

BOD = Total BOD in mg/L from user as determined by waste sampling

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b. The SS in pounds in excess of two hundred sixty milligrams per liter (260 mg/L) shall be computed as follows:

$$S = 0.00000834 V_u (\text{SS} - 260)$$

Where:

$V_u$  = Wastewater volume, in gallons, for the billing period

SS = Total SS in mg/L from user as determined by waste sampling

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J. Additional Service Charge: Additional charges (AC), as described in subsection C of this section, shall be as listed on the bill as required.

K. Computation Of Wastewater Service Charge:

$$CW = CM + \frac{(V_u - X)(CD + CU)}{1000 AC}$$

Where:

CW = Amount of wastewater service charge per billing period

CM = Minimum base user charge (subsection G of this section)

$V_u$  = Wastewater volume for the billing period (subsection E of this section)

X = Allowable consumption in gallons for the minimum charge (subsection G of this section)

CD = Debt service charge (subsection F of this section)

CU = Basic user rate for operation, maintenance and replacement (subsection G of this section)

CS = Amount of surcharge (subsections H and I of this section)

AC = Additional service charges (subsection J of this section)

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L. Effective Date Of Rates: The rates and service charges established for user charges in subsections E through I of this section shall be effective as of the date hereof. (Ord. 444, 7-5-1990)

#### 8-4-2: BILLING PROCEDURE; DELINQUENCIES:

##### A. Bills:

1. Said rates and charges for sewer service shall be billed and payable every two (2) months. The billing of the sewer service shall commence upon connection of the user to the sewer. (Ord. 497, 7-5-1995)

2. 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. (Ord. 444, 7-5-1990)

3. Charges for sewer service shall be billed every two (2) months and shall be payable on or before the tenth day of the billing month. There shall be a ten dollar (\$10.00) late charge added to the billing if payment is not received by the tenth day of the billing month. In addition, if the payments are not received when due, water service shall be shut off on the tenth day of the month. Such service shall not be resumed until all payments then due and payable shall be paid. If any check given in payment for sewer service is returned for insufficient funds or is otherwise not accepted as valid, there shall be a twenty five dollar (\$25.00) service charge added to the billing which amount shall be in excess of any other penalty or consequence resulting from failure to pay in proper and timely fashion. After a person has written the City of Assumption three (3) NSF checks, the City will require the customer to pay any future bills in cash or any guaranteed check (cashier's check, money order). Also refer to section 1-13-1, "Schedule Of Penalties And Rates", of this Code. (Ord. 659, 8-1-2012)

4. The payments may be made by the customer to the City Water Collector in person at the office of the City Water Collector, or can be paid by a check payable to the City enclosed in an envelope with postage prepaid, properly addressed to the City Water Collector of the City and deposited in the United States mail. The payments, if made by mail, should clearly designate the name of the customer and the account number of the statement received by the customer on said bill. (Ord. 444, 7-5-1990; amd. Ord. 497, 7-5-1995)

#### 8-4-3: LIEN FOR NONPAYMENT:

##### A. Lien; Notice Of Delinquency:

1. Whenever a bill for sewer service remains unpaid for thirty (30) days after it has been rendered, the City Water Collector shall have the City Clerk file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for this amount, as well as for all charges subsequent to the period covered by the bill.

2. If the user whose bill is unpaid is not the owner of the premises and the Water Collector has notice of this, notice shall be mailed to the owner of the premises if his address be known to the Water Collector, whenever such bill remains unpaid for the period of thirty (30) days. (Ord. 527, 10-7-1998)

3. The failure of the City Treasurer to record such lien or to

mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as provided in the foregoing Section.

B. Foreclosure Of Lien: Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the City. The City Attorney is hereby authorized and directed to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill has remained unpaid ninety (90) days after it has been rendered. (Ord. 444, 7-5-1990)

#### 8-4-4: DISPOSITION OF REVENUES:

A. All revenues and monies derived from the operation of the sewerage system shall be deposited in the sewerage account of the Sewerage Fund. All such revenues and monies shall be held by the City Treasurer separate and apart from his private funds and separate and apart from all other funds of the City, and all of said sum, without any deduction 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 monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the Fund designated as the "Sewerage Fund of the City of Assumption". Said City 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. 444, 7-5-1990)

#### 8-4-5: SYSTEM OF ACCOUNTS:

A. The City Treasurer and City Water Collector 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. (Ord. 497, 7-5-1995)

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 recover system do in fact meet these



regulations. In this regard, the financial information to be shown in the audit report shall include the following:

1. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
2. Billing data to show total number of gallons billed.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of nonmetered users.
6. A list of users discharging nondomestic wastes (industrial users) and volume of waste discharged. (Ord. 444, 7-5-1990)

#### 8-4-6: NOTICE OF RATES:

A. A copy of this Chapter, properly certified by the City Treasurer, shall be filed in the office of the Recorder of Deeds of Christian County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said City on their properties.

B. Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. 444, 7-5-1990)

#### 8-4-7: APPEALS:

The method for computation of rates and service charges established for user charges in subsections 8-4-1C through G of this Chapter, shall be made available to a user within thirty (30) days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Sewer Committee within thirty (30) days after notification of a formal written appeal outlining the discrepancies. (Ord. 444, 7-5-1990)

#### 8-4-8: ACCESS TO RECORDS:

The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any State grant. (Ord. 444, 7-5-1990)

#### 8-4-9: PENALTY:

Any person violating any provisions of this Chapter shall be fined not more than one hundred dollars (\$100.00) for each offense. (Ord. 444, 7-5-1990)

## CHAPTER 5

## CROSS-CONNECTION CONTROL

## SECTION:

- 8-5--1: Purpose
- 8-5--2: Definitions
- 8-5--3: Water System
- 8-5--4: Cross-Connection Prohibited
- 8-5--5: Survey And Investigations
- 8-5--6: Backflow Prevention Devices
- 8-5--7: Where Protection Is Required
- 8-5--8: Type Of Protection Required
- 8-5--9: Consumer's Responsibility
- 8-5-10: Termination Of Service
- 8-5-11: Liability
- 8-5-12: Violations !2R!

## 8-5-1: PURPOSE:

A. Authority: Rule 890.1510 of the Illinois Plumbing Code, 77 Illinois Administrative Code 890.1510, requires protection of all potable water systems from contamination due to backflow of contaminants through plumbing connections, fixtures or appurtenances. The Illinois Pollution Control Board Regulations, 35 Illinois Administrative Code 601.101 et seq. requires an active program of cross-connection control which will prevent the contamination of all public water supply systems due to backflow of contaminants or pollutants through the potable water service connection. In order to accomplish these goals it is necessary to introduce restrictions that describe in detail specific procedures and requirements for cross-connection control.

B. Purpose: The purpose of these rules and regulations 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 consumer's potable water system and nonpotable water system, 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 consumer's potable water system.

C. Application: These rules and regulations shall apply to all

premises served by the public potable water supply system of the City. (Ord. 520, 8-6-1997)

8-5-2: DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of these regulations:

!DEF! AGENCY: Illinois Environmental Protection Agency.

APPROVED: Backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

AUXILIARY WATER SYSTEM: 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: 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: Any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

CONSUMER OR CUSTOMER: The owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

CONSUMER'S WATER SYSTEM: Any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

CONTAMINATION: An impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

CROSS-CONNECTION: Any physical connection or arrangement between two (2) 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.

**CROSS-CONNECTION, DIRECT:** A cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

**CROSS-CONNECTION, INDIRECT:** A cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

**CROSS-CONNECTION, POTENTIAL:** 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.

**DOUBLE CHECK VALVE ASSEMBLY:** An assembly composed of single, independently acting check valves approved under ASSE Standards 1015. A "double check valve assembly" must include tight shut-off valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

**FIXED PROPER AIR GAP:** The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

**HEALTH HAZARD:** Any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

**INSPECTION:** 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 Illinois Administrative Code 890.

**PLUMBING:** 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 from 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 (5') beyond the foundation walls.

**POLLUTION:** 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.

PROCESS FLUID(S): Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes, but is not limited to:

- A. Polluted or contaminated waters;
- B. Process waters;
- C. Used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- D. Cooling waters;
- E. Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- F. Chemicals in solution or suspension;
- G. Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.

PUBLIC WATER SUPPLY: 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 "noncommunity water supply".

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE: 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 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 the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks.

**SERVICE CONNECTION:** The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

**SURVEY:** The collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

**SYSTEM HAZARD:** A condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

**WATER, NONPOTABLE:** Water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Illinois Administrative Code 604.

**WATER, POTABLE:** Water which meets the requirements of 35 Illinois Administrative Code 604 for drinking, culinary, and domestic purposes.

**WATER PURVEYOR:** The owner or official custodian of a public water system.

**WATER, USED:** Any water supplied by a public water system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian. (Ord. 520, 8-6-1997) !DEFEND!

### 8-5-3: WATER SYSTEM:

A. The water system shall be considered as made up of two (2) parts: the public water supply system and the consumer's water system.

B. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water/Sewer up to the point where the consumer's water system begins.

C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

D. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

E. The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water

from the public water supply distribution system to points of use. (Ord. 520, 8-6-1997)

8-5-4: 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 ensure proper operation on a continuing basis.

B. 1. 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.

2. There shall be no arrangement or connection by which an unsafe substance may enter a supply.

C. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distribution system of said Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water/Sewer and the Illinois Environmental Protection Agency. (Ord. 520, 8-6-1997)

8-5-5: SURVEYS AND INVESTIGATIONS:

A. It shall be the duty of the Superintendent of Water/Sewer to cause surveys and investigations to be made of commercial, industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years, or as often as the Superintendent of Water/Sewer shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years.

B. The consumer's premises shall be open at all reasonable times to the approved Cross-Connection Control Device Inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

C. On request by the Superintendent of Water/Sewer, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water



use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent of Water/Sewer for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water/Sewer be deemed evidence of the presence of improper connections as provided in this Chapter. (Ord. 520, 8-6-1997)

#### 8-5-6: BACKFLOW PREVENTION DEVICES:

A. Determination: The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Superintendent of Water/Sewer or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water/Sewer shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in subsection 8-5-9B4 of this Chapter for a period of at least five (5) years. The Superintendent of Water/Sewer may require the consumer to submit a cross-connection inspection report to the City to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

B. Approval: All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

C. Installation: 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.

D. Defective Devices: Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer

without delay as required by subsection 8-5-9D1 of this Chapter.

E. Disabling Devices: Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Water/Sewer. (Ord. 520, 8-6-1997)

8-5-7: WHERE PROTECTION IS REQUIRED:

A. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Illinois Administrative Code 890 and the Agency's regulations 35 Illinois Administrative Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent of Water/Sewer, actual or potential hazards to the public water supply system exist.

B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Water/Sewer and the source is approved by the Illinois Environmental Protection Agency.
2. Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water/Sewer.
3. Premises having internal cross-connections that, in the judgment of the Superintendent of Water/Sewer and/or the Cross-Connection Control Device Inspector, are not correctable or intricate plumbing arrangements which makes it impractical to determine whether or not cross-connections exist.
4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
5. Premises having a repeated history of cross-connections being established or reestablished.

C. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Illinois Administrative Code 890 and the Agency's regulations 35 Illinois Administrative Code 653. In addition, an approved backflow prevention device shall be installed on each service line to the consumer's water system

serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water/Sewer determines that no actual or potential hazard to the public water supply system exists:

1. Hospitals, mortuaries, clinics, nursing homes.
2. Laboratories.
3. Piers, docks, waterfront facilities.
4. Sewage treatment plants, sewage pumping stations or storm water pumping stations.
5. Food or beverage processing plants.
6. Chemical plants.
7. Metal plating industries.
8. Petroleum processing or storage plants.
9. Radioactive material processing plants or nuclear reactors.
10. Car washes.
11. Pesticide, or herbicide or extermination plants and trucks.
12. Farm service and fertilizer plants and trucks. (Ord. 520, 8-6-1997)

8-5-8: TYPE OF PROTECTION REQUIRED:

A. The type of protection required under subsection 8-5-7B1, B2 and B3 of this Chapter shall depend on the degree of hazard which exists as follows:

1. An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
3. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

B. The type of protection required under subsection 8-5-7B4 and B5 of this Chapter shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

C. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

1. The fire safety system contains antifreeze, fire retardant or other chemicals;
2. Water is pumped into the system from another source;
3. Water flows by gravity from a nonpotable source; or water can be pumped into the fire safety system from any other source;
4. There is a connection whereby another source can be introduced into the fire safety system.

D. All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines. (Ord. 520, 8-6-1997)

#### 8-5-9: CONSUMER'S RESPONSIBILITY:

A. Contamination: The consumer is responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, and must bear the cost of cleanup of the potable water supply system.

B. Prevent Backflow: It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
3. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a Cross-Connection Control Device Inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

#### 4. Testing and records:

a. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

b. Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with 415 Illinois Compiled Statutes 5/4(e).

c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

d. A maintenance log shall be maintained and include:

(1) Date of each test;

(2) Name and approval number of person performing the test;

(3) Test results;

(4) Repairs or servicing required;

(5) Repairs and date completed; and

(6) Servicing performed and date completed.

#### C. Booster Pumps:

1. 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) psi or less.

2. It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water/Sewer, at least once a year, that the device is operable.

#### D. Inspection And Maintenance:

1. It shall be the duty of the consumer 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 indicate a need or are specified in manufacturer's instructions:

a. 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.

b. 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.

c. Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

2. 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.

3. 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.

4. A maintenance log shall be maintained and include:

a. Date of each test or visual inspection;

b. Name and approval number of person performing the test or visual inspection;

c. Test results;

d. Repairs or servicing required;

e. Repairs and date completed; and

f. Servicing performed and date completed.

E. Surveys: It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 Illinois Compiled Statutes 320/3. (Ord. 520, 8-6-1997)

#### 8-5-10: TERMINATION OF SERVICE:

A. Termination With Notice: The Superintendent of Water/Sewer shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent of Water/Sewer, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

B. Emergency Termination Without Notice: Immediate disconnection with verbal notice can be effected when the Superintendent of Water/Sewer is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent of Water/Sewer or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

C. Reconnection Fee: Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent of Water/Sewer, and the required reconnection fee of fifty dollars (\$50.00) is paid.

D. Conformance: Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these regulations and to the satisfaction of the Superintendent of Water/Sewer. (Ord. 520, 8-6-1997)

#### 8-5-11: LIABILITY:

Neither the City, the Superintendent of Water/Sewer, or its agents or assigns shall be liable to any customers of the City for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this Chapter, whether or not said termination of the water supply was with or without notice. (Ord. 520, 8-6-1997)

#### 8-5-12: VIOLATIONS:

A. Any person found to be violating any provision of this Chapter 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. Any person violating any of the provisions of this Chapter in addition to the fine provided, shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice. (Ord. 520, 8-6-1997)

!TITLE! 9

BUILDING REGULATIONS

Dangerous Buildings. . . . .	1
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Floodplain Code. . . . .	3
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## CHAPTER 1

## DANGEROUS BUILDINGS

## SECTION:

- 9-1-1: Definitions
- 9-1-2: Maintaining Dangerous Condition Prohibited
- 9-1-3: Abatement; Notice
- 9-1-4: Building as Nuisance; Correction of Defects
- 9-1-5: Lien for Nonpayment
- 9-1-6: Payment of Lien Claim
- 9-1-7: Foreclosure of Lien !2R!

## 9-1-1: DEFINITIONS:

A. The term "dangerous buildings" as used in this Chapter is hereby to mean and include:

1. Any building, shed, fence or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures;
2. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;
3. Any building, shed, fence or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;
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.

B. Any such dangerous building in the City is hereby declared to be a nuisance. (RC 1982 §6-2-1)

## 9-1-2: MAINTAINING DANGEROUS CONDITION PROHIBITED:

It shall be unlawful to maintain or permit the existence of any dangerous building in the City and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition. (RC 1982 §6-2-2)

9-1-3: ABATEMENT; NOTICE:

A. Notice to Abate: Whenever the Health Officer or any other authorized officer of the City shall be of the opinion that any building or structure in the City is a dangerous building, he shall file a written statement to this effect with the City Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notices shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice shall be served upon the proper parties not less than fifteen (15) days before the City shall file application with the County Circuit Court for an order authorizing the demolition or repair of said building. Such notice may be in the following terms:

To \_\_\_\_\_ (owner-occupant of premises) of the premises known and described as \_\_\_\_\_  
\_\_\_\_\_.

You are hereby notified that \_\_\_\_\_  
\_\_\_\_\_ (describe building) on the premises above mentioned has been condemned as a nuisance and a dangerous building after inspection by \_\_\_\_\_  
\_\_\_\_\_. The cause for this decision is \_\_\_\_\_  
\_\_\_\_\_. (here insert the facts as to the dangerous condition)

You must remedy this condition or demolish the building immediately within fifteen (15) days from the date of this notice or the City will proceed to do so.

B. Abatement By City; Owner Liable For Costs: In the event that the building is not demolished or repaired or altered within the fifteen (15) day period of time elapsing from the date of the service of notice, then the city shall institute application before the county circuit court requesting an order authorizing the demolition, alteration or repair of the unsafe building premises. Upon rendition of the proper order by the circuit court, the city shall then direct the demolition, alteration or repair of said building premises and the cost of such entailments shall be recovered from the owner or owners of such real estate and shall be a lien thereon. (RC 1982 §6-2-3)

9-1-4: BUILDING AS NUISANCE; CORRECTION OF DEFECTS:

A. Condition: The health officer or any other authorized officer of the city shall report to the mayor and city council that the building located at \_\_\_\_\_

\_\_\_\_\_ in the city is in a dangerous condition. (RC 1982 §6-3-1; amd. 1994 Code)

B. Time Limit: The owner of such building shall repair or alter it so as to make it safe within ninety (90) days from the time notice is served upon him in the manner provided by law. (RC 1982 §6-3-2)

C. Unsafe Conditions: The building shall be deemed unsafe because:

1. The main supporting beams are not properly secured at outer walls;
2. Outer walls are unsafe;
3. Floor joists are undersized and unsecurely fastened to beams;
4. Subflooring is of inferior and decayed lumber;
5. Sheathing of outer walls is of inferior and decayed material;
6. Wall is bulging;
7. Stairway is unsafe;
8. Porch is unsafe;
9. Wood construction is in contact with chimney;
10. The structural integrity of the building is unfit and in need of permanent repair;
11. A tarp or protective covering has been used over the roof, windows or outside of the structure in excess of three (3) months;
12. Materials for roofing, windows and/or outside of the structure are not of sound lumber and construction materials. (Ord. 598, 8-6-2007)

D. Manner Of Correcting Defects: The owner shall correct these defects by the following:

1. Main supporting beams to be supported properly at the outer walls;
2. Outer walls from the foundation to the first floor line to be constructed so as to carry first and second floor outer walls safely;
3. Joists on first and second floors to be of a size able to carry a live load of forty (40) pounds per square foot of floor surface;

4. Joists to rest on beams or bearing partitions and lapped and spiked together and to be properly bridged;
5. Subflooring to be replaced with sound lumber;
6. Sheathing of outer walls and front porch to be replaced with sound lumber; (RC 1982 §6-3-4)
7. Walls of building which bulge outward from the main structure to be replaced and made plumb and so constructed that it will not be possible for it to pull away from the main structure;
8. Porch and stairs to be replaced with sound lumber and quality construction material;
9. Stairways to first and second floors to be replaced with sound lumber and quality construction material; (Ord. 598, 8-6-2007)
10. All wood framing adjacent to chimney to be so constructed as to leave a two inch (2") clearance space between said framing and chimney;
11. Basement ceiling, the first floor ceiling, stairway enclosing walls and walls of hallways shall be plastered on metal lath;
12. Walls in basement from ceiling to foundation to be plastered on metal lath or properly firestopped. All work done in the construction of this building to be done in compliance with the zoning code of the city and all other codes applicable thereto. (RC 1982 §6-3-4)

E. Notification Of Owner: The mayor or other authorized officer of the city shall serve or cause to be served upon the owner of the building a copy of this chapter certified to by the city clerk, by personal service, or by posting a copy thereof upon the premises and mailing another copy to the last known address for mailing of owner, and shall report to the mayor when such notice has been served. (RC 1982 §6-3-5; amd. 1994 Code)

#### 9-1-5: LIEN FOR NONPAYMENT:

Charges for such repair or alteration shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within thirty (30) days of submission of the bill, a notice of lien of the cost and expense thereof incurred by the city shall be recorded in the following manner:

A. A description of the real estate sufficient for identification thereof.

B. The amount of money representing the costs and expenses incurred or payable for the service.

C. The date or dates when said costs and expenses were incurred by the city and shall be filed within sixty (60) days after the cost and expense is incurred. (RC 1982 §6-2-4)

9-1-6: PAYMENT OF LIEN CLAIM:

Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the city, or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. (RC 1982 §6-2-5)

9-1-7: FORECLOSURE OF LIEN:

Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the city and may be proceeded upon after lien is in effect for sixty (60) days. (RC 1982 §6-2-6; amd. 1994 Code)

## CHAPTER 2

MOBILE HOME PARKS<sup>1</sup>

## SECTION:

- 9-2--1: Purpose
- 9-2--2: Definitions
- 9-2--3: Compliance with Statutes, Applicability of Chapter
- 9-2--4: Construction or Operation Permit Required; Submission of Plans
- 9-2--5: Application and Plan Documents; Fee
- 9-2--6: Location
- 9-2--7: Roadways and Parking
- 9-2--8: Lot Size
- 9-2--9: Miscellaneous Restrictions
- 9-2-10: License Fee
- 9-2-11: Character of Licensee
- 9-2-12: Supervision
- 9-2-13: Setback Lines
- 9-2-14: State Statutes and Regulations Adopted
- 9-2-15: Exceptions; Mobile Home Outside Park
- 9-2-16: Penalties !2R!

## 9-2-1: PURPOSE:

It is hereby established by the corporate authorities of the City that the purpose of this mobile home parks Chapter is to protect the character and the stability of the residential areas within the City and to conserve and protect the taxable value of buildings and land throughout the City. (RC 1982 §23-1-1)

## 9-2-2: DEFINITIONS:

The terms used in this Chapter shall have the following meanings:

!DEF! AFFIDAVIT: An oath, in writing, sworn before and attested by an individual who has the authority to administer an oath.

APPLICANT: Any person making application for a license or permit.

IMMOBILIZED MOBILE HOME: Any structure resting on a permanent foundation with wheels, tongue and hitch permanently removed. The City Council establishes the following criteria to complete the immobilization of a mobile home:

- A. The foundation shall extend into the ground

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1. See flood plain standards at Section 9-3-9 of this Title.

below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

B. As an alternate to subsection A, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the mobile home.

C. To complete the immobilization, wheels, tongue and hitch must be permanently removed. Axles may be removed.

**LICENSE:** A license certificate issued by the City allowing a person to operate and maintain a mobile home park under the provisions of this Chapter and the rules and regulations issued hereunder.

**LICENSEE:** Any person having a license or permit under this Chapter.

**MOBILE HOME:** A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons; provided, that any such structure resting on a permanent foundation, with wheels, tongue and hitch permanently removed, shall not be construed as a "mobile home", but shall be an "immobilized mobile home". A mobile home should not be confused with a camping trailer or recreational vehicle.

**MOBILE HOME, DEPENDENT:** A mobile home or travel trailer which does not have a flush toilet or a bathtub or shower.

**MOBILE HOME, DOUBLE-WIDE:** Consists of two (2) mobile units joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

**MOBILE HOME, INDEPENDENT:** A mobile home with self-contained toilet and bath or shower facilities.

**MOBILE HOME LOT:** A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

**MOBILE HOME MODULE:** A factory-fabricated building unit transported to a building site, mounted on a permanent foundation supporting the outside perimeter walls, and designed for residential use.

**MOBILE HOME PAD:** That part of an individual mobile home space

or lot beneath the mobile home including the concrete portion of the pad.

**MOBILE HOME PARK:** An area of land under unified ownership and/or control on which two (2) or more occupied mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park, including courts, developments and communities.

**MOBILE HOME SALES AREA:** A parcel of land used for the display, sale, and repair of new or used mobile homes.

**MOBILE HOME SPACE:** A portion of a mobile home park designed for the use or occupancy of one mobile home.

**OWNER or OPERATOR:** The licensee.

**PERMANENT HABITATION:** A period of two (2) or more months.

**PERMIT:** A permit certificate issued by the City permitting the construction, alteration or reduction in number of spaces of a mobile home park under the provisions of this Chapter.

**PERSON:** Any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois or any political subdivision or department thereof or any other entity.

**REVOCATION:** To declare invalid a permit or license issued to the applicant or licensee by this City for an indefinite period of time.

**SPACE:** Synonymous with "Mobile Home Space".

**SUSPENSION:** To declare invalid a permit or license issued to the applicant or licensee by this City, for a temporary period of time with an expectation of resumption. (RC 1982 §23-1-2)  
!DEFEND!

### 9-2-3: COMPLIANCE WITH STATUTES, APPLICABILITY OF CHAPTER:

A. Every mobile home park hereafter established in the City shall, at a minimum, conform to the requirements of:

1. "An Act to provide for, license, and regulate mobile homes and mobile home parks"<sup>1</sup>;

2. "Rules and Regulations for Mobile Home Parks", Illinois Department of Public Health, Consumer Protection Division as

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1. S.H.A. 210 ILCS 115/1 et seq.



now or hereafter amended; and

3. This Code.

B. In case of conflict between any provisions of the above, the more stringent requirement shall prevail. (RC 1982 § 23-2-1)

9-2-4: CONSTRUCTION OR OPERATION PERMIT REQUIRED; SUBMISSION OF PLANS:

A. Any person seeking to establish, operate, alter or expand a mobile home park shall obtain a permit to construct or license to operate a mobile home park. "Construct or operate a mobile home park", as used in this Chapter shall include, but not necessarily be limited to, supplying or maintaining common water, sewer or other utility supply or service, or the collection of rents directly or indirectly from five (5) or more independent mobile homes.

B. All plans shall be submitted to the Zoning Board for approval prior to the granting of a permit by the City Clerk. (RC 1982 § 23-2-2; amd. Ord. 503, 2-7-1996)

9-2-5: APPLICATION AND PLAN DOCUMENTS; FEE:

A. Every applicant shall file with the Zoning Board a written application and plan documents for the proposed construction or alteration of a mobile home park. The plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed to the plan.

B. The application shall be completed by the applicant and the engineer or architect and shall include:

1. The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.

2. The proposed method of lighting the structures and land upon which the mobile home park is to be located.

3. The plot plans of the mobile home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.

4. An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.

5. Each application shall be accompanied by an application fee of fifty dollars (\$50.00) for a permit to construct or an application fee of twenty five dollars (\$25.00) for a permit to alter or to increase the size of the park. (RC 1982 § 23-2-3; amd. Ord. 503, 2-7-1996)

9-2-6: LOCATION:

A. Sites selected for mobile home development shall be well-drained and free from topographical or geological hindrances and from other conditions unfavorable to a proper residential environment. The mobile home development shall not be located near swamps, marshes or other breeding places of insects, rats, and mice. When a good, natural drainage is not available, storm drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.

B. The City Council may conduct a site survey to ascertain that the proposed location complies with the above requirements. (RC 1982 § 23-2-4)

9-2-7: ROADWAYS AND PARKING:

A. All streets and driveways in every park shall be constructed in compliance with this Chapter.

B. All streets in parks constructed shall have a minimum road width of thirty feet (30') for the purpose of this Chapter, and shall be considered local streets. If a mobile home park has more than fifty (50) units, then a thirty two foot (32') width may be required by the City Council.

C. When sidewalks and walkways are constructed abutting a street in a mobile home park, they shall be a minimum of four feet (4') in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a mobile home shall block, in any way, the pedestrian traffic on the walkways. (RC 1982 §23-2-5)

9-2-8: LOT SIZE:

The minimum lot size for a mobile home pad shall be five thousand (5,000) square feet. (RC 1982 §23-2-6)

9-2-9: MISCELLANEOUS RESTRICTIONS:

A. No mobile home parked in a mobile home park shall be immobilized.

B. Not more than one mobile home shall be parked in one space.

C. No travel-trailer shall be permitted in any mobile home

park. (RC 1982 §23-2-7)

9-2-10: LICENSE FEE:

The annual fee for a license to operate a mobile home park shall be fifty dollars (\$50.00) payable before January 1 of each year. When a license is applied for during the license year, the fee shall be prorated on the basis of the number of months remaining in the license year. (RC 1982 §23-2-8)

9-2-11: CHARACTER OF LICENSEE:

A. No such license shall be issued to any person but one of good character, nor to any corporation, if any officer thereof is not a person of good character.

B. It shall be unlawful to hire or keep as manager, superintendent or person in charge of a mobile home park any person who is not a person of good character, or any person who has been convicted of a felony. (RC 1982 §23-2-9)

9-2-12: SUPERVISION:

Each mobile home park, while operated, shall be in the charge of a responsible attendant or caretaker at all times, who shall be responsible with the licensee for compliance with the provisions of this Chapter relating to the conduct of such parks. (RC 1982 §23-2-10)

9-2-13: SETBACK LINES:

No mobile home shall be parked closer than five feet (5') to the side lot lines of a mobile home park, if the abutting property is improved property, or closer than ten feet (10') to a public street, alley or building. Each individual mobile home site shall abut or face on a driveway or clear unoccupied space of not less than twenty feet (20') in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet (10') between the sides of every mobile home and at least five feet (5') between the ends of every mobile home. (RC 1982 §23-2-11)

9-2-14: STATE STATUTES AND REGULATIONS ADOPTED:

A. State Requirements: The Mobile Home Park Act and the Mobile Home Tiedown Act of the Illinois Compiled Statutes, as passed, approved and amended by the Illinois General Assembly<sup>1</sup> is hereby adopted by the City. The applicable provisions as they

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1. S.H.A. 210 ILCS 115/1 et seq., and 120/1 et seq.

pertain to mobile homes and immobilized mobile homes shall be controlling within the corporate limits of the City. (RC 1982 §23-2-12)

B. Illinois Department of Public Health Regulations: The "Rules and Regulations for Mobile Home Parks", as approved by the Illinois Department of Public Health, is hereby adopted by the City. The applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the City. (RC 1982 §23-2-13)

9-2-15: EXCEPTIONS; MOBILE HOME OUTSIDE PARK:

Nothing in this Chapter shall be construed to prohibit the placement or use of one mobile home or immobilized mobile home of at least seven hundred (700) square feet as a personal dwelling (or residential rental property), not located within a mobile home park, when same is the only building located upon its own separate and distinct lot with a minimum area of six thousand (6,000) square feet, provided same shall be set a minimum of eight feet (8') from an adjoining lot line regardless of ownership and a minimum of twenty five feet (25') from the rear of the property line; and provided further, that the space between the bottom of such mobile home or immobilized mobile home and the ground surface shall, within thirty (30) days of delivery to the lot, be enclosed with skirting approved by the City Council; and provided further, that the requirements of this Chapter are complied with; and provided further, that any such mobile home or immobilized mobile home shall be equipped with a metal twist-tight adjustable cap which will set on a standpipe connection for a sewer so as to keep sewage gas and foreign matter from escaping. In the event there are other buildings such as a garage or storage shed on a lot upon which someone wishes to place a mobile home, such person must obtain approval from the City Council with regard to those buildings prior to the placement of such mobile home. New construction on any such lot must comply with all applicable zoning regulations. Nothing herein contained shall excuse compliance with zoning requirements of Christian County or other applicable laws and regulations. (Ord. 440, 3-7-90)

9-2-16: PENALTIES:

Any person violating any provisions of this Chapter shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 440, 3-7-90)

## CHAPTER 3

## FLOOD PLAIN CODE

## SECTION:

- 9-3--1: Purpose
- 9-3--2: Conflicting Laws Repealed
- 9-3--3: Definitions
- 9-3--4: Flood Hazard Boundary Map
- 9-3--5: Permit Required
- 9-3--6: Application for Permit
- 9-3--7: Base Flood Elevation
- 9-3--8: New Construction and Substantial Improvement Standards
- 9-3--9: Mobile Home Standards
- 9-3-10: Utility Standards
- 9-3-11: Subdivision and Other Development Standards
- 9-3-12: Watercourse Standards !2R!

## 9-3-1: PURPOSE:

The purpose of this Chapter is to avoid the hazards to persons and damage to property resulting from flooding and to comply with the Rules and Regulations of the National Flood Insurance Program as promulgated by the United States Department of Housing and Urban Development, Federal Insurance Administration as provided in the Rules and Regulations of the Federal Register, Volume 41, No. 207, Tuesday, October 26, 1976, as amended, and which are hereby adopted by reference, and filed in the office of the City Clerk, pursuant to Illinois law and 625 Illinois Compiled Statutes 5/11-30-2. (RC 1982 §6-1-1)

## 9-3-2: CONFLICTING LAWS REPEALED:

All ordinances and resolutions in conflict with this Chapter are hereby repealed, amended and replaced. The provisions of this Chapter shall be deemed as additional requirements to minimum standards required by other codes of the City. In case of conflicting requirements, the most restrictive shall apply. (RC 1982 §6-1-2)

## 9-3-3: DEFINITIONS:

For the purpose of this Chapter, the following definitions are adopted:

!DEF! BASE FLOOD: The flood having a one percent (1%) chance of being equalled or exceeded in any given year. The base flood is also known as the 100-year flood.

BASE FLOOD ELEVATION: The elevation in relation to mean sea level of the crest of the base flood.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including, but not limited to, construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.

**FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

**MOBILE HOME:** A structure transportable in one or more sections which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter, it does not include recreational vehicles or travel trailers.

**STRUCTURE:** A walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a mobile home and a prefabricated building.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either: !DEFEND!

A. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

B. Any alteration of a structure or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places.  
(RC 1982 §6-1-3)

#### 9-3-4: FLOOD HAZARD BOUNDARY MAP:

The Flood Hazard Map, No. H-01-02, dated March 22, 1974, and amendments thereto, delineating "A" Zones as areas that are susceptible to the base flood as prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, is hereby adopted for the purpose of this Chapter and filed as a record in the office of the City Clerk.  
(RC 1982 §6-1-4)

#### 9-3-5: PERMIT REQUIRED:

No person shall commence any construction, substantial

improvement, subdivision of land, placement of mobile homes or other development in areas located in an "A" Zone without first obtaining a permit from the Mayor. The Mayor shall not issue such permit for any construction, substantial improvement or other development that does not comply with the provisions of this Chapter, or that has been denied a permit required by the Federal or State law including section 404 of the Federal Water Pollution Control Act, 1972, 33 U. S. C. 1334. (RC 1982 §6-1-5)

9-3-6: APPLICATION FOR PERMIT:

A. Within areas designated as "A" Zones, each application for development shall be accompanied by elevations, in relation to mean sea level, of the lowest habitable floor, including basement, and in the case of floodproofed structures, the elevation to which it will be floodproofed.

B. The Mayor shall require certification from a registered professional engineer or architect that floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood.

C. The application shall also contain information or certification as reasonably may be required by the Mayor in order to determine eligibility for permits or to enforce the terms of this Chapter. (RC 1982 §6-1-6)

9-3-7: BASE FLOOD ELEVATION:

The City Council shall obtain, review, and reasonably utilize base flood elevation data available from Federal, State or other sources until such time as such data has been received from the Federal Insurance Administration. Base flood data received from the Federal Insurance Administration shall take precedence over data from other sources. (RC 1982 §6-1-7)

9-3-8: NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT STANDARDS:

All new construction and substantial improvements to structures located in an "A" Zone shall:

A. For residential structures, have the lowest floor, including basement, elevated to one foot (1') above the base flood elevation.

B. For nonresidential structures, have the lowest floor, including basement, elevated or floodproofed to one foot (1') above the base flood elevation.

C. Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

D. Be constructed with materials and utility equipment resistant to flood damage.

E. Be constructed by methods and practices that minimize flood damage to other properties.

F. Have all structural components below the base flood elevation designed to be watertight with walls substantially impermeable to the passage of water, and such structural components shall be designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy. (RC 1982 §6-1-8)

9-3-9: MOBILE HOME STANDARDS<sup>1</sup>:

A. All mobile home parks and mobile home subdivisions located in an "A" Zone shall file evacuation plans indicating vehicular access and escape routes, including mobile home hauler routes, with the appropriate disaster preparedness authorities.

B. All mobile homes to be placed on a site located in an "A" Zone shall:

1. Have the lowest floor elevated one foot (1') above the base flood elevation.

2. In the instance of elevation on pilings, have all piling foundations placed in stable soil no more than ten feet (10') apart, and reinforcement shall be provided for piers more than six feet (6') above ground.

3. Have lots large enough to permit steps to the mobile home, and have adequate surface drainage on all sides of the structure.

4. Be anchored according to the following specifications:

a. Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, and mobile homes less than fifty feet (50') long shall require one additional tie per side;

b. Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points, and mobile homes less than fifty feet (50') long shall require four (4) additional ties per side;

c. All components of the anchoring system shall be capable of carrying four thousand eight hundred (4,800) pounds; and

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1. See also Chapter 2 of this Title.



d. Any additions to the mobile home shall be similarly anchored. (RC 1982 §6-1-9)

9-3-10: UTILITY STANDARDS:

All new construction and substantial improvements to utilities located in an "A" Zone shall provide that:

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters.

C. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (RC 1982 §6-1-10)

9-3-11: SUBDIVISION AND OTHER DEVELOPMENT STANDARDS:

All subdivisions and other development located in an "A" Zone shall provide that:

A. All subdivision and other development proposals shall be designed to minimize flood damage to the proposed subdivision or development site as well as to other properties.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located, elevated and constructed to minimize or eliminate flood damage.

C. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

D. For any proposed subdivision or new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, the applicant shall show the base flood elevation data for each lot or platted parcel. Provided that, if the base flood elevation data is not available, the applicant shall compute and provide this information for each lot or platted parcel greater than fifty (50) lots or five (5) acres, whichever is less. (RC 1982 §6-1-11)

9-3-12: WATERCOURSE STANDARDS:

The Mayor shall notify adjacent communities and the Illinois Department of Transportation, Division of Water Resources and the Federal Insurance Administration prior to any alteration or relocation of a watercourse. The flood-carrying capacity within the altered or relocated portion of any watercourse

shall be maintained. (RC 1982 §6-1-12)

## CHAPTER 4

## REQUIREMENTS FOR RESIDENTIAL ADDITIONS AND SUBDIVISIONS

## SECTION:

9-4-1: Definitions

9-4-2: Requirements !2R!

## 9-4-1: DEFINITIONS:

The following terms as used in this chapter are defined as follows:

**!DEF! ALLEY:** A narrow public way or thoroughfare designed for the occasional use of vehicular traffic and located at the rear of the lots in a block.

**BLOCK:** An area of land within an addition or subdivision, containing a number of lots, having a maximum length of six hundred feet (600').

**LOT:** An area of land as defined, described, or laid out upon a plat within an addition of the subdivision as is customarily recited in a legal description in conveyances for lands lying within an incorporated area.

**PLAT:** A permanent drawing, map, or chart of an addition or subdivision showing blocks, lots, streets, easements, and dimensions; shall be properly identified and drawn to scale and prepared by an Illinois registered surveyor.

The plat shall be drawn at a scale of one hundred feet to one inch (100':1") on a sheet not less than seventeen inches by twenty one inches (17" x 21") or more than thirty inches (30") in size except when the drawing at said scale requires more than a sheet thirty inches by thirty six inches (30" x 36") in size the plat may be drawn at a scale of two hundred feet to one inch (200':1").

**STREET:** An improved public way or thoroughfare, with a minimum width of sixty feet (60'), designed for the use of motor vehicles or other vehicular traffic. (Ord. 483, 9-7-1994)  
!DEFEND!

9-4-2: REQUIREMENTS<sup>1</sup>:

No proposed plat of an addition or subdivision to the city shall be accepted by the authorities thereof unless or until

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1. See section 10-2-10 of this code.

the following conditions have been complied with and subject to the following terms and requirements; provided, that any requirements of this chapter, for good cause, may be waived by a majority vote of the elected members of the city council of said city:

- A. A plat must be filed with the city clerk and shall be accompanied by a filing fee of fifteen dollars (\$15.00); it shall include an annexation petition, if needed, as well as a proprietary certificate that shall recite all restrictive covenants, if any, and shall comply with the Illinois statutes.
- B. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created. The minimum right of way of local streets, marginal access streets or cul-de-sacs, shall be sixty feet (60'). All dead end streets must be made into cul-de-sacs. All cul-de-sacs shall terminate in circular rights of way with a minimum diameter of one hundred feet (100'), or other arrangement for the turning of all vehicles conveniently with the right of way. All streets shall be at least sixty feet (60') wide and shall be rock based, graded, oiled and rocked, or shall be of concrete construction at no cost to the city to a minimum width of thirty feet (30') to be up to the specifications of the city. The subdivider shall provide the subdivision with standard city street signs at the intersection of all streets.
- C. No alleys shall be permitted in an addition or subdivision; however, an easement with a minimum width of ten feet (10') for the installation and maintenance of public utilities shall be reserved and provided for over the rear of each lot in a block.
- D. All water mains, fire hydrants, sewers, and storm drainage with outlets, in an addition shall be installed at no cost to the city and shall comply with city requirements as well as state requirements for the protection of the public health and welfare. The subdivider shall provide the subdivision with an adequate storm water disposal system whenever curb and gutter is installed and whenever the natural surface drainage is inadequate. When the surface drainage is inadequate, easements for such surface drainage shall be provided. Deep open ditches for drainage are not permitted in the street, but where curb and gutter are not provided, a shallow swale with its low point at least three inches (3") below the elevation of the subgrade of the pavement may be permitted. In a subdivision where curbs and gutters are not provided, the subdivision shall furnish a concrete or corrugated iron pipe, at least ten inches (10") in diameter and fourteen feet (14') in length to be placed where required for each driveway to facilitate roadside drainage and to assure suitable entrances for private driveways that are proposed to intersect the roadway.
- E. No lot shall be less than eighty feet by one hundred twenty

feet (80' x 120') in size.

F. The said addition is for residential purposes only and no business establishments shall be erected or located therein.

G. No duplex or apartment houses or apartment buildings shall be erected or located within said addition.

H. Any home or residential structure hereinafter erected within said addition must be built with all exterior areas of new materials and each such home or structure must contain no less than one thousand two hundred (1,200) square feet of floor space, excluding attached garage or utility building, if any is constructed. No other buildings are to be constructed on any lot except for an approved private garage.

I. Not more than one home or residential structure shall be erected upon any one lot in said addition. Any additional building upon any lot shall be considered as an improvement to the original structure.

J. No home or residential structure shall be erected or located upon any lot within said addition with any part of its main foundation nearest to the front line of said lot nearer to any street within said addition or existing street outside of said addition more than twenty five feet (25') therefrom, nor with any part of said main foundation nearer to the side of said lot than ten feet (10') therefrom.

K. No structure of a temporary character, such as a trailer, tent, garage, or other outbuilding may be used at any time within said addition as a residence, either temporarily or permanently, and no other residence or other building erected or built upon some other location shall be moved to or upon any lot within said addition. All structures erected for residential purposes if not completed within eighteen (18) months from date of beginning shall be moved, torn down, and removed from the premises and the premises restored to its original condition.

L. No lot shall be used or maintained as a dumping ground for rubbish or junk. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

M. All driveways on such premises shall be of concrete or asphalt construction.

N. No livestock or poultry, except household pets such as cats, birds, dogs, etc., provided they are not kept, bred, or maintained for any commercial purposes, shall be kept upon any lot within said addition. (Ord. 483, 9-7-1994)

## CHAPTER 5

## STORM WATER MANAGEMENT

## SECTION:

- 9-5--1: Purpose And Intent
- 9-5--2: Definitions
- 9-5--3: Application
- 9-5--4: Drainage Plan Drawings
- 9-5--5: Storm Water Runoff Release Rate
- 9-5--6: Collection Of Flows
- 9-5--7: Design Formula
- 9-5--8: Minimum Outlet Size
- 9-5--9: Storage Requirements
- 9-5-10: Detention Pond Design Criteria
- 9-5-11: Retention Pond Design Criteria
- 9-5-12: Maintenance Responsibilities
- 9-5-13: Penalties For Violation !2R!

## 9-5-1: PURPOSE AND INTENT:

It is the policy of the city to protect and promote the public health, safety and general welfare. The criteria for storm water management will reduce the possibility of damage to public and private property, will help to minimize erosion, will assist in the attainment and maintenance of water quality standards, and will preserve and enhance the environmental quality of the watercourses in the city. These criteria provide uniform procedures for designing and evaluating the design of storm water management systems.

The plan commission shall not recommend the approval of any plat unless, after consultation with the city engineer, they determine that the proposed provisions for storm water management are adequate. Drainage improvements shall be coordinated with existing and planned improvements elsewhere so as to form an integrated municipal system. The storm water drainage system shall be separate and independent of the sanitary sewer system. (Ord. 609, 11-7-2007)

## 9-5-2: DEFINITIONS:

The following definitions shall apply to the storm water management plan:

!DEF! BASE FLOOD: The flood generated by the 100-year storm.

DESIGN STORM: The 100-year storm.

DETENTION POND: See section 9-5-10 of this chapter.

EMERGENCY OVERFLOW SPILLWAY: In a detention/retention pond, a device or devices having at least the capacity for carrying the

peak inflow generated by the design storm. Activation of the emergency overflow/spillway occurs only when the excess storm water runoff exceeds the design storage capacity.

**EXCESS STORM WATER RUNOFF:** The difference between the storm water runoff from the design storm for the proposed site conditions and the storm water runoff from a 5-year storm for the undeveloped or existing site.

**5-YEAR STORM:** A precipitation event having a twenty percent (20.0%) chance of occurring in any given year.

**FLOODPLAIN:** That land area susceptible to being temporarily inundated by floodwater from an adjacent watercourse.

**FLOODWAY:** The channel of a river or other watercourse that must be reserved for passage of the base flood.

**FREEBOARD:** In a detention/retention pond, the vertical distance from the calculated maximum height of the water surface for the design storm to the lowest point of the top of the berm or containment wall.

**IMPERVIOUS AREA:** An area that will not appreciably absorb water, such as a parking lot, driveway, roof area, sidewalk, etc.

**100-YEAR STORM:** A precipitation event having a one percent (1.0%) chance of occurring in any given year.

**PARKING LOT DETENTION:** The use of parking lots for storm water detention. The following restrictions shall apply:

A. There should be no more than seven inches (7") of water depth in remote areas of the parking lot or four inches (4") in heavy traffic areas under design storm conditions.

B. The applicable provisions of other ordinances governing parking lot design and operation must be followed.

**RETENTION POND:** See section 9-5-11 of this chapter.

**STORM WATER CHANNEL:** A natural or manmade open watercourse with definite bed and banks, and which periodically or continuously contains moving water or forms a connecting link between two (2) bodies of water.

**STORM WATER RUNOFF:** That fraction of the water resulting from precipitation that flows from a given area of land during and immediately after a rainfall.

**STORM WATER RUNOFF RELEASE RATE:** The rate at which storm water runoff is released from dominant to servient land, the discharge rate from detention/retention facilities, or the sum of both types of discharges where applicable. (Ord. 609, 11-7-2007)

!DEFEND!

9-5-3: APPLICATION:

A. A combination of storage and controlled release of storm water runoff shall be required to be constructed and maintained in the following:

1. All residential subdivision developments within the corporate limits are subject to the provisions of the subdivision ordinance of the city of Assumption.
2. Commercial, business, office, and research developments.
3. Any planned unit development.

B. Developments less than two (2) acres with a proposed impervious area of less than thirty percent (30.0%), and developments generating less than one cubic foot per second (cfs) per acre of excess storm water runoff, shall not be required to provide detention/retention storage unless such flows will cause damage to, or exceed the capacity of, any downstream drainage facilities within the city of Assumption. (Ord. 609, 11-7-2007)

9-5-4: DRAINAGE PLAN DRAWINGS:

A. A drainage plan shall be filed with the preliminary plat for residential subdivisions and planned unit developments and shall be filed and approved prior to the issuance of a building permit for commercial, business, office and research developments.

B. The drainage plan shall include engineering drawings and supporting calculations describing the storm water drainage systems and environmental features for existing and proposed conditions.

C. The drainage plan shall show or contain the following:

1. Topographic survey of the property with contours at a minimum interval of two feet (2'), with spot elevations at key points when appropriate.
2. Banks and centerlines of streams and channels.
3. Shorelines of lakes, ponds and detention/retention basins.
4. Locations, sizes, and slopes of farm drains and tiles.
5. Subwatershed boundaries within the property and the property's location within the larger watershed.
6. Location, size, and slope of storm water conduits and drainage of water.



7. Locations, sizes, and slopes of sanitary sewers.
  8. Delineation of upstream and downstream drainage features and watersheds which might be affected by the development.
  9. Detention/retention areas and facilities.
  10. Roads, streets, inlets, and storm sewers.
  11. Detail of how storm water runoff from the design storm that exceeds the capacity of the storm sewer system will be conveyed to detention/retention areas.
  12. Site plan showing lots, public improvements, drainage easements, and building outlines.
  13. Base flood elevation and regulatory floodway where identified for the property.
  14. Drainage certificate signed by an Illinois licensed professional engineer and the owner of the development. The certificate must include language to the effect that the drainage of surface waters will not be adversely affected by this development, or that if change does occur, adequate provision has been made to protect adjoining property owners from damages which might result from such change in drainage.
- D. All computations, plans, and specifications related to the implementation of the drainage plan must be prepared and sealed by an Illinois licensed professional engineer. (Ord. 609, 11-7-2007)

9-5-5: STORM WATER RUNOFF RELEASE RATE:

- A. The maximum allowable runoff shall be limited to:
1. The runoff that would occur during a 5-year storm under existing conditions for undeveloped sites.
  2. For developed sites undergoing redevelopment or expansion:
    - a. If thirty percent (30%) or more of the impervious area is increased or modified, detention/retention must be provided for the entire site and outflow is not to exceed what would occur for a 5-year storm under predeveloped (natural) conditions. For example, if more than thirty percent (30%) of an area that will not appreciably absorb storm water, such as a parking lot or roof area, is increased, then a storm water detention/retention facility must be provided for the entire site to control and detain the excess storm water runoff so that it will not exceed that of a 5-year storm.
    - b. If less than thirty percent (30%) of the impervious area is increased or modified, the outflow shall not exceed what would occur for a 5-year storm under existing (current) conditions, and

detention/retention shall be required only for the area that is to be expanded or modified.

3. Under all circumstances, the storm water runoff release rate from a site shall be limited to such flows as will not cause damage or exceed the capacity of any downstream drainage facilities within the city of Assumption. (Ord. 609, 11-7-2007)

#### 9-5-6: COLLECTION OF FLOWS:

All flows shall be collected on site using closed conduits, open channels, or both. Closed conduits shall be a minimum twelve inch (12") diameter pipe where access to a storm sewer is available. (Ord. 609, 11-7-2007)

#### 9-5-7: DESIGN FORMULA:

The modified rational method will be used to compute storm water runoff unless the city council approves the use of another methodology. (Ord. 609, 11-7-2007)

#### 9-5-8: MINIMUM OUTLET SIZE:

Where a single pipe outlet or orifice plate is to be used to control excess storm water runoff, it shall have a minimum diameter of six inches (6"). If the minimum size permits release rates greater than those specified, alternative outlet designs incorporating self-cleaning flow restrictors shall be used. (Ord. 609, 11-7-2007)

#### 9-5-9: STORAGE REQUIREMENTS:

A. The design maximum storage to be provided in a detention/retention basin shall be based on the runoff generated by the design storm. Detention storage shall be computed using the modified rational method as outlined in chapter 12 of the Illinois department of transportation's "Drainage Manual".

B. The applicable regulations of the Illinois department of natural resources and the federal emergency management agency shall apply to all storage areas located in floodplains. (Ord. 609, 11-7-2007)

#### 9-5-10: DETENTION POND DESIGN CRITERIA:

A. A detention pond is an area designated to temporarily store excess runoff with no permanent pool. Detention ponds shall incorporate the following design criteria:

1. A minimum two percent (2%) bottom slope or implementation of a low flow system or underdrain.

2. A low flow bypass system wherever feasible.
3. Location shall be at least one foot (1') from the property line.
4. Inner and outer embankment slopes shall have maximum grades of three to one (3:1).
5. Freeboard shall be a minimum of two feet (2') or fifty percent (50%) of the maximum pond depth, whichever is less.
6. Energy dissipation and/or erosion control for areas where velocities meet or exceed six feet (6') per second.
7. An emergency overflow/spillway.
8. Landscaping and multiple use shall be considered in all pond designs.
9. Subdivision detention ponds shall be incorporated into multiple properties to encourage maintenance or shall incorporate recreational use and be the responsibility of the homeowners' association.
10. Discharges shall be deposited directly into an approved storm sewer system where available.
11. Outfalls to ditches and open channels shall be designed to prevent erosion. If necessary, energy dissipation strategies shall be used to reduce outfall velocities to acceptable levels.
12. Detention facilities adjacent to a state highway may use IDOT design standards for storm water runoff release rates for all discharges to the highway drainage system. The developer shall obtain IDOT approval for such discharges, in addition to any approvals required from the city of Assumption.
13. Flows and storm water runoff from upstream areas outside the site should be based on the assumption that such areas are fully developed according to the latest available forecast land use patterns. (Ord. 609, 11-7-2007)

9-5-11: RETENTION POND DESIGN CRITERIA:

A. A retention pond may be used with permission of the city council. A "retention pond" shall be defined as an area with a permanent pool having sufficient capacity to store excess runoff and shall incorporate the following design criteria:

1. Outer embankment slopes shall have maximum grades of three to one (3:1), and inner embankment slopes to the pool area shall have maximum grades of five to one (5:1).
2. Freeboard shall be a minimum of two feet (2') or fifty percent (50%) of the height from the permanent pool to the maximum water

surface for the design storm, whichever is less.

3. The inner embankment shall have a shelf area along the sides of a minimum width of three feet (3').

4. The permanent pool area shall have a minimum depth of three feet (3') with a maximum depth of one foot (1') above the shelf area.

5. An emergency overflow/spillway.

6. Shall be designed so that as much flow as possible shall enter the pond through grass swales or sheet flow across grass areas.

7. Developer shall submit a maintenance plan for sediment removal and water quality control.

8. A structure capable of dewatering the pond within forty eight (48) hours.

9. Discharges shall be deposited directly into an approved storm sewer system where available.

10. Outfalls to ditches and open channels shall be designed to prevent erosion. If necessary, energy dissipation strategies shall be used to reduce outfall velocities to acceptable levels.

11. Retention facilities adjacent to a state highway may use IDOT design standards for storm water runoff release rates for all discharges to the highway drainage system. The developer shall obtain IDOT approval for such discharges, in addition to any approvals required from the city of Assumption.

12. Flows and storm water runoff from upstream areas outside the site should be based on the assumption that such areas are fully developed according to the latest available forecast land use patterns. (Ord. 609, 11-7-2007)

#### 9-5-12: MAINTENANCE RESPONSIBILITIES:

A. Commercial Development: Maintenance of all structures, conduits, and pooling areas required to convey flow or provide detention/retention for the development shall be the responsibility of the owner to the point of its connection to the city's drainage system or its release onto right of way. A signed drainage covenant as provided by the city of Assumption shall be required prior to site plan approval.

#### B. Residential Development:

1. Detention/retention pond areas shall be a part of buildable lots and shall be maintained by adjacent residents. All conduits and structures shall be placed in easements and shall be the responsibility of the city.

2. Detention/retention pond areas not incorporated into buildable lots shall be designated as recreation areas and shall be the responsibility of a homeowners' association. Proof of homeowners' association requirements and responsibilities shall be submitted with the preliminary plat.

3. Regional detention/retention areas not incorporated into buildable lots and owned by the city shall be designated as public recreation areas and shall be the responsibility of the city of Assumption.

C. Privately Maintained Storm Water Systems; Inspection; Cost Of Corrective Action: All privately maintained storm water systems shall be subject to periodic inspection by the city or its representative to evaluate the condition and functioning of such systems. The cost of any corrective actions as determined by the city shall be the sole responsibility of the owner(s) of the system. Should the city be required to correct deficiencies in a privately maintained storm water system any costs incurred shall accrue to the owner(s). (Ord. 609, 11-7-2007)

#### 9-5-13: PENALTIES FOR VIOLATION:

A. Violation of the provisions of this chapter, or failure to comply with any of its requirements, including conditions and safeguards established, shall constitute a misdemeanor. Each day such a violation continues shall be considered a separate offense.

B. Nothing herein contained shall prevent the city from taking such other lawful actions as is necessary to forbid or remedy any violations. All such costs connected therewith shall accrue to the person or persons responsible.

C. Any person who violates this chapter shall be subject to the penalty in section 1-4-1 of this code. (Ord. 609, 11-7-2007)

**TITLE 10**

**ZONING**

Subject	Chapter
Title; Purpose; Definitions. . . . .	1
General Provisions. . . . .	2
Residential Districts. . . . .	3
Commercial Districts. . . . .	4
Industrial Districts. . . . .	5
Mobile Homes And Mobile Home Parks. . . . .	6
Zoning Board Of Appeals. . . . .	7
Setback Zone Provisions For Wells. . . . .	8
Agricultural District. . . . .	9
Wind Farms And Electric-Generating Wind Devices. . . . .	10

October 2020



## CHAPTER 1

## TITLE; PURPOSE; DEFINITIONS

## SECTION:

- 10-1-1: Purpose And Title
- 10-1-2: Rules
- 10-1-3: Power To Amend
- 10-1-4: Definitions !2R!

## 10-1-1: PURPOSE AND TITLE:

An ordinance establishing zoning regulations for the City of Assumption, Illinois, and shall be known as the *ZONING CODE OF THE CITY OF ASSUMPTION, ILLINOIS*. (Ord. 503, 2-7-1996)

## 10-1-2: RULES:

The following words, terms and phrases, when and as used in this Title shall have the meanings ascribed to them in this Section, except where the content clearly indicates a different meaning.

The word "shall" is mandatory and not discretionary. The word "may" is permissive. All words used in the present tense include the future tense. All words in the future tense include the present tense. All words used in the singular include plural, and all words in the plural include the singular. The word "used" shall be deemed to include "desired, intended, or arranged to be used". (Ord. 503, 2-7-1996)

## 10-1-3: POWER TO AMEND:

The Mayor and City Council may amend, supplement, change, modify or repeal any or all parts of this Title. (Ord. 503, 2-7-1996)

## 10-1-4: DEFINITIONS:

!DEF! ACCESSORY BUILDING OR USE: A structure or use customarily incidental and subordinate to the principal use or building and located on the same lot or tract with such principal use or building. A mobile home should not be considered permissible as an accessory building.

An accessory use includes, but is not limited to the following:

A children's playhouse, garden house, and private greenhouse.

A nonpaying guest house or rooms for guests within an "accessory building" provided such facilities



are used for the occasional housing of guests or occupants of the principal building and not for permanent units.

Off-street motor vehicle parking areas, and loading and unloading facilities.

**ALLEY:** A narrow service way providing a secondary public means of access to abutting properties, and not more than thirty feet (30') wide, or less than twenty feet (20') wide.

**ALTERATIONS:** As applied to 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 in height, or the moving from one location or position to another, or by change in use from that of one district classification to another. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**APARTMENT:** A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit, and which contains complete kitchen, bath and toilet facilities, permanently installed.

**APARTMENT HOUSE:** A building arranged, intended, or designed to be occupied by three (3) or more families living independently of each other.

**AREA, BUILDING:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory building exclusive of uncovered porches, terraces and steps.

**AUTOMOBILE REPAIR, MAJOR:** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

**AUTOMOBILE REPAIR, MINOR:** Incidental repairs, replacement of parts, and motor service to automobiles, but not including any operation specified under "Automobile Repair, Major".

**AUTOMOBILE WRECKING YARD:** Any area of land where two (2) or more motor vehicles, not in running condition, or parts thereof, are stored in the open and not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

**BASEMENT:** A story partly underground but having at least one-half ( $1/2$ ) of its height above the average level of the adjoining ground. A basement should be counted as a story for the purposes of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5') or if used for business or dwelling purposes.

**BILLBOARD OR SIGNBOARD:** Any structure, or portion thereof, situated on private premises, on which lettered, figured or

pictorial matter is, or is intended to be displayed for advertising purposes, other than the name and occupation of the user of, or the nature of, the business conducted on such premises, or the products primarily sold or manufactured thereon. This definition should not be held to include a real estate sign advertising for sale or rent the property upon which it stands.

**BLOCK:** That property abutting on one side of a street between the two (2) nearest intersecting streets or other natural barriers.

**BOARD:** The duly appointed Board of Appeals as established under Illinois Enabling Legislation.

**BOARDING HOUSE:** A building or premises where meals are served for compensation for five (5) or more persons, but not exceeding fifteen (15) persons. An establishment where meals are served for compensation for more than fifteen (15) persons should be deemed a restaurant.

**BUILDABLE AREA:** The space remaining on a lot after the minimum setback and other requirements of the ordinance are complied with.

**BUILDING:** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such building should be considered a separate structure.

**BUILDING AREA:** The maximum horizontal projected area of a building and its accessory building, excluding open steps, terraces and cornices projecting not more than thirty inches (30").

**BUILDING, FRONT LINE OF:** The line of this 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 HEIGHT:** The vertical distance measured from the average elevation of the proposed existing finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**BUILDING SETBACK LINE:** A line parallel to the street line at a distance regulated by a front yard requirement as herein established.

**COVERAGE:** That percentage of the plot or lot area covered by the building area.

**DWELLING:** A building, but not a trailer (mobile home), designed or used exclusively as the living quarters for one or more families.

DWELLING, GROUP: A group of two (2) or more one-family or multiple dwellings occupying a lot on one ownership and having any yard in common.

DWELLING, MULTI-FAMILY: A dwelling or group of dwellings on one plot containing separate living units for three (3) or more families, but which may have joint services or facilities or both.

DWELLING, ONE-FAMILY: A detached building designed for or occupied exclusively by one family.

DWELLING, ROW: A dwelling, the walls on two (2) sides of which are in common with the walls of adjoining dwellings and are party or lot line walls.

DWELLING, TWO-FAMILY: A building designed for or occupied exclusively by two (2) families living independently of each other. May also be referred to as a duplex.

DWELLING UNIT: A building or portion thereof providing complete housekeeping facilities for one family.

FAMILY: One or more persons who live together in one dwelling unit and maintain a common household. May consist of a single person or of two (2) or more persons, whether or not related by blood, marriage or adoption. May also include domestic servants and gratuitous guests.

FLOOD PLAIN: Lands which are low-lying, difficult to drain, subject to flood, or are natural drainage ways.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings. In particular, the "floor area" of a building or buildings should include:

- A. Basement space.
- B. Elevator shafts and stairwells at each floor.
- C. Floor space for mechanical equipment, with structural headroom of seven feet six inches (7'6") or more.
- D. Penthouse.
- E. Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet six inches (7'6") or more.
- F. Interior balconies and mezzanines.
- G. Enclosed porches.
- H. Accessory buildings.

**FRONTAGE:** All the property abutting on one side of a road, street or place between two (2) intersecting roads or places (crossing or terminating) or if the road, street or place is dead ended, then all of the property abutting on one side between an intersecting road, street or place and the dead end of the road, street or place.

**GARAGE, PRIVATE:** An accessory building, housing not to exceed four (4) motor driven vehicles, the property of and for the use of the occupants of the lot on which the private garage is located.

**GARAGE, PUBLIC:** Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.

**HOME OCCUPATION:** An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate and in connection therewith there is not involved the keeping of a stock in trade. The office of physicians, surgeons, dentists or other professional person, including an instructor in violin, piano or other individual musical instrument limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, should be deemed to be home occupations; and the occupations of barber shops, beauty parlors, dressmakers, insurance offices, milliner, real estate offices, or seamstress, should be deemed as home occupations provided the owner of such is the sole operator of such occupation. Dancing instruction, band instrument instruction in groups, tourist homes, convalescent homes, mortuary establishments, and stores, trades or business of any kind shall not be deemed to be home occupations.

**HOSPITAL:** Unless otherwise specified, the term "hospital" should be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, or any other place for the diagnosis, treatment or other care of ailments, and should be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

**JUNK YARD:** An open area or fenced enclosure where used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.

**KENNEL:** Any structure or premises where three (3) or more animals are boarded for compensation, bred or raised for commercial sale.

**LAND USE PLAN:** The comprehensive long-range plan for the desirable use of land as officially adopted and as amended from time to time by the governing body; the purpose of such plan being among other things, to serve as a guide to the zoning and progressive changes in the zoning of the land to meet changing needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as roads, parks, schools and other public buildings or public uses.

**LOADING SPACE:** A space within the main building or on the same lot therewith providing for the standing, loading, or unloading of trucks.

**LOT:** A parcel, tract or area of land accessible by the means of a road, street or place. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of or a combination of such parcels when adjacent to one another and used as one.

**LOT, CORNER:** A lot at the junction of and having frontage on two (2) or more intersecting streets or roads.

**LOT COVERAGE:** The percentage of the lot area covered by the building area.

**LOT, DEPTH OF:** The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

**LOT, INTERIOR:** A lot other than a corner lot or through lot.

**LOT LINE, FRONT:** In the case of an interior lot, a line separating the lot from the road, street or place; and in the case of a corner lot a line separating the narrowest frontage of the lot from the street.

**LOT OF RECORD:** A lot which is part of a subdivision, addition or survey, a plat which is recorded or a parcel of land described by metes and bounds consisting of five (5) acres or less, the plat or description of such parcel of land having been recorded in the office of the Recorder of Deeds of the County prior to the effective date of any new zoning ordinance.

**LOT, THROUGH:** A lot having frontage on two (2) parallel or approximately parallel streets and which is not a corner lot.

**LOT, WIDTH:** The dimension of a lot, measured between side lot lines on the building line.

**MOBILE HOME:** Means a factory-fabricated transportable structure, built on a chassis, with body width exceeding eight feet (8') or body length exceeding thirty two feet (32'), designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities. A double-wide or triple-wide mobile home is a mobile home consisting respectively of two (2) or three (3) sections combined horizontally at the site to form a

single dwelling, while still retaining their individual chassis for possible future movement.

**MOBILE HOME PARK:** Means an area of land upon which five (5) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for the use as a part of the equipment of such mobile home park.

**NET SITE AREA:** That area, in the case of a multiple-dwelling plan, not occupied by rights of way.

**NONCONFORMING USE:** A building or use of land that does not conform to the regulations for the district in which it is situated.

**PARKING LOT:** Any place, lot, parcel or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is not incidental to or in conjunction with a dwelling, or other usage permissible in dwelling districts and located on the same tract.

**PARKING SPACE:** A surfaced area available for the parking of one motor vehicle, and having an area of not less than one hundred (100) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto and having direct access to a street or alley.

**PLACE:** An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.

**SERVICE STATION:** A building, buildings, premises or portions thereof which are used or arranged, designed, or intended to be used for the retail sale of gasoline or other motor vehicle, motorboat or aircraft fuels as well as automotive accessories, tires, batteries and limited parts.

**STABLE:** Any building, structure or portion thereof which is used in whole or in part for the shelter or care of horses, cattle or other similar animals, either permanently or transiently.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**STREET OR ROAD:** A public or private way which affords the principal means of access to abutting properties.

**STREET OR ROAD GRADE:** The officially established grade of the street upon which a lot fronts. If there is no officially established grade the existing grades of the street shall be taken as the street grade.

**STRUCTURE:** Anything constructed or erected, the use of which

requires location on the ground, or attachment to something having location on the ground.

**TRAILER MOBILE HOME:** Any vehicle or mobile structure more than thirty feet (30') long, on wheels, skids, rollers or blocks, designed to be pulled, pushed or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling unit, complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations, location on permanent foundations, connections to utilities, and the like.

**TRAILER MOBILE HOME PARK:** An area of land divided into lots with foundations platted and laid out to provide sites for mobile homes. The mobile home park area should include any building or structure, fixture or equipment that is used or intended to be used in connection with providing that accommodation, including provisions for sewer, water, electric and any other similar facilities required to permit occupancy of such mobile homes parked thereon.

**USE:** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

**YARD:** A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided.

**YARD, FRONT:** A yard extending across the full width of the lots, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the front lot line and the building line.

**YARD, REAR:** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty percent (30%) of the required space, and steps, walks, terraces, driveways, lampposts and similar structures the depth of which the least distance between the rear lot line and the rear of such principal building.

**YARD, SIDE:** A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at ninety degrees (90°) with the side lot line, from the nearest part of the principal building.

**ZONING PERMIT:** A document issued by the city of Assumption authorizing the use of the lots, structures, uses of land and structuring and the characteristics of the use. (Ord. 503, 2-7-1996; amd. Ord. 582, 8-3-2005) !DEFEND!

## CHAPTER 2

**GENERAL PROVISIONS**

## SECTION:

- 10-2- 1: Establishment Of Districts
- 10-2- 2: Nonconforming Use
- 10-2- 3: Parking
- 10-2- 4: Signs, Fences, Plantings
- 10-2- 5: Signs, Special Provisions
- 10-2- 6: Special Regulations For Corner Lots
- 10-2- 7: Buildings Under Construction
- 10-2- 8: Enforcement Zoning Officer And Building Inspector
- 10-2- 9: Building Permits
- 10-2-10: Permits, Applications; Additional Costs

10-2-1: **ESTABLISHMENT OF DISTRICTS:**

- A. For the purpose of this chapter, all land lying within the corporate limits of the city, is hereby designated on the zoning maps as being in one of the following districts:
  - R-1 One-, two- and multiple-family residential
  - R-2 Multiple-family residential
  - C-1 General retail
  - C-2 Service retail
  - I-1 Light industrial
  - I-2 Heavy industrial
  - AG-1 Agricultural district 1
- B. Unless otherwise indicated on the zoning district maps, the boundary lines of the districts follow lot lines, centerlines of the streets, alleys or railroad right of way.
- C. In the event a district boundary line divides a lot, tract, or parcel, placing such lot, tract or parcel in more than one district, the whole lot, tract or parcel shall be classified and zoned for use according to the most intensive use applicable to any portion thereof.
- D. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in

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conformity with the regulations for the district in which it is located. All territory which may hereafter be annexed to the city shall from time of annexation be considered as being in the R-1 district by zoning ordinance amendment unless a valid preannexation agreement is in effect at the time of annexation. (Ord. 503, 2-7-1996; amd. Ord. 745, 10-2-2019)

10-2-2: **NONCONFORMING USE:**

Any lawful use of land or structure existing at date of approval or subsequent amendment of this chapter may be continued with the following limitations:

- A. **Nonconforming Use Not To Expand:** Any structure containing a nonconforming use may not be expanded or substantially remodeled. The board of appeals may approve any remodeling and incidental repairs which do not tend to prolong the life of the nonconforming use.
- B. **Nonconforming Use To Rebuild:** Any structure containing a nonconforming use which has been damaged to any extent may be repaired or reconstructed in conformity with this chapter.
- C. **Discontinued Nonconforming Use Not To Reestablish After One Year:** No nonconforming use shall be reestablished after having been discontinued for six (6) months.
- D. **Nonconforming Uses Not To Be Substituted:** No nonconforming use may be substituted for any other nonconforming use or any conforming use.
- E. **Nonconforming Mobile Homes:** All mobile homes lawfully existing may be continued, although such use does not conform to the provisions of this chapter; provided however, that the following uses are permitted as special uses when authorized by the planning commission after a public hearing, and subject to any requirements the planning commission feels necessary to further the purposes of this chapter, and further subject to the issuance of a building permit in accordance with section 25-102, after such grant of special use by the planning commission:
  - 1. The replacement of the mobile home with a newer mobile home.
  - 2. The sale or transfer by operation of law of the mobile home to a new owner.

3. The renting or leasing of the mobile home to a tenant or lessee. (Ord. 503, 2-7-1996)

10-2-3: **PARKING:**

A. Off-Street Parking Spaces: In all districts there shall be provided at the time any building or structure is erected, off-street parking spaces in accordance with the following requirements:

Dwellings, one space for each dwelling unit.

Boardinghouses and roominghouses, one space for each two (2) rooms occupied by boarders or roomers.

Tourist accommodations, one space for each room offered for tourist accommodations.

Hospitals and other institutions for care and treatment, one space for each two (2) beds, plus one space for each staff and visiting doctor, plus one space for each three (3) employees.

Theater, auditorium, including school auditorium, church or other place of public assembly, one space for each four (4) seats available at maximum capacity.

Wholesale, storage, and manufacturing establishments, one space for each three (3) employees.

Retail establishments, one space for each three hundred (300) square feet of gross floor area.

Office uses, one space for each four hundred (400) square feet of gross floor area.

All facilities used for parking shall be constructed with a dustfree all-weather surface and shall be graded and drained to dispose of all surface water.

Any lighting shall be arranged so that the source is not visible from, and no glare is reflected upon, any adjoining premises in Residential Zones. (Ord. 503, 2-7-1996)

10-2-4: **SIGNS, FENCES, PLANTINGS:**

A. In all districts, the following provisions shall be applied to provide for the safety of motorists and facilitate traffic movement.

1. No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic-control sign, signal or device.

2. No sign shall contain or make use of any phrase, signal, shape, form or character in such a manner as to interfere with, mislead or confuse moving traffic. (Ord. 503, 2-7-1996)

3. No exterior sign having flashing, intermittent or animated illuminations shall be permitted except on the Commercial Districts C-1 General Retail and C-2 Service Retail wherein general street lighting is provided and traffic movement on adjoining streets is regulated at forty five (45) miles per hour or less. (Ord. 736, 12-5-2018)

B. In all districts, the following provisions shall apply:

1. No part of any sign which is attached to a building shall be erected to a height greater than the height of the building.

2. No illuminated sign shall be permitted within fifty feet (50') of any Residential District unless the illumination of such sign is so designed that it does not reflect or shine light onto property in such district.

3. No part of any freestanding sign shall be erected to a height greater than that specified for accessory structures in the district in which the sign is located.

4. The minimum setback of freestanding signs from street rights-of-way shall not be less than those specified for structures in the district in which it is located, nor less than shown hereafter, whichever is greater.

5. Area of sign per face of five (5) square feet or less; two feet (2') minimum setback.

6. Area of sign per face of five (5) to 14.9 square feet; ten feet (10') minimum setback.

7. Area of sign per face of fifteen (15) to 49.9 square feet, twenty feet (20') minimum setback.

8. Area of sign per face of fifty (50) to 99.9 square feet, thirty feet (30') minimum setback.

9. Area of sign per face of one hundred (100) or more square feet, sixty feet (60') minimum setback.

10. The area of a sign shall be determined by the smallest circle, triangle or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message.

11. No freestanding sign shall be erected or maintained within ten feet (10') of any side lot line. (Ord. 503, 2-7-1996)

**10-2-5: SIGNS, SPECIAL PROVISIONS:**

A. In a Residential District (R-1) the following provisions shall apply:

1. A nameplate which shall not exceed one square foot is permitted for each dwelling unit of a single-family or two-family structure; such nameplate shall indicate only the name and/or address of the occupant, and/or customary home occupation. No other sign shall be permitted. This subsection shall not be construed to prohibit each dwelling unit from also displaying a house numbering plate for identification.
  2. Multiple-family dwellings of all types may display identification signs indicating only the name and/or address of the premises, and/or the name of the management. Such signs shall not exceed nine (9) square feet in area.
  3. For uses other than those listed in subsections A1 and A2 of this section, bulletin boards or identification signs indicating only the name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises may be displayed; such signs shall not exceed twelve (12) square feet in area.
  4. For each use designated eligible use in subsections A2 and A3 of this section, to display a sign only one sign per street frontage shall be permitted; except that uses occupying extended frontages shall be permitted one such sign per five hundred feet (500') of frontage. (Ord. 503, 2-7-1996)
- B. In any Commercial District (C-1 General Retail and C-2 Service Retail), except as herein provided, the following provisions apply:
1. Residential uses shall be subject to the provisions of subsection A of this section.
  2. Each primary use other than residential use signs shall be permitted as accessory uses according to the number and net area of signs as set forth below:
    - a. District C-1, General Retail, one sign of a net sign area of one hundred twenty (120) square feet, not to exceed more than thirty feet (30') in height.
    - b. District C-2, Service Retail, three (3) signs of a net sign area of not more than one hundred twenty (120) square feet per sign, not to exceed more than thirty feet (30') in height.
  3. Except in those blocks where twenty five percent (25%) of the lots are already occupied by business uses, and where overhanging signs are already established, no signs shall project over a lot line and no signs shall project into a required yard by more than two feet (2'). (Ord. 736, 12-5-2018)
- C. In any Industrial District (I-1 Light Industrial and I-2 Heavy Industrial), industrial use shall be permitted identification signs on the lot only as incidental uses, not to exceed two (2) set signs of the net area set forth below:
1. I-1 District, two hundred (200) square feet each.
  2. I-2 District, three hundred (300) square feet.
- D. The following signs shall be allowed in any district.

1. Each permitted or required parking area that has a capacity of more than five (5) cars shall be permitted one sign, not more than two (2) square feet in area, designating each entrance or exit from such parking area; and one sign not more than nine (9) square feet in one area, identifying or designating the conditions of use of such parking area for each twenty five (25) spaces.
  2. Each public recreation or other community facility use shall be permitted one bulletin board or identification sign, not to exceed twelve (12) square feet, except the uses occupying extended frontage shall be permitted one such sign per five hundred feet (500') of frontage.
  3. One "for sale" or "for rent" sign not more than twelve (12) square feet in area for each dwelling unit, garage or other quarters where appropriate.
  4. One sign not more than twelve (12) square feet in area, pertaining to the sale of agriculture products raised on the premises.
  5. Signs established by order of any governmental agency.
  6. One sign, not more than twelve (12) square feet in area, for construction and development, giving the name of the contractors, engineers or architects, shall be permitted, but only during the time the construction or development is actively underway.
  7. For an event of public interest such as a county fair or a church event, one temporary sign not over twenty four (24) square feet in area and located upon the site of the event shall be permitted. Such sign shall not be erected more than fourteen (14) days before the event in question and shall be removed immediately after such event. Also directional signs, not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest. Such sign shall not be erected more than seven (7) days before the event in question and shall be removed immediately after such event.
  8. For each real estate subdivision that has been approved in accordance with title 9, chapter 4 of this code, on a sign, not over three hundred (300) square feet in area, advertising the sale of property in such subdivision shall be permitted, but only when located on some portion of the subdivision being advertised for sale. Such sign shall not encroach upon any required yard. Such sign may be illuminated, but no flashing or intermittent or animated illumination is permitted. Such sign shall be maintained only during such time as some portion of the land advertised for sale remains unsold. Permits for such signs shall be issued for one year periods and may be renewed for additional one year periods to allow time for reasonable display.
- E. In all districts, no sign, fence, structure or planting, higher than two feet (2') above the established street grade, shall be maintained within fifteen feet (15') of any street right of way, nor within twenty feet (20') of any street intersection; provided, that nothing herein contained shall prohibit any overhanging structure or sign which is a minimum of eight feet (8') above the established street grade. Notwithstanding anything herein fifteen feet (15') of any street right of way is excluded from the prohibition of this section. The new planting of any tree within twenty feet (20') of any street intersection is expressly prohibited.

- F. In all districts, fences or walls not exceeding six feet (6') in height may be erected along the side or near lot lines, but such fences or walls shall not exceed three and one-half feet (3<sup>1</sup>/<sub>2</sub>') in height within twenty feet (20') from the street line. (Ord. 503, 2-7-1996)

**10-2-6: SPECIAL REGULATIONS FOR CORNER LOTS:**

The following special provisions apply to corner lots:

- A. On corner lots the required front yard shall be provided on both streets.
- B. On corner lots the required side yard measurements shall be provided opposite both streets, provided, however, that should one of the side yards border to be a rear yard and shall be governed by the setback requirements governing rear yards as determined by this chapter.
- C. Notwithstanding the provisions of subsections A and B of this section, the buildable width of a lot of record shall not be reduced to less than thirty two feet (32'), provided, however, that if this subsection is applicable a variance may be sought from the zoning board of appeals in accordance with the provisions of this chapter. (Ord. 503, 2-7-1996)

**10-2-7: BUILDINGS UNDER CONSTRUCTION:**

To avoid undue hardship, nothing in this title shall be deemed to require change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this title and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing that work shall be diligently carried on until completion of the building involved. (Ord. 503, 2-7-1996)

**10-2-8: ENFORCEMENT ZONING OFFICER AND BUILDING INSPECTOR:**

Enforcement officer shall also serve as site zoning verification representative for a fee of three hundred dollars (\$300.00) per month, plus ten dollars (\$10.00) when a building permit is requested (3 days to inspect before valid permit can be issued). (Ord. 572, 9-1-2004; amd. Ord. 636, 7-14-2009)

**10-2-9: BUILDING PERMITS:**

A building permit application fee of twenty five dollars (\$25.00) plus one dollar (\$1.00) per thousand of estimated construction costs shall be tendered with each application for a building permit, the maximum cost for each application not to exceed seven hundred fifty dollars (\$750.00).

- A. If the project is not complete within six (6) months of permit issuance, an extension can be obtained at no additional cost. If after six (6) months, the project is not complete and no extension has been applied for, it will result in an additional twenty five dollar (\$25.00) permit fee. (Ord. 588, 5-3-2006)

10-2-10: **PERMITS, APPLICATIONS; ADDITIONAL COSTS:**

Without regard to any other provision within the ordinances of the municipality the mayor, along with other municipal officials who may be authorized from time to time to do so, with prior written notice to the applicant, may retain outside consultants with established expertise in disciplines necessary to evaluate applications for annexation, zoning, subdivision and construction to assist the officials of the municipality, its committees and the corporate authorities in processing applications for municipal action or permission. The words "necessary or desirable" used here are not to be interpreted as referring to such measures as are absolutely and indispensably necessary, but includes all appropriate means which are conducive or adaptable to the end to be accomplished and which, in the judgment of the authorized official, will most advantageously permit the municipality to act upon the application or request.

The municipality shall disclose to the applicant or requesting party that it is utilizing such consulting services, and that party shall pay within thirty (30) days after the submission of an invoice from the consultant for the services provided. The services provided shall be reasonable and customary, and the invoices shall be itemized and shall be within a range generally chargeable by the consultants in performing similar services. It shall not be a defense to the payment of such invoices if the services, provided by consultants to the applicant itself, are provided at a lower pay range, so long as the services provided by outside consultants to municipalities within Christian County, Illinois, reflect similar fees as those submitted by the city's consultants. The intention of the corporate authorities is to utilize experienced and competent consultants to fairly assess the material they are asked to review with adequate time to provide excellent reports to the officials of the municipality who will then be able to reach fair decisions without prejudice or uncertainty.

In addition to establishing a system for the invoicing of consultant fees, the municipality itself may charge the reasonable cost for its own employees to process, analyze and report upon the application or request. The ordinances of the municipality may, from time to time, contain standardized fees for an application process, which is similar in the complexity of the request and of the needed municipal review. For any application or permit process not governed by a standard fee, the provisions of this section shall prevail. A copy of the provisions of this section may be included as part of the application process for any permit or application for which a standard fee has not been established. If an applicant or permittee has received an invoice from the municipality which has a due date payable prior to the date at which the municipality will be asked to act upon the application or permit, the date of actions may be delayed until the amounts due and payable have been paid. The municipality may require the posting of an irrevocable letter of credit to guarantee that payments will be promptly made. The municipality may require a certified check or the posting of an irrevocable letter of credit to guarantee fees and consultant costs already incurred, but not paid, at the time the application or permit is acted upon. Any permit or application, which has been granted, may be suspended during any period of time when payments are in

arrears. (Ord. 575, 12-1-2004)



## CHAPTER 3

**RESIDENTIAL DISTRICTS**

## SECTION:

- 10-3- 1: R-1 Residential District Purpose
- 10-3- 2: R-1 Residential District Uses Permitted
- 10-3- 3: Accessory Building And Uses
- 10-3- 4: Beauty Parlors
- 10-3- 5: Modular Homes
- 10-3- 6: Required Lot Area And Lot Width
- 10-3- 7: Building Height Regulations
- 10-3- 8: Required Yards
- 10-3- 9: R-2 Residential District Purpose
- 10-3-10: R-2 Residential District Uses Permitted

**10-3-1: R-1 RESIDENTIAL DISTRICT PURPOSE:**

The purpose of the R-1 Residential District is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve. (Ord. 503, 2-7-1996)

**10-3-2: R-1 RESIDENTIAL DISTRICT USES PERMITTED:**

The following uses are permitted in the R-1 District:

- A. Single-family and two-family residential dwellings, leasing of rooms to not more than two (2) families, and home occupations. No residential dwelling shall be less than eight hundred (800) square feet.
- B. Light agricultural uses including nurseries and the raising of home gardens, but not to include livestock, field corn, beans and wheat.
- C. Churches, schools, libraries, museums and art galleries, parks, playgrounds, community centers, cemeteries, public services, utility buildings. (Ord. 503, 2-7-1996; amd. Ord. 743, 6-5-2019)

**10-3-3: ACCESSORY BUILDINGS AND USES:**

The following uses are permitted as special uses in the R-1 District when authorized by the Planning Commission after a public hearing. Such special use shall be

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subject to the following requirements and any other requirements the Planning Commission feels necessary to further the purpose of the residential districts.

A. Mobile home parks with permanent accommodations for mobile homes provided that:

1. Such mobile home park will have permanent accommodations for a minimum of twenty five (25) mobile homes. Mobile home accommodations will include for each mobile home individual underground sewer and water connections, concrete mobile home platform, hard-surface drives to be shared by not more than two (2) mobile homes leading directly to a public improved street.

2. The plan of development will provide a minimum of five thousand (5,000) square feet per mobile home space, and shall not exceed an overall density of eight (8) mobile homes per acre. The mobile home spaces will not be located any closer to the bounding property lines of the park than the appropriate yard requirements for the districts would allow. (Ord. 503, 2-7-1996)

10-3-4: **BEAUTY PARLORS:**

Beauty parlors when entirely incidental to residential use, when carried on the principal building by a member of the immediate family, residing on the premises, in connection with which there is used no sign, display or other evidence that will indicate from the exterior that the building is being utilized in part for any purpose other than a member of immediate family residing on the premises. (Ord. 503, 2-7-1996)

10-3-5: **MODULAR HOMES:**

Providing that such modular home shall be permanently anchored to a foundation of permanent-type masonry, upon a poured concrete footing no less than twenty four inches (24") deep, such foundation extending not more than twenty four inches (24") above ground level, and being a complete enclosure at the lower perimeter of the modular home. The perimeter foundation shall be the main support of the building structure and shall be wall-bearing. Such modular home shall have an exterior finish of durable material, which shall not be of high reflective surface, and which shall look substantially similar to conventional home siding. In addition, all joining sites shall be hidden with siding so that there shall be no visible joining "seams". Such modular home shall have a roof of shingle type, with a pitch of not less than three inches (3") to twelve inches (12") of fall, and having an overhang of not less than six inches (6"), measured perpendicularly to the guttering. Such modular home shall have a minimum width of twenty four feet (24') and shall have a length not exceeding three (3) times the width. (Ord. 503, 2-7-1996)

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**10-3-6: REQUIRED LOT AREA AND LOT WIDTH:**

A. The required lot area and width in residential districts in the R-1 District are as follows:

	Minimum Lot Area Per Family (Square Feet)	Minimum Lot Width Per Structure At Front Building Line (Feet)
Single-family dwelling with:		
Public water and sewer	6,000	50
Public water supply or sewer	10,000	80
Neither public water or sewer	20,000	100
Two-family dwelling with:		
Public water and sewer	4,500	75
Public water or public sewer	7,500	100
Neither public water or sewer	15,000	125

B. The required lot area and lot width for the following special uses in residential districts in the R-1 District are as follows:

	Minimum Lot Area Per Family Rental Unit (Square Feet)	Minimum Lot Width Per Structure At Front Building Line (Feet)
Multiple-family dwelling	2,500	50
Roominghouse or lodging house	1,500	50
Elderly housing, 25 units or more per structure	1,050	50

(Ord. 503, 2-7-1996)

**10-3-7: BUILDING HEIGHT REGULATIONS:**

No building shall exceed two (2) stories or thirty feet (30') in height in the R-1 District, unless each side yard is increased over the required minimum by five feet (5') for every five (5), or fraction thereof, of additional height over thirty feet (30'). In no case shall the building height exceed fifty feet (50').

**10-3-8: REQUIRED YARDS:**

All structures to be constructed, altered or moved in the R-1 District shall provide yards of the following minimum depths:

- A. Front yard, twenty five feet (25').
- B. Side yard, five feet (5') minimum, one side yard; twelve feet (12') minimum, two (2) side yards.
- C. Rear yard, five feet (5'). (Ord. 503, 2-7-1996)

**10-3-9: R-2 RESIDENTIAL DISTRICT PURPOSE:**

The purpose of the R-2 Residential District is to provide an area for multi-family residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they service. (Ord. 745, 10-2-2019)

**10-3-10: R-2 RESIDENTIAL DISTRICT USES PERMITTED:**

The following uses are permitted in the R-2 District:

- A. Any use permitted in residential district;
- B. Multi-family residences such as apartment complexes and condominiums not exceeding three (3) stories in height. (Ord. 745, 10-2-2019)

## CHAPTER 4

## COMMERCIAL DISTRICTS

## SECTION:

- 10-4-1: Purpose
- 10-4-2: Uses Permitted
- 10-4-3: Required Lot Area And Lot Width
- 10-4-4: Building Height Regulations
- 10-4-5: Required Yards !2R!

## 10-4-1: PURPOSE:

A. The purpose of the C-1 General Retail District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible in the proximity they must enjoy in the central business district.

B. The purpose of the C-2 Services Retail District is to provide for those retail businesses and services which required a location other than in the central business district being either highway oriented, requiring larger tracts of land not normally available in the central business district, or to provide local neighborhood retail shopping facilities to that residential area immediately adjacent. (Ord. 503, 2-7-1996)

## 10-4-2: USES PERMITTED:

A. C-1 General Retail District: The following are the uses permitted in the C-1 General Retail District:

Any use permitted in a residential district.

Major retail outlet, furniture, department, clothing, shoe and variety stores, hardware, appliance, paint and wallpaper stores.

Food, drugs and beverage: grocery stores, supermarkets, meat markets, drugstores, bakery in conjunction with retail sales, restaurants, tea rooms, but taverns and liquor stores only within the fire zone district.

Specialty shops: gift shops, magazine, book and stationery outlets, florist shops, camera and photography shops, sporting goods.

Service and recreation: laundromat, dry cleaning and laundry pickup stations, barbershops and beauty shops, shoe repair and tailor shops, mortuaries, newspapers, printing shops, places of amusement and assembly.

Business and professional offices: medical and dental offices and clinics, law offices, insurance and real estate

offices, banks, finance and utility companies.

Automotive and related uses: new and used car sales, service and repair, gasoline filling stations, motorcycle and bicycle shops, cab and bus stands, and depots.

Accessory uses or buildings.

Motels and hotels.

B. C-2 Service Retail District: The following are the uses permitted in the C-2 Service Retail District:

Any use permitted in a residential district.

Any use permitted in the C-1 General Retail District.

Building trades or equipment: building, concrete, electrical, masonry, sheet metal, plumbing and heating shops, building material establishments (providing no assembly, construction, millwork, or concrete block manufacture is done on premises).

Vehicle drive-in and heavy vehicle service: drive-in theaters, drive-in restaurants and refreshment stands, express, cartage and trucking facilities; large item machinery or bulk sales and storage not including outdoor unfenced storage.

Heavy service and processing facilities: laundry and dry-cleaning plants, linens, towel, diaper and similar services; animal pounds, kennels, and veterinary establishments, frozen food lockers, seed and food processing plants; dairies. (Ord. 503, 2-7-1996)

10-4-3: REQUIRED LOT AREA AND LOT WIDTH:

Each residential use to be accommodated in the C-1 and C-2 Commercial Districts shall meet the following minimum lot area and minimum lot width requirements:

	Minimum Lot Area Per Family Rental Unit (Square Feet)	Minimum Lot Width Per Structure At Front Building Line (Feet)
Single-family dwelling	6,000	50
Two-family dwelling	3,000	50
Multiple-family dwelling	2,500	50

!SETLRM!!SETFNT!!SETTAB!

Each business use to be accommodated in the C-1 and C-2 Commercial Districts shall provide a minimum lot area of two thousand five hundred (2,500) square feet; no minimum lot width is required for business uses. (Ord. 503, 2-7-1996)

10-4-4: BUILDING HEIGHT REGULATIONS:

A. In the C-1 General Retail District no building shall exceed three (3) stories or forty five feet (45').

B. In the C-2 Service Retail District no building shall exceed two (2) stories or thirty feet (30'). (Ord. 503, 2-7-1996)

10-4-5: REQUIRED YARDS:

All buildings to be constructed, altered or moved in the commercial districts shall meet the following minimum requirements:

A. Yards Required In The C-1 General Retail District:

1. Front yard, no minimum yard required but no building shall encroach beyond the inner sidewalk line.

2. Side yard, no minimum yard required except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining residential district.

3. Rear yard, twenty feet (20'). Where a rear lot line abuts an alley, one-half ( $\frac{1}{2}$ ) of the width of such alley may be considered in meeting the rear yard requirements.

B. Yards In The C-2 Service Retail District:

1. Front yard, fifteen feet (15').

2. Side yard, ten feet (10').

3. Rear yard, twenty feet (20'). Where a rear lot line abuts an alley, one-half ( $\frac{1}{2}$ ) of the width of such alley may be considered in meeting the rear yard requirements. (Ord. 503, 2-7-1996)

## CHAPTER 5

## INDUSTRIAL DISTRICTS

## SECTION:

- 10-5-1: Purpose
- 10-5-2: Uses Permitted
- 10-5-3: Required Lot Area And Lot Width
- 10-5-4: Building Height Regulations
- 10-5-5: Required Yards !2R!

## 10-5-1: PURPOSE:

A. The purpose of the I-1 Light Industrial District is to provide for commercial uses, storage and those manufacturing uses not normally creating a nuisance discernable beyond it property.

B. The purpose of the I-2 Heavy Industrial District is to provide for industrial uses not allowed in any other district, providing that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall be located so that the general hazard or nuisance does not affect a large segment of the community. (Ord. 503, 2-7-1996)

## 10-5-2: USES PERMITTED:

A. The following uses are permitted in the I-1 Light Industrial District:

Any use permitted in the C-1 and C-2 Commercial Districts except residential uses.

Warehousing and storage: indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage and trucking storage.

Manufacturing: manufacture or processing of small items including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors, or generators; textile products manufacture; glass, cement and stone products manufacture; furniture manufacture; food manufacture or processing including hatcheries, canning, freezing, storage and bottling.

Other manufacturing uses of light nature, free from any objectionable odors, fumes, dirt, vibration or noise detectable at the lot line. Such uses shall not be established without an application for a permit which shall be accompanied by a certification by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise. In the event of the denial of such permit, an applicant shall have a right of appeal to the



Zoning Board of Appeals.

B. The following uses are permitted in the I-2 Heavy Industrial District:

All uses not otherwise prohibited by law except residential uses; provided, however that the following uses will be permitted as special uses in the I-2 District when authorized by the Planning Commission after a public hearing: salvage and wreckage operations, including auto salvage and junk yards, if located not less than two hundred feet (200') from any residential district, provided all operations are conducted within an area enclosed on all sides with a tight painted fence not less than eight feet (8') high and provided further that such operations shall not be visible from the nearest street or highway; bag cleaning, boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials; coke oven; curing, tanning and storage of raw hides and skins; distillation of bones, coal, wood or tar; fat rendering; forge plant; foundry or metal fabrication plant; gasoline or oil storage above ground in excess of five hundred (500) gallons; slaughter houses or stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol or alcohol beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra cotta or tile, candles, disinfectants, dyestuffs, fertilizers, linseed oil, paint, oil, turpentine, varnish, soap and tar products; or any other use which in the opinion of the Zoning Board, would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust or other objectionable conditions beyond the confines of its property. The Zoning Board shall issue its approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the heavy industrial district in which it is located. Such special uses shall be subject to any requirements the Zoning Board feels necessary to further the purpose of the industrial district. (Ord. 503, 2-7-1996)

10-5-3: REQUIRED LOT AREA AND LOT WIDTH:

Each use to be established in the I-1 or the I-2 District shall provide a minimum lot area of five thousand (5,000) square feet and a minimum lot width of fifty feet (50'). (Ord. 503, 2-7-1996)

10-5-4: BUILDING HEIGHT REGULATIONS:

A. No building in the I-1 District shall exceed sixty feet (60') in height.

B. No building in the I-2 District shall exceed one hundred feet (100') in height. (Ord. 503, 2-7-1996)

10-5-5: REQUIRED YARDS:

All structures to be constructed, altered or moved in the I-1 and I-2 Districts shall provide yards of the following minimum depths:

A. Front yard, twenty five feet (25').

B. Side yard, ten feet (10') except where a side yard abuts a residential district in which case a side yard of twenty five feet (25') shall be provided.

C. Rear yard, twenty five feet (25'). (Ord. 503, 2-7-1996)

## CHAPTER 6

## MOBILE HOMES AND MOBILE HOME PARKS

## SECTION:

- 10-6-1: Purpose
- 10-6-2: Rules
- 10-6-3: Definitions
- 10-6-4: Standards
- 10-6-5: Design And Construction
- 10-6-6: Maintenance And Operation Regulations
- 10-6-7: Application; License Fees
- 10-6-8: Annual Fee
- 10-6-9: Moratorium !2R!

## 10-6-1: PURPOSE:

A. Purpose: The purpose of this Chapter is to provide zoning procedures in the R-1 District wherein mobile home use is desired in order to permit flexibility in uses and design under conditions of approved site design and development plans.

B. Special Use Provision: This is a special use in R-1 and must be approved by the Zoning Board after a public hearing. (Ord. 503, 2-7-1996)

## 10-6-2: RULES:

The following words, terms and phrases, when and as used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. (Ord. 503, 2-7-1996)

## 10-6-3: DEFINITIONS:

!DEF! ACCESSORY STRUCTURE: A building subordinate to and smaller than a principal building or mobile home, that contributes to the comfort, convenience or necessity of the occupants of the principal building or mobile home.

IMMOBILIZED MOBILE HOME: Any structure resting on a permanent foundation with wheels, tongue and hitch permanently removed. The City Council establishes the following criteria to complete the immobilization of a mobile home:

- A. The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

B. As an alternate to subsection A of this definition, piers may be used, extending into the ground below the front line, and sufficient in number to properly support the mobile home.

C. To complete the immobilization, wheels, tongue and hitch must be permanently removed. Axles may be removed.

MOBILE HOME: A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons; provided, that any such structure resting on a permanent foundation, with wheels, tongue and hitch permanently removed, shall not be construed as a "mobile home", but shall be an "immobilized mobile home". A mobile home should not be confused with a camping trailer or recreational vehicle.

MOBILE HOME LOT: A parcel of land designated for the exclusive use of the occupants of a single mobile home; also termed mobile home space.

MOBILE HOME PARK: An area of land divided into two (2) or more lots with foundations platted and laid out to provide sites for mobile homes. The mobile home park area should include any building or structure, fixture or equipment that is used or intended to be used in connection with providing that accommodation, including provisions for sewer, water, electric and any other similar facilities required to permit occupancy of such mobile homes parked thereon.

PERSON: Any individual, firm, trust, corporation, association or partnership. (Ord. 503, 2-7-1996) !DEFEND!

#### 10-6-4: STANDARDS:

A. Minimum Park Size: Every mobile home park should be platted on not less than five (5) acres of land.

B. Minimum Lot Size: Every mobile home hereafter placed in a mobile home park should be on a lot having an area of not less than five thousand (5,000) square feet and shall not exceed an overall density of eight (8) mobile homes per acre.

C. Anchorage Of Mobile Homes: All mobile homes shall be anchored in an approved manner at each corner of the structure to gain maximum protection against high velocity winds.

D. Height Regulations: No building, structure or dwelling in a mobile home park should exceed one and one-half (1<sup>1</sup>/<sub>2</sub>) stories or twenty five feet (25') in height.

E. Yard Regulations: The mobile home spaces will not be located any closer to the bounding property lines of the park than the appropriate yard requirements that the district would allow.

F. Dwelling Standards: Every mobile home dwelling hereafter placed upon a mobile home lot should have a total ground floor area of not less than four hundred (400) square feet, measured from the outside of exterior walls, including utility rooms, but excluding open porches, breezeways and garages. (Ord. 503, 2-7-1996)

#### 10-6-5: DESIGN AND CONSTRUCTION:

A. Potable Water Supply: An adequate supply of water of safe, sanitary quality, approved by the Department of Public Health shall be furnished at each park. Where water from other sources than that supplied by a city or village is proposed to be used, the source of such supply shall first be approved by the Department of Public Health. Each site shall be provided with a cold water tap located in accordance as per regulations of the Department of Public Health.

#### B. Sewage Disposal:

1. Mobile home parks shall be served by a public sewer system or by a private central collection and treatment system. The development of a private central collection and treatment system to serve the mobile home park shall be made only after plans and specifications for the central collection and treatment system have been approved by the Department of Public Health. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained and operated so as not to create a nuisance or health hazard.

2. Each site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said park to provide an approved type of water and odor tight connection from the mobile home water drainage to the sewer connection and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile homes, connected to said sewer while located in the parks.

3. Sewer connections in unoccupied sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home.

#### C. Solid Waste Disposal:

1. A sufficient number of adequate flyproof and waterproof containers shall be supplied for the storage of garbage except when an adequate incinerator, approved by the Environmental Protection Agency, is provided.

2. Garbage containers shall be emptied at least once a week and shall not be filled to overflowing, or allowed to become foul smelling or a breeding place for insects. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Department of Public Health.

D. Fuel Supply And Storage: All handling and storage of natural gas, liquefied petroleum gas (LPG), fuel oil, or other flammable liquid or gases should be installed and maintained in accordance with applicable State and local government codes and regulations. The Illinois Department of Law Enforcement (Division of Fire Prevention) is the regulatory State agency for safe fuel storage and handling systems and the applicable regulations are the National Fire Protection Association Standards. No LPG or fuel oil container shall be placed inside or beneath any mobile home, storage cabinet, carport, or any other structure unless such arrangement is approved by the appropriate authority. Containers of fuel shall be at least five feet (5') from any mobile home door or exits, and placed on stands constructed of noncombustible material. (Ord. 503, 2-7-1996)

#### 10-6-6: MAINTENANCE AND OPERATION REGULATIONS:

Each mobile home park shall be provided with a custodian's office where each mobile home entering such park shall be assigned to a site, given a copy of the park rules and registered according to the prescribed form. Such registration shall include the name of such mobile home and the square feet of floor space contained in such mobile home. Such registration shall also include the license number of each mobile home and of the towing vehicle, if there be any, and the state issuing such licenses. The register shall be signed by the owner or operator of the mobile home. Any person furnishing misinformation for purposes of registration shall be deemed guilty of a misdemeanor and punishable under the general statutes for such offense. The registration records shall be neatly and securely maintained, and no registration records shall be destroyed until six (6) years have elapsed following the date of registration. The register shall be available at all times for inspection by all law enforcement officers and by the Department of Public Health. (Ord. 503, 2-7-1996)

#### 10-6-7: APPLICATION; LICENSE FEES:

A. Every applicant shall file with the Zoning Board a written application and plan documents for the proposed construction or alteration of a mobile home park. The plan documents shall be prepared by a registered engineer or architect licensed to practice in the State, with registration seal affixed to the plan.

B. The application shall be completed by the applicant and the engineer or architect and shall include:

1. The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.

2. The proposed method of lighting the structures and land upon which the mobile home park is to be located.

3. The plot plans of the mobile home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.

C. An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.

D. Each application shall be accompanied by an application fee of fifty dollars (\$50.00) for a permit to construct or an application fee of twenty five dollars (\$25.00) for a permit to alter or to increase the size of the park. (Ord. 503, 2-7-1996)

#### 10-6-8: ANNUAL FEE:

The annual fee for a license to operate a mobile home park shall be fifty dollars (\$50.00) payable before January 1 of the year. When a license is applied for during the license year, the fee shall be prorated on the basis of the number of months remaining in the license year. (Ord. 503, 2-7-1996)

#### 10-6-9: MORATORIUM:

Until and unless ten (10) residents of legal age of the City present a petition in writing to the City Council for consideration of allowing mobile homes into the City, there shall be a moratorium upon allowance of additional mobile homes into the City. Mobile homes already legally allowed into the City shall be required to abide by all prior rules and regulations with regard thereto including the necessity of proper skirting and other rules and practices. If a petition is presented as aforesaid, the City Council shall act upon such request and revise the rules and regulations pertinent to such prior to allowance of additional mobile homes, but in any event within ninety (90) days of such petition. (Ord. 519, 8-6-1997)

## CHAPTER 7

## ZONING BOARD OF APPEALS

## SECTION:

- 10-7-1: Creation, Membership And Compensation
- 10-7-2: Appeals
- 10-7-3: Powers
- 10-7-4: Removal Of Members
- 10-7-5: Conflict Of Interest
- 10-7-6: Meetings
- 10-7-7: Penalties !2R!

## 10-7-1: CREATION, MEMBERSHIP AND COMPENSATION:

A. A board of appeals is hereby established. The board shall consist of seven (7) members to be appointed by the mayor with the approval of the city council. The members of the board shall serve as follows: for the initial appointments, one for one year; one for two (2) years; one for three (3) years; one for four (4) years; one for five (5) years; one for six (6) years; one for seven (7) years. Successors to each member so appointed shall serve for a term of five (5) years. One of the members so appointed shall be named chairman at the time of his appointment. The mayor has the power to remove any member of the board for cause, after notice and after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. (Ord. 503, 2-7-1996)

B. Each member of the appeals board shall be entitled to be paid twenty five dollars (\$25.00) per day of meeting(s) regarding hearings on appeals to zoning matters. Only one pay amount shall apply regardless of the number of meetings held during that day's session(s). (Ord. 561, 12-3-2003)

## 10-7-2: APPEALS:

A. An appeal to the board may be taken by any person aggrieved by any order, requirement, decision or determination by any governmental officer, department, board, or bureau based in whole or in part upon the provision of this chapter.

B. An appeal shall be filed with the zoning board within twenty (20) days of the action appealed from. Upon appeal the zoning board chairman shall immediately transmit to the board papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed unless the chairman certifies to the board that a stay might cause imminent peril to life or property. The board shall fix a reasonable time for the hearing of the appeal at a public hearing.

C. The concurring vote of four (4) members of the board is



necessary to reverse any order or requirement, or to decide in favor of the applicant. (Ord. 503, 2-7-1996)

#### 10-7-3: POWERS:

A. Interpretation: To hear and decide appeals where it is alleged that there is an error in any action by the zoning enforcing officer or other administrative official in carrying out the provisions of the chapter, and for interpretation of the zoning maps.

B. Variations: To hear and decide on applications for a variation in cases where there are practical difficulties or particular hardship in the way of carrying out the provisions of this chapter. Before any variation is granted the board must make a finding of fact that all of the following conditions are shown to be present:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and
2. The plight of the owner is due to unique circumstances; and
3. Variation, if granted, will not alter the essential character of the locality.

A variation may be permitted only if the evidence, in the judgment of the board, sustains each of the three (3) conditions enumerated. A decision of the board shall be subject to review, reversal or modification by the city council at the initiation of the mayor. (Ord. 503, 2-7-1996)

C. Conditions And Safeguards: In granting a variation the board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this chapter. (Ord. 582, 8-3-2005)

D. Fees: In order to partially defray the expenses of public hearings involving variations, the applicant shall pay the sum of one hundred seventy five dollars (\$175.00) plus publication fees to the city clerk at the time of filing of the appeal for the variance. (Ord. 563, 1-7-2004)

#### 10-7-4: REMOVAL OF MEMBERS:

Any member of the board who shall miss three (3) consecutive meetings without being excused by the chairman of the board shall forfeit his office. The chairman shall advise the mayor that a vacancy exists, and the vacancy shall thereafter be filled. (Ord. 503, 2-7-1996)

## 10-7-5: CONFLICT OF INTEREST:

A. One of the most troublesome conditions is the frequency with which members of the board of appeals have direct or indirect interest in matters which come before the board. The possibility of a conflict of interest arises because matters coming before the board are local in character and board members may reside in or near the neighborhood of the property that is the subject of a proceeding before the board.

B. It is absolutely imperative that a member who has any interest in a matter before the board disqualify himself. Not only should he refrain from participating in any vote, but he should also remove himself from any meeting or hearing prior to the vote. Thus, a petition by a relative or business associate should prompt a board member to disqualify himself. Where a member has any doubt as to his objectivity, he should decide in favor of disqualification. Nothing damages public confidence in the action of the board more seriously or risks court reversal of the board's action more than does a decision which appears to be influenced by personal interest on the part of a member or members of the board of appeals. (Ord. 503, 2-7-1996)

## 10-7-6: MEETINGS:

A. There shall be an annual meeting of the board of appeals held during the month of June each year at city hall. The exact date and time of such meeting shall be determined by the mayor after consultation with the chairman of the zoning board. The date of the meeting shall be posted at city hall and published in a newspaper of local circulation at least twenty (20) days in advance of such meeting. Other meetings of the board of appeals may be held at such other time(s) and place(s) as the board of appeals or mayor may determine. Special meetings may be held at the call of the chairman, or as determined by the board of appeals. Such chairman, or in the chairman's absence, the acting chairman, may administer oaths and compel attendance of witnesses. All meetings of the board of appeals shall be open to the public. (Ord. 508, 9-4-1996)

B. The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such facts, shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or appeal thereof, and every order, requirement, decision or determination of the board of appeals shall immediately be filed and shall be a public record. Five (5) members of the board of appeals shall constitute a quorum, in any matter upon which it is required to pass under this title, or to effect any variation of this title or to recommend any variation or modification of such title. (Ord. 503, 2-7-1996)

## 10-7-7: PENALTIES:

Any person violating any provision of this title shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 503, 2-7-1996)

## CHAPTER 8

## SETBACK ZONE PROVISIONS FOR WELLS

## SECTION:

- 10-8-1: Purpose
- 10-8-2: Definitions
- 10-8-3: Prohibitions
- 10-8-4: Waivers, Exceptions, And Certifications Of Minimal Hazard
- 10-8-5: Exclusion !2R!

## 10-8-1: PURPOSE:

Pursuant to the authority conferred by 65 Illinois Compiled Statutes 5/11-125-4 (2002); 415 Illinois Compiled Statutes 5/14.2, and 5/14.3 (2002); and in the interest of securing the public health, safety and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this chapter shall apply to all properties located within the minimum setback zone established under section 14.2 of the environmental protection act<sup>1</sup> ("act") and this chapter, and the maximum setback zone established under section 14.3 of the act<sup>2</sup> and this chapter. (Ord. 651, 7-6-2011)

## 10-8-2: DEFINITIONS:

Except as stated in this chapter, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this chapter shall be the same as those used in the act and the Illinois groundwater protection act<sup>3</sup>:

!DEF! ACT: The environmental protection act<sup>4</sup>.

AGENCY: The Illinois environmental protection agency.

BOARD: The Illinois pollution control board.

MAXIMUM SETBACK ZONE: The area around a community water supply well established under section 14.3 of the act and this chapter, and described in appendix A attached to the ordinance codified herein.

MINIMUM SETBACK ZONE: The area around a community water supply well established under section 14.2 of the act and this chapter,

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1. 415 ILCS 5/14.2 (2002).
  2. 415 ILCS 5/14.3 (2002).
  3. 415 ILCS 55/1 (2002).
  4. 415 ILCS 5/1 (2002).

and described in appendix A attached to the ordinance codified herein. (Ord. 651, 7-6-2011) !DEFEND!

10-8-3: PROHIBITIONS:

A. Except as provided in section 10-8-4 or 10-8-5 of this chapter, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.

B. Except as provided otherwise in section 10-8-4 of this chapter, no person shall place a new potential primary source within the maximum setback zone. (Ord. 651, 7-6-2011)

10-8-4: WAIVERS, EXCEPTIONS, AND CERTIFICATIONS OF MINIMAL HAZARD:

A. If, pursuant to section 14.2(b) of the act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the agency, such owner shall be deemed to have a waiver to the same extent from subsection 10-8-3A of this chapter.

B. If, pursuant to section 14.2(c) of the act, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the board, such owner shall be deemed to have an exception to the same extent from subsection 10-8-3A of this chapter.

C. If, pursuant to section 14.2(c) of the act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the board, such owner shall be deemed to have an exception to the same extent from subsection 10-8-3B of this chapter.

D. If, pursuant to section 14.5 of the act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the agency, such owner shall not be subject to subsection 10-8-3A of this chapter to the same extent that such owner is not subject to section 14.2(d) of the act. (Ord. 651, 7-6-2011)

10-8-5: EXCLUSION:

Subsection 10-8-3A of this chapter shall not apply to new common sources of sanitary pollution as specified pursuant to section 17 of the act and the regulations adopted thereunder by the agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations. (Ord. 651, 7-6-2011)

CHAPTER 9  
**AGRICULTURAL DISTRICT**

SECTION:

- 10-9-1: Purpose  
 10-9-2: Permitted Uses  
 10-9-3: Accessory Uses

10-9-1: **PURPOSE:**

The regulations for the Agriculture District are intended to govern the use of the land and buildings and structures, and the uses thereof within the areas of the City where soil, topographic and other conditions are best adapted to the pursuit of agriculture. These regulations are also intended to provide for the protection, conservation, and utilization of natural resources; to preserve the value of existing and future open space recreation facilities; to prevent or minimize conflicts between agricultural and non-agricultural land uses, and to provide for low density residential development in areas where such development is compatible with agricultural uses. It is essential that scattered, indiscriminate urban development within areas best suited for agriculture be precluded and that orderly urban development be facilitated. It is hereby declared the intent and purpose of this section that land in the City which is productive should remain in productivity for agricultural purposes until such time as the natural growth of the City precludes preservation thereof. It is further the declared intent that single-family dwellings, or any residential use, be limited since the primary purpose of dwellings in agriculture zoned lands should be subservient to and in connection with the productivity of said lands. It is further expressly noted that the frequency of parcels of land less than two (2) acres in size used for agricultural purposes is minimal; that the greater preponderance of parcels used for productive agricultural purposes exceed two (2) acres in size. It is acknowledged however, that some lands, because of topographical or other unusual conditions may be properly used for limited residential purposes, and pursuant thereto isolated residential zoning may be allowed. (Ord. 745, 10-2-2019)

10-9-2: **PERMITTED USES:**

Permitted Uses:

- A. Agricultural.

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- B. Display of equipment for sale by a licensed retailer.
- C. Single-family residential use, provided it is:
  - 1. A single-family dwelling on a zoning lot zoned as Residential R-1.
  - 2. Residential structures existing on zoning lots classified as Agricultural A-1 on the date of adoption of this chapter. (Ord. 745, 10-2-2019)

10-9-3:      **ACCESSORY USES:**

Accessory Uses: Those customarily accessory to the pursuit of agriculture, provided that structures for the shelter of livestock, poultry, and other farm animals shall be located not less than one hundred feet (100') from a lot line. (Ord. 745, 10-2-2019)

CHAPTER 10

**WIND FARMS AND ELECTRIC-GENERATING WIND DEVICES**

SECTION:

10-10-1: Prohibition

10-10-1: **PROHIBITION:**

Pursuant to 65 ILCS 5/13-13-26, the City of Assumption will not permit the existence of wind farms and electric-generating wind devices within its zoning jurisdiction and within the one and one-half (1.5) mile radius surrounding its zoning jurisdiction. (Ord. 745, 10-2-2019)

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